City of Loveland

AGENDA

TUESDAY, JANUARY 6, 2026
6:00 PM LOVELAND CITY COUNCIL MEETING
CITY COUNCIL CHAMBERS
500 EAST THIRD STREET
LOVELAND, COLORADO

Notice:
Regular meetings of the City Council are held on the 1st and 3rd Tuesdays of each month in the City Council Chambers. Study Sessions are held on the 2nd and 4th Tuesdays of each month in the City Council Chambers.

City Council members may participate in this meeting via electronic means pursuant to their adopted policies and protocol.

How to View this Meeting:



Meetings are open to the public and can be attended in-person by anyone.



Meetings are televised live on:

- Pulse TV Channel 16
- Comcast Channel 16/880



Meetings are available through Zoom by PC, laptop or phone:

- Webinar ID: 975 3779 6504
- Passcode: 829866
- 1 (719) 359-4580



Meetings are livestreamed on the City's website. You can find the link here: lovgov.org/tv

You can also now search Loveland TV on Apple TV and Roku.

Public Comment:

There are in-person and remote options for members of the public who would like to participate in Council meetings.

1. In-Person:

General Public Comment:

- Members of the public can speak to any item that is NOT an ordinance on the regular agenda. Members may also request that any item on the Consent Agenda labeled as quasi-judicial, be placed on the Regular Agenda for discussion and public comment or testimony.

- Individuals who wish to speak are asked to fill out a card provided in Chambers and give this to the City Clerk. The Mayor will call people up to comment in the order the cards were received.

Cards are only required for the general public comment portion of the meeting. Each person will have three minutes to speak. Public comment is limited to residents of Larimer County, and individuals who own property or have business interests in the City.

- Individuals who wish to speak in-person but did not fill out a card may have a chance to comment once all in-person and online speakers who have registered are called on, if there is any time remaining. General Public Comment is limited to 60-minutes.

Regular Agenda Items:

- No cards are required for individuals wanting to provide public comment on items included on the Regular Agenda.

- If an individual comments on a Resolution item shown on the Regular Agenda during General Public Comment, no additional comment can be given once the item comes up for discussion on the Regular Agenda.

- Once a motion is made on an item shown on the Regular Agenda, the Mayor will ask for public comment. The Mayor will invite speakers to comment at that time. In-person comment will occur first, followed by online public comment.

2. Remote:

- Members of the public who wish to provide public comment remotely, can log in using the meeting ID provided above, or opening your meeting app or accessing the web browser and entering the Meeting ID shown above after 5:45 pm, at which time you will be muted and added to the meeting.

- Members of the public can also call 1 (719) 359-4580 and enter the meeting ID when prompted: 97537796504# followed by the meeting passcode: 829866#. If you would like to speak during public comment, please press *9. The moderator will call on the users' last 4 digits of the phone number, and you will press *6 when called on by the moderator.

General Public Comment:

- Members of the public can speak to any item that is NOT an ordinance on the regular agenda. Members may also request that any item on the Consent Agenda labeled as quasi-judicial, be placed on the Regular Agenda for discussion and public comment or testimony.

- Remote Individuals who wish to speak are asked to register online at lovgov.org/CouncilPublicComment by 12:00 noon on the day of the meeting. The Mayor will call on people to comment in the order the registrations were received. This will follow in-person comment. Online registration is only required for the General Public Comment portion of the meeting.

- To speak to an agenda item when public comment is called for, please choose the raise your hand feature on the application. The moderator will then individually unmute the speaker and the speaker will need to follow the moderator's instructions before making comment. This will include turning on video. Each person will have three minutes to speak. The line will be muted at the end of the three minutes. Public comment is limited to residents of Larimer County, and individuals who own property or have business interests in the City.

- Individuals who wish to speak remotely but did not register may have a chance to comment

once all in-person and online speakers who have registered are called on, if there is any time remaining. General Public Comment is limited to 60-minutes.

Regular Agenda Items:

- No online registration is required for individuals wanting to provide public comment on items included on the Regular Agenda.

- If an individual comments on a Resolution item shown on the Regular Agenda during General Public Comment, no additional comment can be given once the item comes up for discussion on the Regular Agenda.

- Once a motion is made on an item shown on the Regular Agenda, the Mayor will ask for public comment. The Mayor will invite speakers to comment at that time. In-person comment will occur first, followed by online public comment.

3. Members of the public wishing to have their comments emailed to City Council and published in the agenda packet may use the form provided at the link below. Comments sent to City Council before 12 p.m. on the Thursday prior to the regular or special meeting will be included in the agenda packet. Comments provided after such time or at the meeting will be posted in the agenda packet after the meeting. https://www.lovgov.org/city-government/city-council/city-council-meetings/city-council-public-comment-form

Notice of Non-Discrimination
It is the policy of the City of Loveland to provide equal services, programs and activities without regard to race, color, national origin, creed, religion, sex, sexual orientation, disability, or age and without regard to the exercise of rights guaranteed by state or federal law. It is the policy of the City of Loveland to provide language access services at no charge to populations of persons with limited English proficiency (LEP) and persons with a disability who are served by the City.
For more information on non-discrimination or for translation assistance, please contact the City's Title VI Coordinator at TitleSix@cityofloveland.orgor 970-962-2372. The City will make reasonable accommodations for citizens in accordance with the Americans with Disabilities Act (ADA). For more information on ADA or accommodations, please contact the City's ADA Coordinator atADACoordinator@cityofloveland.orgor 970-962-3319.

Notificación en contra de la discriminación
La política de la Ciudad de Loveland es proveer servicios, programas y actividades iguales sin importar la raza, color, origen nacional, credo, religión, sexo, orientación sexual, discapacidad, o edad y sin importar el uso de los derechos garantizados por la ley estatal o federal. La política de la Ciudad de Loveland es proveer servicios gratis de acceso de lenguaje a la población de personas con dominio limitado del inglés (LEP, por sus iniciales en inglés) y a las personas con discapacidades quienes reciben servicios de la ciudad.
Si desea recibir más información en contra de la discriminación o si desea ayuda de traducción, por favor comuníquese con el Coordinador del Título VI de la Ciudad en TitleSix@cityofloveland.orgo al 970-962-2372 . La Ciudad hará acomodaciones razonables para los ciudadanos de acuerdo con la Ley de Americanos con Disca pacidades (ADA, por sus iniciales en inglés). Si desea más información acerca de la ADA o acerca de las acomodaciones, por favor comuníquese con el Coordinador de ADA de la Ciudad enADACoordinator@cityofloveland.orgo al 970-962-3319.

Title VI and ADA Grievance Policy and Procedures can be located on the City of Loveland website at: cityofloveland.org

Password to the public wireless network (colguest) is accesswifi

1. INTRODUCTION

(6:00) **1.1. CALL TO ORDER**

1.2. PLEDGE OF ALLEGIANCE

1.3. ATTENDANCE REPORT OUT

1.4. PRESENTATION - LOVELAND'S LATEST

1.5. PUBLIC WORKS PRESENTATION - APWA AWARD TO US 34 AND TAFT INTERSECTION IMPROVEMENTTEAM

Shawn Poe, APWA Colorado Director

APWA Award Presentation

1.6. PROCLAMATION - DR. MARTIN LUTHER KING JR. DAY

Dr. George Stevens

Martin Luther King Day Jr. Proclamation - 2026

1.7. PROCEDURAL INFORMATION

This meeting is subject to and incorporates by reference this evening's City of Loveland Agenda including without limitation all policies, rules, and procedural and legal statements therein.

Council may act on behalf of the City, the General Improvement District #1, or the Special Improvement District #1. Items requiring a public hearing or other public participation that remain on the Consent Agenda are considered to have been opened and closed, in the name of the applicable legal entity that is required to take action to approve such items. The information furnished in connection with these items, including any related public comment, is considered as the only evidence presented. Adoption of the items remaining on the Consent Agenda is considered as adoption of the staff recommendation for those items.

Anyone using the phone number or meeting ID and link at the front of the agenda must be a Larimer County resident or an individual who owns property or has a business interest in the City. The caller should choose the raise your hand feature or press *9 to let the moderator know you wish to speak.

Anyone making an in-person comment during any portion of tonight's meeting should come forward to a microphone. Please do not interrupt other speakers. Side conversations should be moved outside the Council Chambers. Comments will be limited to no more than three minutes; the City Clerk will start the timer once an introduction is made and a buzzer will sound when the three minutes have expired.

Please identify yourself and your city of residence.

2. COUNCIL COMMENT

This is an opportunity for Council Members to address the community on any subject, limited to one round with a maximum time of two (2) minutes per member.

3. PUBLIC COMMENT

Anyone who wishes to speak to an item NOT on the Regular Agenda section of the agenda may address the Council at this time. Any member of the public may request that an item on the Consent Agenda, labeled as quasi-judicial, be placed on the Regular Agenda for discussion and public comment or testimony.

Only residents of Larimer County, persons owning property in Loveland, or persons with a stated business interest in Loveland shall participate in Public Comment.

Public Comment is intended to provide citizens with an opportunity to address Council directly. We encourage speakers to give public comment in a manner that promotes civil discourse. Generally, Council will not respond to public comment other than to seek clarification of the matter raised and defer such matter to the City Manager for review and resolution.

Written Public Comment - Jim Day
Written Public Comment

4. CONSENT AGENDA

At this time, any Council Member may request that an item on the Consent Agenda be moved to the Regular Agenda. These items will be heard at the end of the Regular Agenda. Members of the public, who have not previously provided public comment at this meeting on an item moved to the Regular Agenda, will be given an opportunity to speak to the item before the Council acts upon it.

4.1. CITY CLERK'S OFFICE (presenter: Ashley Macdonald)
APPROVAL OF MINUTES

A motion to approve the City Council minutes for the December 2, 2025 and December 16, 2025 Regular Meetings

Approval of the City Council minutes for the December 2, 2025 and December 16, 2025 Regular Meetings.
12-02-25 - Minutes
12-16-25 - Minutes

4.2. CITY CLERK'S OFFICE (presenter: Ashley Macdonald)
MEMBER APPOINTMENTS TO CITY BOARDS AND COMMISSIONS

A motion to appoint Ross Sutherland to the Affordable Housing Commission with a term dated January 6, 2026 to December 31, 2028

A motion to appoint Dean Millard to the Citizens' Finance Advisory Commission

with a term dated January 6, 2026 to December 31, 2028

A motion to appoint Vi Wickam to the Citizens' Finance Advisory Commission with a term dated January 6, 2026 to December 31, 2028

A motion to appoint Connie Luke to the Citizens' Finance Advisory Commission with a term dated January 6, 2026 to December 31, 2028

A motion to appoint Elliott Lolley to the Citizens' Finance Advisory Commission with an alternate term dated January 6, 2026 to December 31, 2028

A motion to appoint John Sampish to the Golf Advisory Board with a term dated January 6, 2026 to December 31, 2028

A motion to appoint Ryan Lundquist to the Golf Advisory Board with a term dated January 6, 2026 to December 31, 2028

A motion to appoint David Spangler to the Gold Advisory Board with a term dated January 6, 2026 to December 31, 2028

A motion to appoint Ian Hageman to the Golf Advisory Board with an alternate term dated January 6, 2026 to December 31, 2028

A motion to appoint Bethany Boddie to the Library Board with a term dated January 6, 2026 to December 31, 2028

A motion to appoint Noel Metcalf to the Library Board with a term dated January 6, 2026 to December 31, 2028

A motion to appoint Abigail Kaup to the Library Board with a term dated January 6, 2026 to December 31, 2028

A motion to appoint Natalie Walsh to the Loveland Utilities Commission with a term dated January 6, 2026 to December 31, 2028

A motion to appoint Marcus Wilson to the Loveland Utilities Commission with an alternate term dated January 6, 2026 to December 31, 2028

A motion to appoint Joseph O'Neil to the Loveland Utilities Commission with an alternate term dated January 6, 2026 to December 31, 2028

A motion to appoint Amy Walpole to the Open Lands and Trails Advisory Commission with a term dated January 6, 2026 to December 31, 2029

A motion to appoint Jim Roode to the Open Lands and Trails Advisory Commission with a term dated January 6, 2026 to December 31, 2029

A motion to appoint Scott James to the Open Lands and Trails Advisory Commission with a term dated January 6, 2026 to December 31, 2029

A motion to appoint Rebecca Hannon to the Open Lands and Trails Advisory Commission with a term dated January 6, 2026 to December 31, 2029

A motion to appoint Kaycee Maas to the Open Lands and Trails Advisory Commission with an alternate term dated January 6, 2026 to December 31, 2029

A motion to appoint Jim Haynes to the Parks and Recreation Commission with a term dated January 6, 2026 to December 31, 2028

A motion to appoint John Hannon to the Parks and Recreation Commission with a term dated January 6, 2026 to December 31, 2028

A motion to appoint Meredith Livingston to the Parks and Recreation Commission with a term dated January 6, 2026 to December 31, 2028

A motion to appoint Ellen Javernick to the Parks and Recreation Commission with a term dated January 6, 2026 to December 31, 2028

A motion to appoint Sarah Warnock to the Planning Commission with a term dated January 6, 2026 to December 31, 2028

A motion to appoint David Powell to the Planning Commission with a term dated January 6, 2026 to December 31, 2028

A motion to appoint Tammy Fisher to the Planning Commission with a term dated January 6, 2026 to December 31, 2028

A motion to appoint Dalia Zygas to the Transportation Advisory Board with an alternate term dated January 6, 2026 to December 31, 2028

The purpose of this City Council action item is to formally fill vacancies on City Boards or Commissions as a result of 2025 Fall Recruitment.
AIR-102791

4.3. DEVELOPMENT SERVICES (presenter: Kerri Burchett)
ORDINANCE AMENDING PORTIONS OF TITLE 18 OF THE LOVELAND MUNICIPAL CODE ALSO KNOWN AS THE UNIFIED DEVELOPMENT CODE TO ENACT ELECTRIC VEHICLE CHARGING STATION STANDARDS AND REVIEW PROCESSES, EXEMPT PARKING REQUIREMENTS NEAR CERTAIN TRANSIT AREAS, AND LESSEN RESTRICTIONS ON ACCESSORY DWELLING UNITS

A motion to approve, on second reading, Ordinance No. 6805 amending portions of Title 18 of the Loveland Municipal Code also known as the Unified Development Code to enact electric vehicle charging station standards and review processes, exempt parking requirements near certain transit areas, and lessen restrictions on accessory dwelling units

The purpose of this proposed Ordinance is for the City to elect to bring the City's

Unified Development Code (UDC) into compliance with three House Bills enacted by the State in 2024. The new laws pertain to parking near transit, electric vehicle (EV) charging accessibility, and accessory dwelling units (ADUs). Provisions in two of the House Bills, governing ADUs and parking near transit, are currently in effect. The third House Bill relating to EV accessibility states that municipalities must align codes with the State mandates by December 31, 2025. The Planning Commission unanimously recommended approval of the amendment (5-0) on October 27, 2025. The amendment was presented to the Construction Advisory Board (CAB) as an informational item, where members expressed support for the proposed changes. Public Works staff also discussed the amendment with the Transportation Advisory Board and a letter of support is included.

The City Council approved the Ordinance on first reading during the December 16, 2025 meeting with a vote of 7-0.
AIR-102786
Ordinance
Att 1 Planning Commission Staff Report, October 27, 2025
Att 2 Planning Commission Minutes, October 27, 2025
Att 3 Staff Presentation
Att 4 Redline Code Amendment
Att 5 Code Comparison Table
Att 6 Colorado Electric Vehicle Charging Model Land Use Code Guidance
Att 7 House Bill 24-1304 Parking Near Transit
Att 8 House Bill 24-1152 Accessory Dwelling Units
Att 9 House Bill 24-1173 EV Charging Accessibility
Att 10 Letter of Support from the Transportation Advisory Board, November 3, 2025

4.4. WATER & POWER (presenter: Melissa Morin)
RESOLUTION AUTHORIZING THE CONNECTION OF WASTEWATER SERVICE OUTSIDE OF THE LOVELAND CITY LIMITS PURSUANT TO SECTION 13.08.080 OF THE LOVELAND MUNICIPAL CODE

A Motion to Adopt Resolution #R-1-2026 authorizing the connection of wastewater service outside of the Loveland City Limits pursuant to Section 13.08.080 of the Loveland Municipal Code

This proposed Resolution is associated with a wastewater service tap application to serve an existing single-family residential house in unincorporated Larimer County. The property has a failing septic system, and the property owners wish to connect to the City's sanitary sewer while concurrently seeking to annex into the City. The City's Planning Division has determined that the property meets the requirements for annexation. Because the annexation process takes some time, the City staff are seeking advanced approval from the City Council to provide the property with sanitary sewer service. City Council approval will authorize formal review of construction drawings, collection of all required fees, accept the Outside City Wastewater Service Agreement from the owner, and proceed with the requested sewer tap.

The Loveland Utilities Commission acted unanimously on November 19, 2025 to recommend approval by City Council.
AIR-102788

Resolution
Att 1 PowerPoint Presentation
Att 2 Loveland Utilities Commission Approval Documentation

5. CITY CLERK READS TITLES OF ORDINANCES ON THE CONSENT AGENDA

6. MOTION TO ADOPT THE CONSENT AGENDA

A motion to adopt the Consent Agenda, Items 4.1 to 4.4, with the exception of Item(s) ___ .

7. REGULAR AGENDA

PROCEDURAL INFORMATION

Council will give anyone in the audience time to speak to any item on the Regular Agenda before acting upon it. The Mayor will call for public comment as part of the consideration of each item according to State law, the Charter, its Rules of Procedure and other legal requirements. Loveland's Charter only requires that a majority of the quorum present vote in favor to adopt an ordinance on first reading. However, adopting an ordinance on second or final reading requires that at least five of the nine Council members vote in favor.

7.1. CITY ATTORNEY'S OFFICE (presenter: Vince Junglas)
ORDINANCE AMENDING CHAPTERS 7.39 AND 9.47 OF THE LOVELAND MUNICIPAL CODE CONCERNING THE CIVIL ABATEMENT OF UNAUTHORIZED ENCAMPMENTS AND UNAUTHORIZED CAMPING IN PUBLIC PLACES

A motion to adopt, on first reading, Ordinance No. 6806 amending chapters 7.39 and 9.47 of the Loveland Municipal Code concerning the civil abatement of unauthorized encampments and unauthorized camping in public places

The purpose of this item is to amend the Loveland Municipal Code to remove the requirements that shelter must be made available to unauthorized campers prior to issuing a citation for unauthorized camping. Additionally, this item will remove or modify requirements that the City must provide shelter to unauthorized campers and storage of said campers' possessions prior to civilly abating an unauthorized encampment.
AIR-102790
Ordinance
Att 1 Emergency Ordinance 6554B
Att 2 City of Grants Pass Oregon v Johnson, 603 U.S. 520 (2024)
Att 3 Redlined Section 7.39.020
Att 4 Redlined Section 7.39.030
Att 5 Redlined Section 9.47.020
Att 6 EROC 2022-25 History 12.30.25
Att 7 Presentation
Councilor Light-Kovacs Email
Councilor Middleton Email
Written Public Comment - Laura Hinds 7.1

7.2. PUBLIC WORKS (presenter: Michael Hogan and

Jim Thompson)

ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2026 CITY OF LOVELAND BUDGET FOR THE PURCHASE OF REAL PROPERTY LOCATED AT 599 W 71ST STREET, LOVELAND COLORADO, 80538 AND A RESOLUTION CONDITIONALLY APPROVING THE PURCHASE AND SALE AGREEMENT ON THE CONDITION THAT THE CITY OBTAIN A SATISFACTORY LETTER OF COMMITMENT FROM A QUALIFIED NON-PROFIT AGENCY TO OPERATE THE FACILITY FOR HOMELESSNESS SERVICES, INCLUDING SHELTERING

A motion to adopt, on first reading, Ordinance No. 6807 enacting a supplemental budget and appropriation to the 2026 City of Loveland Budget for the purchase of real property located at 599 71st Street, Loveland Colorado, 80538

This proposed Ordinance and Resolution will allow the City to appropriate the funds needed to purchase the property located at 599 W 71st Street. The City placed the property under contract on October, 6, 2025 at the asking price of $2,850,000. The total property is 14,130 square feet. This proposed purchase is recommended to be funded with a combination of General Government Capital Expansion Fees (CEF), current pre-purchase balance $3.15MM, and General Fund fund balance, current pre-purchase unassigned fund balance $1.3M. The finding mix for purchase would be $2,754,011 - General Government CEF Fund and $95,989 - General Fund. The on-going operations and maintenance cost (O&M) for this location is estimated at $112,000/year for utilities and minor maintenance. The proposed Resolution contains a condition precedent requiring the City to execute a letter of commitment by a qualified non-profit agency to operate the aforementioned facility before closing on the property. If purchased, the current Loveland Resource Center located at 137 Lincoln Avenue will be sold and those funds returned to the General Fund.

AIR-102789
Ordinance
Att 1 Presentation
Att 2 Shelter CEF analysis 12.29.25
Written Public Comment - Gina Kim
Written Public Comment - James Hallock
Written Public Comment - Janessa Rhoades
Written Public Comment - Laura Hinds 7.2
Written Public Comment - Luke Unruh
Written Public Comment - Steven Depperschmidt
Written Public Comment Shelter

7.3. DEVELOPMENT SERVICES **(presenter: Theresa Campbell, Jessica Eads and Steve Hefling)**

TITLE 15 AMENDMENTS AND ADOPTION OF CERTAIN 2024 INTERNATIONAL CODES AND THE COLORADO MODEL ELECTRIC READY AND SOLAR READY CODE

A motion to adopt, on first reading, Ordinance No. 6808 repealing and reenacting Chapter 15.08 of the Loveland Municipal Code and adopting by reference the International Building Code, 2024 Edition

A motion to adopt, on first reading, Ordinance No. 6809 repealing and reenacting Chapter 15.10 of the Loveland Municipal Code and adopting by reference the International Residential Code, 2024 Edition

A motion to adopt, on first reading, Ordinance No. 6810 repealing and reenacting Chapter 15.16 of the Loveland Municipal Code and adopting by reference the International Mechanical Code, 2024 Edition

A motion to adopt, on first reading, Ordinance No. 6811 repealing and reenacting Chapter 15.18 of the Loveland Municipal Code and adopting by reference the International Fuel Gas Code, 2024 Edition

A motion to adopt, on first reading, Ordinance No. 6812 repealing and reenacting Chapter 15.20 of the Loveland Municipal Code and adopting by reference the International Plumbing Code, 2024 Edition

A motion to adopt, on first reading, Ordinance No. 6813 repealing and reenacting Chapter 15.48 of the Loveland Municipal Code and adopting by reference the International Energy Conservation Code, 2024 Edition

A motion to adopt, on first reading, Ordinance No. 6814 repealing and reenacting Chapter 15.52 of the Loveland Municipal Code and adopting by reference the International Existing Building Code, 2024 Edition

A motion to adopt, on first reading, Ordinance No. 6815 repealing and reenacting Chapter 15.54 of the Loveland Municipal Code and adopting by reference the International Swimming Pool and Spa Code, 2024 Edition

A motion to adopt, on first reading, Ordinance No. 6816 adopting Chapter 15.50 of The Loveland Municipal Code and adopting The Colorado Model Electric Ready and Solar Ready Code

A motion to adopt, on first reading, Ordinance No. 6817 amending Chapter 15.04 of the Loveland Municipal Code regarding buildings and construction

A motion to adopt, on first reading, Ordinance No. 6818 repealing and reenacting Chapter 15.12 of the Loveland Municipal Code and adopting by reference the International Property Maintenance Code, 2024 Edition and Amending Certain Sections of Title 15.04 Regarding Appeals

The purpose of these proposed Ordinances is to adopt the 2024 International Code provisions as part of a three-year building code cycle. The International Organization for Standardization (ISO) recommends that jurisdictions adhere to a single code cycle. The City is currently operating under the 2021 version of the applicable Codes. Locally adopted amendments reflect previous amendments from 2021 and maintain consistency with neighboring jurisdictions. With the adoption of the referenced code provisions, staff is recommending the adoption of the Colorado Model Electric Ready and Solar Ready Code (CMERSRC) to comply with State law. House Bill 22-1362 requires municipalities to adopt electric and solar ready requirements, as found in the CMERSRC, if a municipality adopts amendments to its building codes after July 1,

2023. The amendments to Chapter 15.04 will clarify permit expirations, permit transfer requirements, specialty license requirements, and appeal processes. Updating the municipal code will help maintain the City's ISO rating which in turn will result in lower insurance rates for local property owners. The Construction Advisory Board (CAB) on September 24, reviewed the final 2024 codes and amendments and voted (9-0) to recommend to City Council for approval. The CAB on October 1, reviewed the 2024 International Property Maintenance Code (IPMC) and voted (8-0) to recommend to City Council for approval.
AIR-102761
Ordinance No. 6808
Ordinance No. 6809
Ordinance No. 6810
Ordinance No. 6811
Ordinance No. 6812
Ordinance No. 6813
Ordinance No. 6814
Ordinance No. 6815
Ordinance No. 6816
Ordinance No. 6817
Ordinance No. 6818
Att 1 Building Code Presentation
Att 2 Colorado Model Electric and Solar Ready Code

7.4. ECONOMIC DEVELOPMENT (presenter: Marcie Willard)
EXECUTIVE SESSION TO DISCUSS BUSINESS ASSISTANCE AGREEMENT REQUEST FOR CONFIDENTIAL BUSINESS PROSPECT

Pursuant to Colorado State law and the City of Loveland Charter, I move that the Loveland City Council recess into executive session concerning a confidential business proposal with a request, made to the City, for a business assistance agreement, which may result in business development in eastern Loveland.

The executive session would be held:

- ***To determine a position relative to issues subject to negotiation, to receive reports on negotiation progress and status, to develop negotiation strategy, and to instruct negotiators as authorized by CRS § 24-6-402 (4)(e) and Charter Section 4-4(c)(1); AND***

- ***To consider and discuss documents and materials related to these matters that are not subject to public inspection under the Colorado Open Records Act, as authorized by CRS § 24-6-402(4)(g); AND***

- ***To discuss matters of attorney-client privilege, to receive legal advice from an attorney representing the City, and for matters required by law to be kept confidential as authorized by CRS Section 24-6-402 (4)(b) and Charter Section 4-4(c)(3).***

City staff will provide City Council with information regarding a proprietary and confidential business proposal.
AIR-102787

7.5. CONSIDERATION OF ITEMS REMOVED FROM CONSENT AGENDA

8. REPORTS

8.1. REPORTS FROM CITY COUNCIL

This is an opportunity for Council Members to report on recent activities.

8.2. CITY MANAGER REPORT

8.3. CITY ATTORNEY REPORT

9. ADJOURN

Presentation: American Public Works Association Colorado Chapter Award for Public Outreach - US 34 and Taft Avenue Intersection Improvement Project

The US 34 and Taft Avenue Intersection Improvement Project team won the American Public Works Association Colorado Chapter Award for Public Outreach for a mid-sized community. The team seamlessly integrated a transportation intersection improvement project with separate waterline and power line projects. The project's success is highlighted by the exceptional coordination across multiple city divisions, design teams, and contractors, delivering a unified project to the community.

Presenter: Shawn Poe, APWA Colorado Director

Thanks,

City of Loveland

Keith Wakefield
Assistant City Engineer, Public Works Department
Transportation Engineering

2525 W. 1st Street
Loveland, CO 80537

Office: 970-962-3351
Cell: 970-691-4719

City of Loveland

Proclamation

WHEREAS, In 1983, President Reagan signed the bill into law designating the third Monday of January as Dr. Martin Luther King, Jr. Day, making him the only non-president to have a national holiday bestowed in his honor; and

WHEREAS, born January 15, 1929, Dr. Martin Luther King Jr. grew to become a leader in civil rights activism borne from his upbringing in Atlanta, Georgia and his studies in theology and pacifism at Morehouse College (B.A.), Crozer Theological Seminary (B.D.), and Boston University (Ph.D.); and

WHEREAS, as a preacher, community leader, and advocate for justice, Dr. King championed a non-violent approach to social change, earning him the Nobel Peace Prize in December, 1964 for his leadership in the Civil Rights movement; and

WHEREAS, from the 1950s and 1960s, the work of Dr. King led to revolutionary change at the Federal level with the US Supreme Court's ruling that segregation on public transportation was unconstitutional; the passage by Congress of the Civil Rights Act of 1964, which ended legalized racial discrimination; and the passage of the Voting Rights Act of 1965, which gave African-Americans (Black Americans) the right to vote; and

WHEREAS, Dr. King's legacy of social change through non-violence has inspired many to follow on his pathway of peaceful resistance and advocacy; and

WHEREAS, Dr. King's dream that one day "this nation will rise up and live out the true meaning of its creed: we hold these truths to be self-evident, that all men are created equal" continues today and it is the responsibility of each and every one of us to ensure that his dream is a reality; and

WHEREAS, the highest honor that we can give to Dr. King's legacy is to continue his work by rejecting hate, confronting discrimination, celebrating the achievements and contributions of the Black community, and advancing his vision that all people—regardless of skin color, creed, or background—share equally in the promise of the American Dream.

NOW, THEREFORE, we, the City Council of Loveland, do hereby proclaim January 19th, 2026 as

DR. MARTIN LUTHER KING JR. DAY

in the City of Loveland, and encourage everyone to join in honoring Dr. King's legendary life and legacy. Please join Heart and Sol and Thompson School District on Thursday, Jan. 15, 2026 from 6:00-7:30 PM at a celebration for Dr. Martin Luther King, Jr. at Mountain View High School.

Signed this 6th day of January, 2026.

Patrick McFall
Mayor

As a business owner (J Days Appliance) in the Loveland for 30 years and 15 of that being downtown,

we have struggled with the ever-increasing problem of homeless and crime. When we first opened it was somewhat tolerable and we even got to know some of the homeless by name. There were issues but minor in comparison to today. More recently the issues range from cleaning up their trash to cleaning their feces off of our back door and surrounding areas. And this is not an isolated incident. More times than I could count we had to ask them to remove themselves and their belongings from our storefront before we opened and our customers arrive. There were some that harassed our customers to the point where our customers would inform us that they did not feel safe. We came in one morning and saw the aftermath of a drug enraged man that had littered the entire parking lot with enough trash for 20 people. I informed the police officer that no way one man could have done this, the officer's response was, oh yes, on the right drugs he could have and did. We were fortunate that he did not throw anything through our plate glass windows. The man cleaned up some of it and we did the rest. We tried to help some out by allowing them to temporarily pitch a tent for the night in the back of the building, but they soon took advantage of our generosity, left litter everywhere and started staying during the day which was not acceptable since we used that area during work hours. There now is a growing gang related graffiti problem. We have also been witnessed (more than just a few times) to substance abuse performances in the middle of the street or intersections where this person is screaming and hitting passing cars and screaming at people trying to cross the street. A definite danger to themselves and the general population. These are just a few of the many incidents that I can remember. To close, it is the sworn responsibility of the elected and appointed officials to protect the lives, liberty and property of the citizens. Crime is off the charts in Loveland and needs

to be delt with not invited. Allowing this to continue and grow only enables and empowers the homeless and the criminals to allow the destruction of Loveland. The whole idea of spending taxpayer money to support this kind of behavior whether it be housing or needles and invite even more in, is absurd and a slap in the face. The taxpayers deserve better. Help those that want help and are willing to help themselves and contribute in any way they can. The rest can find their own way somewhere else.

Jim Day

Speaker # 1 Item 4.1

Good evening, Mayor and Council Members.

my name is Dan, I live in Mountain Brookcrest 2

Thank you for the opportunity to speak.

I'm here to share my firsthand experience with what happens when a homeless encampment overtakes a sensitive wildlife sanctuary—and what remains after it is removed, often at an enormous public cost.

I help manage a property adjacent to Boise Bend Park along the Big Thompson River. Prior to the encampment, this area functioned as a thriving wildlife corridor.

Along 402

We regularly observed white-tailed deer, mule deer, elk, turkeys, bobcats, mountain lions, coyotes, foxes, birds of prey, a thriving heron rookery, and virtually every type of waterfowl that passes through this flyway.

ducks

Almost overnight, all of it disappeared. 5 tents turned into 15 and 30.

I want sugar coat this

There was a full, landscape altering encampment of homeless people. The river was dammed by stone garbage bridges and shopping carts tipped over ~~to block the river.~~ Trees were trampled to make camp sites in prime habitat areas along the river. The river pools became bathroom facilities.

The fish and nesting birds were destroyed or displaced from the river by every type of trash that was freely dumped along the banks and into the river. The trash included a lot of dangerous needles and drug paraphernalia.

Their hungry, unleashed feral dogs terrorized native wildlife. The ducks in the wetlands were run off. The entire ecosystem was destroyed. And we had no recourse.

They sat on along the Big Thompson with no regard. For almost two years, animals could not inhabit or enter through that property and use it as a pass-through along the Big Thompson waterway. They were forced onto the roadways and busy residential areas that they've already been displaced from.

When the encampment was eventually removed, the amount of garbage collected filled dumpsters. Waste entered the river system, damaging an ecosystem that will take years to recover. Even today, we are still pulling shopping carts and debris out of the riverbanks. The environmental damage is difficult to fully quantify, but it is significant and ongoing.

Within 8 months of a full cleanup and restoration, I am happy to say that the wildlife is back. Every single animal species I mentioned earlier has come back through the property this summer and fall. The habitat is coming back to life, month by month.

What is most troubling is that this outcome was not accidental—it was the result of public policy makers allowing and managing encampments in the most fragile wildlife habitat surrounding Loveland.

This is a failure on multiple levels.

It is a failure to protect local nature.

It is a failure to protect taxpayers, who ultimately fund both the cleanup and the long-term consequences.

And it is a failure to address the root causes of homelessness in a way that is effective or humane.

This issue cannot continue to be managed emotionally. It must be managed realistically.

Compassion matters— but compassion without accountability and expertise simply perpetuates the problem. What I have witnessed firsthand are extreme, untreated mental health conditions and severe drug addiction. Many individuals have been unmedicated and unsupervised on the streets of Loveland for years, deteriorating further over time.

These are not issues that a general resource center is equipped to solve.

This level of crisis requires professional psychiatric care and structured drug-intervention treatment. Those services are expensive, specialized, and necessary. Pretending otherwise only creates environments that attract more encampments, more environmental damage, and more human suffering.

Loveland should not function as an open-air containment zone for problems that require medical and clinical intervention. People are traveling here because they understand the system and its limits—and that dynamic must change.

We can be humane.

We can be kind.

But we must also be honest about what works and what does not.

Protecting our community, our environment, and the people trapped in these cycles requires professional solutions—not tolerance of unmanaged encampments in our most delicate natural areas.

Thank you for your time

LOVELAND CITY COUNCIL MEETING MINUTES
Tuesday, December 2, 2025, CITY COUNCIL CHAMBERS 6:00 PM

1. Introduction

1.1 Call to Order

Mayor Marsh called the meeting to order at 6:00 p.m.

1.2 Pledge of Allegiance

The Mayor invited all who were able to stand and join her in reciting the Pledge of Allegiance.

1.3 Attendance Report Out

The City Clerk noted attendance; there were 8 Council members present.

COUNCIL MEMBERS PRESENT IN-PERSON: Mayor Marsh, Council members Light-Kovacs, Samson, Mallo, Foley, Olson, McFall, and Swanty

COUNCIL MEMBERS PRESENT ONLINE: None.

COUNCIL MEMBERS ABSENT: None

1.4 Swearing in of New Mayor and Council Members

The Honorable Judge Jennifer Edgley performed the Oath of Office and sworn in all the elected/re-elected members of Council.

Order of Council Members swearing in:

a. Geoff Frahm – Ward 1
b. Sarah Rothberg – Ward 2
c. Caitlin Wyrick – Ward 3
d. Kalina Middleton – Ward 3
e. Zeke Cortez – Ward 4; and
f. Patrick McFall – Mayor.

1.5 Presentation to Former Council Members

Mayor Marsh and current Council members congratulated the incoming Council members and spoke in favor of former Council members. There was a brief presentation wherein former Council members were presented with a plaque for their service.

1.6 10-Minute Break

Council recessed at: 8:37 p.m.

Council reconvened at: 7:08 p.m.

1.7 Attendance Report Out of Newly Sworn in Council

The City Clerk noted attendance; there were 9 Council members present.

COUNCIL MEMBERS PRESENT IN-PERSON: Mayor McFall, Council members Light-Kovacs, Samson, Swanty, Frahm, Rothberg, Wyrick, Middleton and Cortez

COUNCIL MEMBERS PRESENT ONLINE: None.

COUNCIL MEMBERS ABSENT: None.

Mayor McFall asked for nominations for the Mayor Pro Tem position.

Council member Middleton nominated Council member Samson for the Mayor Pro Tem position. Council Member Cortez provided the SECOND. Council member Samson accepted the nomination.

Council member Light-Kovacs self-nominated for the Mayor Pro Tem position. No Second.

Roll Call was Taken
NOMINATION FOR COUNCIL MEMBER SAMSON CARRIED 5-4.
(Council member Rothberg, Swanty, Wyrick and Light-Kovacs dissenting.)

1.8 Procedural Information

The Mayor provided procedural information for this portion of the meeting.

1.9 Presentation – Loveland Latest

Loveland's Latest is a new monthly video series focusing on five positive attributes happening from the City to serve the community was presented.

2. Council Comment

The Mayor provided procedural information for this portion of the meeting.

- Mayor McFall spoke in favor of time spent with newly elected Council members after the election and spoke in favor of their commitment and willingness to service.
- Council member Sampson spoke about her appointment as Mayor Pro Tem and spoke in favor of the newly elected Council members.
- Council member Middleton congratulated all council members and spoke about Council members organizing a Food Drive to donate almost ¾ of a ton of food.

Mayor McFall closed Council Comment.

3. Public Comment

The Mayor provided procedural information for this portion of the meeting.

- George K, Larimer County, congratulated Council members and spoke about the removal of the tennis courts in Edmondson Park, urged Council to protect public investments of tennis courts and provided suggestions on how to maintain and fund parks.
- Sabrina H, No Ward Information, spoke about homelessness and expressed Christian values to help homeless.
- Ron A, Ward 2, and Ed H, Larimer County, representing Loveland's Veteran's Honor Monument. Spoke about committee comprised of Loveland veterans, working with Parks & Recreation

Department, gave details regarding the monument and positive impacts of the monument for veterans in community. Council member Samson asked clarifying questions. Citizen responded with clarification.

- Juliane A, Loveland, spoke about lack of Jewish holidays being celebrated in City, spoke against leash laws, the negative impact for disabled individuals walking dogs, personally being ticketed for her dog being off leash and stated NOCO Human policies are unfair to individuals with disabilities. Council member Cortez asked clarifying questions. Citizen responded with clarification.
- Didi S, Ward 2, spoke about Petition opposing ICE in community for unlawful imprisonment, asked about ICE involvement in Loveland and how City deals with illegal activities or violent protesters.
- Kathy B, Ward 2, congratulated Council and spoke about the Oath of Office. Challenged Council to be the type of Council that works for all people, without exception.
- Bob M, Loveland, congratulated Council, spoke about Super-Majority of women on Council, spoke in favor or new Council and encouraged Council to vote their individual conscience.
- Darin B, Ward 2, congratulated Council, spoke about why City Council is here, expressed high responsibility and accountability to voters. Stated Council is behind due to cancelled meetings.
- LuAnn B, Ward 2, congratulated Council, spoke about the Pulliam Building Committee, Downtown Development Authority (DDA), spoke in favor of downtown improvements and hopes Council continues to support.
- Cindy V, Ward 2, congratulated Council, asked for the Colorado Freedom of Information Coalition to give a presentation to Council regarding open meeting laws and Freedom on Information laws and spoke about guidelines for Executive Sessions meetings/discussions.

Mayor McFall closed Public Comment.

4. Consent Agenda

Council member Light-Kovacs made a MOTION to ADOPT the Consent Agenda, Items 4.1 to 4.4. Council member Samson provided the SECOND.

MOTION CARRIED 9-0

4.1 City Clerk's Office
Approval of Minutes

Approval of the City Council Minutes for the May 20, 2025, June 3, 2025, June17, 2025, July 1, 2025, July15, 2025, August 5, 2025, and October 21, 2025, Regular Meetings.

A motion to approve the City Council minutes for the May 20, 2025, June 3, 2025, June 17, 2025, July 1, 2025, July 15, 2025, August 5, 2025, and October 21, 2025, Regular Meetings.

MOTION CARRIED 9-0

4.2 Resolution Approving An Amended And Restated Intergovernmental Agreement For The Assessment, Collection, And Remittance Of Emergency Services Impact Fees And Ratification Of The Loveland Fire Rescue Authority Bylaws Consistent With C.R.S. 32-1-1002(1)(d.5)

City Attorney's Office

LFRA and the City previously entered into an agreement in 2017 for Emergency Services Impact Fees. On May 22, 2024, Colorado Senate Bill 24-194 revised the statutory structure governing these fees, effective August 7, 2024. The purpose of this action is to update the assessment and collection process to be consistent with the new statutes, C.R.S. § 29-1-104.5 and C.R.S. § 32-1-1002(1)(d.5).

Council member Light-Kovacs made a MOTION TO ADOPT Resolution #R-79-2025 approving an Amended and Restated Intergovernmental Agreement for the assessment, collection, and remittance of emergency services impact fees and ratification of the Loveland Fire Rescue Authority Bylaws consistent with C.R.S. 32-1-1002(1)(d.5). Council member Samson provided the SECOND.

MOTION CARRIED 9-0

4.3 Resolution Approving An Intergovernmental Agreement Between The City Of Loveland, Colorado And The City of Fort Collins, Colorado For The Fort Collins & Loveland Front Range Passenger Rail Advanced Station Planning Study

Public Works

The purpose of this proposed Resolution is authorizing the City Manager to enter into an intergovernmental agreement with Fort Collins and allow expenditures of a joint Grant received by the cities from the Colorado Department of Local Affairs, Energy and Mineral Impact Assistance Fund to complete the Fort Collins & Loveland Front Range Passenger Rail Advanced Station Planning Study in the amount of $400,000.

The Front Range Passenger Rail District has identified Loveland and Fort Collins as key communities for station locations along a specific freight railroad line. Staff from both cities recognize the need for locally led advanced station planning efforts. Consequently, both cities pursued and successfully secured a grant from the Colorado Department of Local Affairs (DOLA) to fund these join planning initiatives.

An intergovernmental agreement (IGA) is required prior to beginning on the station planning work and executing the grant. This matching Grant totals $200,000, with $75,000 from the City of Loveland and $125,000 from the City of Fort Collins. Loveland's match will be funded from the current 2025 Transportation Engineering budget and does not require additional General Fund (GF) appropriations. As part of the proposed IGA, the City of Loveland will issue a payment to the City of Fort Collins to cover Loveland's local match requirement. Loveland will work with Fort Collins staff to administer the project; however, Fort Collins will manage the grant and any consultants needed to complete the work. The Transportation Advisory Board discussed this item on April 7, 2025 and all were supportive of this proposed IGA.

Council member Light-Kovacs made a MOTION TO ADOPT Resolution #R-80-2025 approving an intergovernmental agreement between the City of Loveland, Colorado and the City of Fort Collins Colorado for the Fort Collins & Loveland Front Range Passenger Rail Advanced Station Planning Study. Council member Samson provided the SECOND.

MOTION CARRIED 9-0

4.4 Resolution Approving An Intergovernmental Joint Funding Agreement Between The City of Loveland, Colorado and the U.S. Geological Survey, United States Department of the Interior, for Streamflow Gaging and Water Quality Data Collection

Water and Power

The proposed resolution authorizes the City Manager to execute a joint funding agreement with the USGS for operation of a stream gage, a precipitation gage, and the cooperative water quality monitoring program. This work supports safe drinking water for Loveland's community.

The City has operated under a nearly identical joint funding agreement with the USGS in recent years under Resolution R-121-2020 which limits the City Manager's approval for the City's matching funds to $250,000. Increased partner participation, additional testing parameters, and inflation will cause the City's up-front portion of the project cost to exceed this amount; however, a portion of that amount will be reimbursed to the City by other participants. The proposed resolution removes the City Manager's approval limit for the purposes of this joint funding agreement, provided the annual contract amount is appropriated, budgeted, and allocated through the City Council budget review and approval process.

The total amount of the agreement has been appropriated, budgeted, and allocated for in the City's 2026 proposed budget, and no additional Utility funds are required. USGS will provide approximately 20% of the total project cost, a contribution of roughly $64,762 for 2026. This proposal has support from the Loveland Utilities Commission.

Council member Light-Kovacs made a MOTION TO ADOPT Resolution #R-81-2025 approving an intergovernmental Joint Funding Agreement between the City of Loveland, Colorado, and the U.S. Geological Survey, United States Department of the Interior, for streamflow gaging and water quality data collection. Council member Samson provided the SECOND.

MOTION CARRIED 9-0

5. City Clerk Reads Titles of Ordinances on the Consent Agenda

Ashley Macdonald, City Clerk, stated there were no remanding Ordinances on the Consent Agenda to be read.

6. Motion to Adopt the Consent Agenda

Council Member Light-Kovacs restated the MOTION to ADOPT the Consent Agenda, Items 4.1 to 4.4. Council Member Samson provided the SECOND. Roll Call was taken.

MOTION CARRIED 9-0

7. Regular Agenda

The Mayor provided procedural information for this portion of the meeting.

7.1. City Council Appointment for Regional Boards and City Boards and Commissioners

Brett Stewart, Assistant to City Manager, provided the Staff presentation on this item.

This is an item to open the process to appoint City Council liaisons to Regional and City Boards and Commissions

Mayor McFall spoke about the rules and procedures for City Council appointments to boards and commissions and encourage Council members currently on boards and commissions to keep appointment, if desired.

NO VOTE - *Council Member Light-Kovacs made a MOTION TO APPOINT City Council liaisons for Regional Boards, City Boards and Commissions. Council Member Samson provided the SECOND.*

Affordable Housing Commission:

Council member Swanty self-nominated as primary liaison. Council member Light-Kovacs provided the SECOND.

Council member Rothberg self-nominated as alternate liaison. Council member Samson provided the SECOND.

APPOINTMENT MADE WITHOUT OBJECTION – Council member Swanty as Primary

APPOINTMENT MADE WITHOUT OBJECTION – Council member Rothberg as Alternate

Citizen's Finance Advisory Commission:

Council member Light-Kovacs self-nominated as primary liaison. Council member Swanty provided the SECOND.

Council member Cortez self-nominated as primary liaison. Council member Samson provided the SECOND.

Roll Call was Taken
APPOINTMENT CARRIED 8-1. – Council member Light-Kovacs as Primary
(Council member Cortez dissenting.)

Council Member Swanty self-nominated as alternate liaison. Council member Samson provided the SECOND.

APPOINTMENT MADE WITHOUT OBJECTION – Council member Swanty as Alternate

Community Marketing Commission:

Council member Samson nominated Council member Cortez as primary liaison. Council member Cortez accepted nomination. Mayor McFall provided the SECOND.

Council member Rothberg self-nominated as primary liaison. Council member Swanty provided the SECOND.

Roll Call was Taken
APPOINTMENT CARRIED 5-4. – Council member Cortez as Primary
(Council member Wyrick, Rothberg, Light-Kovacs and Swanty dissenting.)

Mayor McFall nominated Council member Rothberg as alternate liaison. Council member Rothberg accepted the nomination. Council member Swanty provided the SECOND.

APPOINTMENT MADE WITHOUT OBJECTION – Council member Rothberg as Alternate

Construction Advisory Board:

Council member Middleton self-nominated as primary liaison. Council member Samson provided the SECOND.

APPOINTMENT MADE WITHOUT OBJECTION – Council member Middleton as Primary

Council member Samson nominated Council member Frahm as alternate liaison. Council member Swanty provided the SECOND.

APPOINTMENT MADE WITHOUT OBJECTION – Council member Frahm as Alternate

Cultural Services Board:

Council member Samson nominated Council member Wyrick. Council member Wyrick accepted the nomination. Council member Light-Kovacs provided the SECOND.

APPOINTMENT MADE WITHOUT OBJECTION – Council member Wyrick as Primary

Council member Swanty self-nominated as alternate liaison. Council member McFall provided the SECOND.

APPOINTMENT MADE WITHOUT OBJECTION – Council member Swanty as Alternate

Disabilities Advisory Commission:

Council member Rothberg self-nominated as primary. Council member Samson provided the SECOND.

APPOINTMENT MADE WITHOUT OBJECTION – Council member Rothberg as Primary

Council member Light-Kovacs self-nominated as alternate. Mayor McFall provided the SECOND.

APPOINTMENT MADE WITHOUT OBJECTION – Council member Light-Kovacs as Alternate

Downtown Development Authority Board:

Council member Wyrick self-nominated as primary. Council member Light-Kovacs provided the SECOND.

Council member Samson self-nominated as primary. Council member Cortez provided the SECOND.

Roll Call was Taken
APPOINTMENT CARRIED 6-2. – Council member Wyrick as Primary
(Council member Samson and Cortez dissenting.)

Council member Swanty nominated Council member Samson as the alternate liaison. Council Member Samson accepted the nomination.

APPOINTMENT MADE WITHOUT OBJECTION – Council member Samson as Alternate

Golf Advisory Board:

Council member Middleton nominated Council member Samson as primary. Council member Samson accepted the nomination. Council member Light-Kovacs provided the SECOND.

APPOINTMENT MADE WITHOUT OBJECTION – Council member Samson as Primary

Mayor McFall self-nominated as alternate liaison. Council member Light-Kovacs provided the SECOND.

APPOINTMENT MADE WITHOUT OBJECTION – Mayor McFall as Alternate

Historic Preservation Commission:

Council member Samson nominated Council member Middleton. Council member Middleton accepted the nomination.

APPOINTMENT MADE WITHOUT OBJECTION – Council member Middleton as Primary

Council member Light-Kovacs self-nominated as alternate liaison. Council member Samson provided the SECOND.

APPOINTMENT MADE WITHOUT OBJECTION – Council member Light-Kovacs as Alternate

Housing Authority:

Council member Swanty self-nominated as the primary liaison. Council member Light-Kovacs provided the SECOND.

APPOINTMENT MADE WITHOUT OBJECTION – Council member Swanty as Primary

Council member Rothberg self-nominated as the alternate liaison. Council member Light-Kovacs provided the SECOND.

APPOINTMENT MADE WITHOUT OBJECTION – Council member Rothberg as Alternate

Human Services Commission:

Council member Samson nominated Council member Rothberg as the primary liaison. Council member Rothberg accepted the nomination. Council member Middleton provided the SECOND.

APPOINTMENT MADE WITHOUT OBJECTION – Council member Rothberg as Primary

Council member Swanty self-nominated as the alternate liaison. Mayor McFall provided the SECOND

APPOINTMENT MADE WITHOUT OBJECTION – Council member Swanty as Alternate

Library Board:

Council member Light-Kovacs self-nominated as the primary liaison. Council member Samson provided the SECOND.

APPOINTMENT MADE WITHOUT OBJECTION – Council member Light-Kovacs as Primary

Council member Swanty self-nominated as the alternate liaison. Council member Samson provided the SECOND.

APPOINTMENT MADE WITHOUT OBJECTION – Council member Swanty as Alternate

Loveland Communications Advisory Board:

No Appointments. Mayor McFall asked if the positions can be left open for a period of time. The City Attorney Junglas provided with clarification.

Loveland Fire Rescue Authority Board:

Mayor McFall self-nominated as the primary liaison. Council member Samson provided the SECOND.

APPOINTMENT MADE WITHOUT OBJECTION – Mayor McFall as Primary

The City Manager stated that the Loveland Fire Rescue Authority Board has 2 Primary Liaison positions.

Council member Samson self-nominated as the second primary liaison. Mayor McFall provided the SECOND.

APPOINTMENT MADE WITHOUT OBJECTION – Council member Samson as the second primary

Loveland Utilities Commission:

Council member Middleton self-nominated as the primary liaison. Council member Samson provided the SECOND.

APPOINTMENT MADE WITHOUT OBJECTION – Council member Middleton as Primary

Council member Cortez self-nominated as the alternate liaison. Council member Samson provided the SECOND.

APPOINTMENT MADE WITHOUT OBJECTION – Council member Cortez as Alternate

Open Lands and Trails Advisory Commission:

Council member Frahm self-nominated as the primary liaison. Council member Samson provided the SECOND.

APPOINTMENT MADE WITHOUT OBJECTION – Council member Frahm as Primary

Council member Light-Kovacs self-nominated as the alternate liaison. Mayor McFall provided the SECOND.

APPOINTMENT MADE WITHOUT OBJECTION – Council member Light-Kovacs as Alternate

Parks & Recreation Commission:

Council member Middleton self-nominated as the primary liaison. Council member Samson provided the SECOND.

APPOINTMENT MADE WITHOUT OBJECTION – Council member Middleton as Primary

Council member Light-Kovacs self-nominated as the alternate liaison. Mayor McFall provided the SECOND.

APPOINTMENT MADE WITHOUT OBJECTION – Council member Light-Kovacs as Alternate

Planning Commission:

Mayor McFall nominated Council member Frahm as the primary liaison. Council member Frahm accepted the nomination. Council member Samson provided the SECOND.

APPOINTMENT MADE WITHOUT OBJECTION – Council member Frahm as Primary

No Alternate liaison appointed.

Police Citizen Advisory Board:

Council member Middleton nominated Council member Cortez the primary liaison. Council member Cortez accepted nomination. Council member Light-Kovacs provided the SECOND.

APPOINTMENT MADE WITHOUT OBJECTION – Council member Cortez as Primary

Council member Samson nominated Council member Frahm as the alternate liaison. Council member Frahm accepted the nomination Council member Light-Kovacs provided the SECOND.

APPOINTMENT MADE WITHOUT OBJECTION – Council member Frahm as Alternate

Senior Advisory Board:

Mayor McFall self-nominated as the primary liaison. Council member Cortez provided the SECOND.

APPOINTMENT MADE WITHOUT OBJECTION – Mayor McFall as Primary

No Alternate liaison appointed.

Transportation Advisory Board:

Council member Samson nominated Mayor McFall as the primary liaison. Mayor McFall accepted the nomination. Council member Light-Kovacs provided the SECOND.

APPOINTMENT MADE WITHOUT OBJECTION – Mayor McFall as Primary

Council member Light-Kovacs self-nominated as the alternate liaison. Council member Swanty provided the SECOND.

APPOINTMENT MADE WITHOUT OBJECTION – Council member Light-Kovacs as Alternate

Visual Arts Commission:

Council member Wyrick self-nominated as the primary liaison. Mayor McFall provided the SECOND.

APPOINTMENT MADE WITHOUT OBJECTION – Council member Wyrick as Primary

Council member Samson self-nominated as the alternate liaison. Council member Swanty provided the SECOND.

APPOINTMENT MADE WITHOUT OBJECTION – Council member Samson as Alternate

Youth Advisory Commission:

Council member Light-Kovacs self-nominated as the primary liaison. Mayor McFall provided the SECOND.

APPOINTMENT MADE WITHOUT OBJECTION – Council member Light-Kovacs as Primary

Council member Samson self-nominated as the alternate liaison. Council member Swanty provided the SECOND.

APPOINTMENT MADE WITHOUT OBJECTION – Council member Samson as Alternate

Chamber of Commerce:

Mayor McFall self-nominated as the primary liaison. Council member Samson provided the SECOND.

APPOINTMENT MADE WITHOUT OBJECTION – Mayor McFall as Primary

No Alternate liaison appointed.

Council Retreat Planning Commission:

Mr. Stewart stated that three (3) members of council are needed for this Commission.

Council member Cortez self-nominated. Mayor McFall provided the SECOND. Council member Light-Kovacs self-nominated. Mayor McFall provided the SECOND. Mayor McFall all self-nominated. Council Member Samson provided the SECOND.

APPOINTMENTS MADE WITHOUT OBJECTION

City - Legislative Review Commission:

Mr. Stewart stated that Four (4) members of council are needed for this Commission.

Council member Samson self-nominated. Council member Light-Kovacs provided the SECOND.
Council member Light-Kovacs self-nominated. Council member Swanty provided the SECOND.
Council member Wyrick self-nominated. Council Member Light-Kovacs provided the SECOND.
Council member Rothberg self-nominated. Mayor McFall provided the SECOND.

APPOINTMENTS MADE WITHOUT OBJECTION

CML Policy Committee:

Council member Light-Kovacs self-nominated as the primary liaison. Mayor McFall provided the SECOND.

APPOINTMENT MADE WITHOUT OBJECTION – Council member Light-Kovacs as Primary

Mayor McFall self-nominated as the alternate liaison. Council member Samson provided the SECOND.

APPOINTMENT MADE WITHOUT OBJECTION – Mayor McFall as Alternate

Larimer County Behavior Health Policy Council:

Council member Swanty self-nominated as the primary liaison. Council member Light-Kovacs provided the SECOND.

APPOINTMENT MADE WITHOUT OBJECTION – Council member Swanty as Primary

Council member Samson self-nominated as the alternate liaison. Council Member Swanty provided the SECOND.

APPOINTMENT MADE WITHOUT OBJECTION – Council member Samson as Alternate

Larimer County Community Services Block Grant Advisory Board:

Council member Swanty self-nominated as the primary liaison. Mayor McFall provided the SECOND.

APPOINTMENT MADE WITHOUT OBJECTION – Council member Swanty as Primary

No Alternate liaison appointed.

Larimer County Regional Opioid Abatement Council:

Council member Cortez self-nominated as the primary liaison. Council member Middleton provided the SECOND.

No Alternate liaison appointed

Northern Colorado Regional Tourism Authority:

Council member Samson nominated Mayor McFall as the primary liaison. Mayor McFall accepted the nomination. Council member Light-Kovacs provided the SECOND.

APPOINTMENT MADE WITHOUT OBJECTION – Mayor McFall as Primary

Council member Samson self-nominated as the alternate liaison. Council Member Swanty provided the SECOND.

APPOINTMENT MADE WITHOUT OBJECTION – Council member Samson as Alternate

Platte River Power Authority:

Mayor McFall self-nominated as the primary liaison. Council member Samson provided the SECOND.

APPOINTMENT MADE WITHOUT OBJECTION – Mayor McFall as Primary

No Alternate liaison appointed

Transportation: North Front range MPO:

Council member Samson nominated Mayor McFall as the primary liaison. Mayor McFall accepted the nomination. Council member Light-Kovacs provided the SECOND.

APPOINTMENT MADE WITHOUT OBJECTION – Mayor McFall as Primary

Council member Light-Kovacs self-nominated as the alternate liaison. Council Member Samson provided the SECOND.

APPOINTMENT MADE WITHOUT OBJECTION – Council member Light-Kovacs as Alternate

Transportation: North I-25 Elected Officials Coalition:

Council member Samson nominated Mayor McFall as the primary liaison. Mayor McFall accepted the nomination. Council member Light-Kovacs provided the SECOND.

APPOINTMENT MADE WITHOUT OBJECTION – Mayor McFall as Primary

No Alternate liaison appointed

Transportation: US 34 Coalition:

Council member Samson nominated Mayor McFall as the primary liaison. Mayor McFall accepted the nomination. Council member Light-Kovacs provided the SECOND.

APPOINTMENT MADE WITHOUT OBJECTION – Mayor McFall as Primary

No Alternate liaison appointed

Council recessed at: 8:41 p.m.

Council reconvened at: 8:53 p.m.

7.2. Ordinance Enacting a Supplemental Budget and Appropriation to the 2025 City of Loveland Budget for the 2025 Citywide Year-End Budget Wrap-Up Package
FINANCE

Brian Waldes, Chief Financial Advisor, and Matthew Elliott, Budget Manager, provided the Staff presentation on this item.

Annually, City staff brings forward any administrative adjustments identified throughout the year that need City Council action in order to be properly addressed. In addition to the administrative changes, any outside revenue such as grants or operating revenue that was unanticipated at time of Budget adoption are included with their corresponding appropriation. Lastly, projects and contractual services identified in the last two quarters (post mid-year appropriations) are also included.

Council member Light-Kovacs made a MOTION TO APPROVE on First Reading, Ordinance No. 6803 enacting a supplemental budget and appropriation to the 2025 City of Loveland Budget for the 2025 annual year-end budget wrap-up package. Council member Samson Provided the SECOND.

Public Comment:

Mayor McFall read procedures for the public hearing portion of the Ordinance and opened the chambers to receive public comment on this agenda item

- Cindy V, Ward 2, spoke about Public Comments section not being opened for the Regular Agenda Item 7.1, City Council Appointment for Regional Boards and City Boards and Commissions. The City Attorney responded with clarification, explaining that Agenda Item 7.1 was an administrative act for Council.
- Darin B, Ward 2, spoke about Budget previously past on Consent Agenda and spoke against budget item regarding the HIP Street Project.

Mayor McFall closed Public Comment portion of the hearing.

Council Questions and Deliberations:

- Council member Light-Kovacs asked Mr. Waldes if he would like to address anything said during Public Comments. Mr. Waldes responded with clarification.
- Council member Samson asked about fund balances before and after appropriations. Mr. Waldes responded with clarification.

Council member Light-Kovacs reread the MOTION TO APPROVE on First Reading, Ordinance No. 6803 enacting a supplemental budget and appropriation to the 2025 City of Loveland Budget for the 2025 annual year-end budget wrap-up package. Council member Samson Provided the SECOND.
Roll Call was taken.

MOTION CARRIED 9-0.

Council member Samson asked for a POINT OF ORDER regarding the Rules for continuing the meeting past 10:30 p.m. Mayor McFall asked for a Motion to Extend the Meeting to complete all remaining Regular Agenda Items.

Council Member Light-Kovacs made a MOTION TO EXTEND the Council Meeting to complete all the remaining Regular Agenda Items. Council Member Wyrick provided the SECOND. Roll Call was Taken.

MOTION CARRIED 8-1.
(Council member Samson dissenting)

7.3 Ordinance Amending the Loveland Municipal Code by Repealing Chapters 7.60 and 7.65, Amending the Unified Development Code, Repealing and Relocating Chapter 5.45 into Title 8, and Amending Title 8 Concerning the Licensing of Marijuana, alcohol Beverages, and Tobacco Products
City Clerk's Office

Ashley Macdonald, City Clerk, Brett Stewart, Assistant to City Manager, Michael Bailey, Assistant City Attorney I, and Troy Bliss, Planning Manager, provided the Staff presentation on this item.

The purpose of the proposed Ordinance is to adopt and establish streamlined and consolidated licensing regulations for tobacco, alcohol, and marijuana related businesses in Loveland.

Establish new licensing regulations for marijuana and modernize regulations for tobacco and alcohol. The proposed regulations are intended to promote responsible business practices, protect public health, safety, and wellness that align with State law and best practices observed from other municipalities. The City Clerk's Office and City staff aim to consolidate all of the liquor, tobacco, and marijuana regulations within the appropriate chapter of the Loveland Municipal Code.

Council member Light-Kovacs, made a MOTION TO APPROVE, on First Reading, Ordinance No. 6804 repealing Chapters 7.60 and 7.65, amending the Unified Development Code, repealing and relocating Chapter 5.45 into Title 8 and amending Title 8 concerning the licensing of marijuana, alcohol beverages and tobacco products. Council Member Samson provided the SECOND.

Public Comment:

Mayor McFall read procedures for the public hearing portion of the Ordinance and opened the chambers to receive public comment on this agenda item

- Abby R, Chairperson for Youth Advisory Commission, spoke in favor of the Ordinance, in favor of more stringent fines for underage tobacco sales and emphasized the negative impacts of tobacco on young developing brains.
- Yuki C, Loveland – Youth Advisory Commission, cited negative statistics on youth tobacco leading to dependency in adulthood, negative impacts of tobacco on young developing brains and possible addiction.
- Owen J, Loveland – Youth Advisory Commission, spoke in favor of the Ordinance, tobacco ingrained in society and the culture of teens, in support of firmer legislation putting accountability on sellers rather than youth to keep youth out of Court system and urged Council to act on

behalf of the youth in the community. Council member Samson asked a clarifying questions regarding tobacco Ordinance from 2021.

- Jane C, Ward 2, spoke about Marijuana on the Ballot, spoke in favor of Ordinance, advocate for retail marijuana businesses, raising licenses limits to improve access to medical marijuana and requested additional handicapped parking spots at medical businesses.
- Darin B, Ward 2, spoke about proposed 5% sales tax on retail marijuana, asked how sales tax revenue will be used, suggested various options for sales tax revenue similar to other jurisdictions, and spoke against marijuana sales tax being charged on top of State and Local sales taxes. Asked that marijuana revenue be tracked down to the penny.
- Kathy B, Ward 2, spoke against proposed zoning limits for retail marijuana locations and expressed concern with retail marijuana being in close proximity to drug/alcohol counseling centers.
- Megan E, Ward 2, congratulated new Council members and spoke in favor of presentation and City staff's work on Ordinance, expressed favor for marijuana being on the ballot, in support of maximizing revenue from marijuana sales while still assuring safety guidelines and spoke about opportunity/benefits of hospitality structures for marijuana sales.

Mayor McFall closed Public Comment portion of the hearing.

Council Questions and Deliberations:

- Council member Cortez asked about number of licenses within the City and barriers/fencing for special events with alcohol. City Clerk Macdonald responded with clarification.
- Council member Wyrick asked about the comparative market/cost analysis, how fees were established, fees being higher than other jurisdictions and fees high for small businesses. City Clerk Macdonald responded with clarification.
- Council member Frahm asked about the requirements for the safe server training and costs associated. City Clerk Macdonald and Assistant Attorney Bailey responded with clarification.
- Council member Rothberg spoke in favor of Ordinance and benefits of marijuana. Asked about procedures for yearly review for businesses. City Clerk Macdonald responded with clarification.
- Council member Samson spoke in favor of presentation and staff work involved. Asked about transfer of ownership/tradename procedures, modification of premise fees, fees on variable scale on complexity, transfer of ownership fees and legacy holder applicant process. City Clerk Macdonald responded with clarification.
- Council member Middleton asked about ADA parking requirements procedures, Loveland Resource Center (LRC) not having handicapped parking. Mr. Bliss responded with clarification. Asked about enforcement procedures and requested clarification on enforcement. City Clerk Macdonald responded with clarification.
- Council member Light-Kovacs thanked City Staff for bring Ordinance forward. Spoke about fees being too high, Loveland being in top 10% for costs/fees, asked about how to lower fees without City losing money, processing of Licenses costs for City. City Clerk Macdonald responded with clarification. Asked if other jurisdictions are losing money and if Clerk Office is tracking time associated with processing licenses/applications. City Clerk Macdonald responded with clarification.

- Council member Swanty asked about the market analysis fees and fines for selling to minors. City Clerk Macdonald and Assistant City Attorney Bailey responded with clarification.
- Mayor McFall asked about marijuana locations being close to alcohol/drug rehabilitation facilities. Assistant City Attorney Bailey responded with clarification. Mayor McFall asked for definite clarification on question asked. The City Attorney responded with clarification.
- Council member Cortez asked about giving preference to local applicants. City Clerk Macdonald responded with clarification. Council member Cortez spoke about fees being too high considering the sales tax revenue and asked about realistic number of marijuana licenses being approved with the City. City Clerk Macdonald responded with clarification. Council member Cortez requested a fee schedule being a lot less to help small business start-ups be successful and asked clarifying questions regarding terminology. Assistant City Attorney Bailey responded with clarification.
- Council member Wyrick asked about costs for City staff to process applications, City Staff being more efficient, fees being higher than necessary and suggested fee allocation schedule for front end fees, spoke about wanting local businesses to be successful. City Clerk Macdonald responded with clarification.
- Council member Samson asked for clarification regarding voting on municipal code tonight and not the fee schedule/structure and timelines for Council final approvals. The City Attorney responded with clarification. Council member Samson stated she would email questions regarding fees and fines.
- Mayor McFall requested all Council members email questions to City Staff for later discussions.
- Council member Middleton asked about the 5% sales tax revenue delegation for marijuana and asked for specific marijuana tracking on Budget. The City Manager responded with clarification.
- Council member Rothberg asked about adding additional marijuana business for additional revenue. Assistant Attorney Bailey and City Clerk Macdonald responded with clarification.

Council member Light-Kovacs, reread the MOTION TO APPROVE, on First Reading, Ordinance No. 6804 repealing Chapters 7.60 and 7.65, amending the Unified Development Code, repealing and relocating Chapter 5.45 into Title 8 and amending Title 8 concerning the licensing of marijuana, alcohol beverages and tobacco products. Council Member Samson provided the SECOND. Roll Call was taken.

MOTION CARRIED 9-0.

7.4 Executive Session to Discuss DDA Plan of Development and Baseline Services Agreement.

City Attorney's Office

City staff will provide City Council with information regarding the DDA Plan of Development and Baseline Services Agreement.

Council Member Light-Kovacs made a MOTION to Recess Into Executive Session for City Staff to provide City Council with information regarding the DDA Plan o Development and Baseline Services Agreement. Council Member Middleton provided the SECOND.

Pursuant to Colorado State law and the City of Loveland Charter, I move that the Loveland City Council recess into executive session concerning the City's position relative to the Baseline Services Intergovernmental Agreement, establishing the rights and obligations between the DDA and the City and an Amended Plan of Development.

The Executive Session will be held:

- *To determine a position relative to issues subject to negotiation, to receive reports on negotiation progress and status, to develop negotiation strategy, and to instruct negotiators as authorized by CRS § 24-6-402 (4)© and Charter Section 4-4(c)(1); AND*
- *To discuss matters of attorney-client privilege, to receive legal advice from an attorney representing the City, and for matters required by law to be kept confidential as authorized by CRS Section 24-6-402 (4)(b) and Charter Section 4-4(c)(3).* Roll Call was taken.

MOTION CARRIED 7-2.
(Council member Cortez and Rothberg dissenting)

Those present in person during the Executive Session were Mayor McFall, Council members Swanty, Cortez, Light-Kovac, Rothberg, Wyrick, Middleton, Frahm and Samson.

Staff members present for the Executive Session were as follows: Jim Thompson, Vince Junglas, Dalton Kelly and Dillon Peters

No decisions were made during the Executive Session.

None of the members present for the Executive Session objected to the content discussed during the Executive Session.

Affidavits regarding the retention from the City Clerk, City Attorney, Mayor McFall and Council Member Light-Kovacs pertaining to the recording of the Executive Session are attached hereto.

Council recessed at: 10:48 p.m.

Council started the Executive Session at: 10:58 p.m.

Council ended the Executive Session and reconvened the Regular Meeting at: 12:18 a.m.

7.5 Resolution Approving a Services Contract with the Loveland Downtown Development Authority and the Loveland Historic Downtown Business Improvement District for Implementation of the Downtown Strategic Plan.

Economic Development

Scott Schorling, Business Development Project Manager, and Sean Hawkins, Executive Director for DDA , provided the Staff presentation on this item.

The purpose of the Resolution is for City Council to consider the 2026 services contract with the Loveland Downtown Development Authority (DDA) and the Loveland Downtown Business Improvement

District (BID). City Council will consider the funding of $250,000 for the operations and programs of the DDA/BID as part of the 2026 City budget process. The services contract is Exhibit A to the Resolution.

Council member Light-Kovacs made a MOTION TO ADOPT Resolution #R-82-2025 approving a services contract with the Loveland Downtown Development Authority and the Loveland Historic Downtown Business Improvement District for implementation of the Downtown Strategic Plan. Council Member Middleton provided the SECOND.

Public Comment:

- Darin B, Ward 2, spoke about tonight's Executive Session, insisted that Council member Wyrick needs to recuse herself from this matter/vote as she is a stakeholder, Bulter & Snow letter regarding Executive Session and general fund expenditures misaligned from goals of helping with homelessness issues.
- Megan E, Ward 2, spoke about late meetings limiting public participation, spoke against Resolution, asked for budget/accounting for transparency, public safety and homeless concerns and asked for item to come back at another meeting with additional information.

Mayor McFall closed Public Comment portion of the hearing.

Council Questions and Deliberations:

- Mayor McFall asked for clarification from the City Attorney regarding public comment concerning Council member Wyrick recusing herself from vote and public comment regarding URA fund. The City Attorney responded with clarification.
- Council member Samson thanked the City Attorney for the clarification and gave Council member Wyrick a brief history of other Council members being involved in various Boards without needing to recuse.
- Council member Wyrick spoke about procedures regarding serving on a Board or Commission and being on Council, stated she has no personal gain and has served Loveland by serving on several different Boards.
- Council member Rothberg spoke in favor of the events in Downtown by the DDA and asked about allocation of funds by the DDA. Mr. Hawkins responded with clarification.
- Council member Cortez spoke in favor of the events and revitalization of Downtown by the DDA, asked for specific numbers regarding revenue and for a report of participants living outside of Loveland attending events. Mr. Hawkins responded with clarification.
- Council member Wyrick asked about justification of additional funds for operations and programs. Mr. Hawkins responded with clarification.
- Mayor McFall asked about funding expectations and obligations. Mr. Hawkins responded with clarification.
- Council member Cortez asked about DDA impending expenditures and being financially self-sufficient in future. Mr. Hawkins responded with clarification.

Council member Light-Kovacs reread the MOTION TO ADOPT Resolution #R-82-2025 approving a services contract with the Loveland Downtown Development Authority and the Loveland Historic

Downtown Business Improvement District for implementation of the Downtown Strategic Plan. Council Member Middleton provided the SECOND. Roll Call was taken.

MOTION CARRIED 9-0.

7.6 Resolution Approving the Historic Loveland Business Improvement District's 2026 Operating Plan and 2025 Budget - Or - A Resolution Approving The Historic Loveland Business Improvement District's 2026 Operating Plan and 2025 Budget as Modified and Recommended By City Staff

Finance

Brian Waldes, Chief Financial Officer and Sean Hawkins, Executive Director for DDA , provided the Staff presentation on this item.

Council is being asked to approve one of the two resolutions proposed. The first Resolution would approve the Historic Loveland Business Improvement District (HLBID)'s initial submission to the City, while the second proposed resolution would approve the District's budget with one City Staff recommended change.

- Option 1 - Would impact the City's General fund by contributing $225,000 to the HLBID Budget.
- Option 2 - There would be no impact to the City's General fund.

While this item a routine annual Council approval, it warrants a broader discussion this year due to ongoing partnership negotiations.

Option 1: A Motion to Adopt Resolution #R-83-2025-A approving the Historic Loveland Business Improvement District's 2026 Operating Plan and 2026 Budget as presented by Sean Hawkins, Executive Director on behalf of the District's Board of Directors

Option 2: A Motion to Adopt Resolution #R-83-2025-B approving the Historic Loveland Business Improvement District's 2026 Operating Plan and 2026 Budget as modified and recommended by City Staff

Council member Light-Kovacs made a MOTION TO ADOPT Resolution #R-83-2025-B approving the Historic Loveland Business Improvement District's 2026 Operating Plan and 2026 Budget as modified and recommended by City Staff. Council member Middleton provided the SECOND.

Public Comment:

- Darin B, Ward 2, spoke against Resolution and DDA, Mill Levies and General Improvement District (GID) set at the October 21, 2025 Council meeting, property tax accountabilities, businesses closing due to County taxes delinquency and tax rates prohibit growth.
- Megan E, Ward 2, asked about reimbursement to Brinkman Developers for Foundry Parking Garage and requested additional information on said reimbursement.

Mayor McFall closed Public Comment portion of the hearing.

Council Questions and Deliberations:

- Council member Cortez spoke about public comments and requested additional information for better plans for DDA expenditures in the future.
- Council member Rothberg asked about additional items/line-items being on budget explaining funding to be more transparent to public and asked how public can get involved to provide feedback on priorities. Mr. Hawkins responded with clarification.
- Council member Wyrick spoke in favor of talking more about budget expenditures in the first quarter of 2026 and asked for additional transparency for public on funding/budget. City Manager responded with clarification.
- Council member Light-Kovacs spoke in favor of City Staff and finding solutions for funding issues, stated not in support of using general funds for DDA events and asked if either of the presenters wanted to respond to any public comments.
- Mayor McFall asked for clarification regarding looking at budget/financing in the first quarter of 2026 and spoke about past issues with DDA funding/budgeting. Mr. Waldes responded with clarification.
- Council member Cortez asked for information regarding previous DDA budget/funding decisions for transparency to public. Mr. Waldes responded with clarification.
- Council member Middleton spoke in favor of additional information for transparency for public and not in favor of using general funds for DDA budget.
- Council member Rothberg asked for additional public comment/input to the DDA directly prior to matter coming back before Council. Mr. Hawkins responded with clarification.

Council member Light-Kovacs reread the MOTION TO ADOPT Resolution #R-83-2025-B approving the Historic Loveland Business Improvement District's 2026 Operating Plan and 2026 Budget as modified and recommended by City Staff. Council member Middleton provided the SECOND. Roll Call was taken.

MOTION CARRIED 9-0.

7.7 Consideration of Items Removed from Consent Agenda

8. Reports

8.1 Reports from City Council

This item was not heard due to time constraints.

8.2 City Manager Report

This item was not heard due to time constraints.

8.2 City Attorney Report

This item was not heard due to time constraints.

10. Adjourn

The Mayor adjourned the meeting at 1:16 a.m., Wednesday, December 3, 2025.

Respectfully Submitted,

_____

Patrick McFall, Mayor

_____

Ashley Macdonald, City Clerk

LOVELAND CITY COUNCIL MEETING MINUTES

Tuesday, December 16, 2025, CITY COUNCIL CHAMBERS 6:00 PM

1. Introduction

1.1 Call to Order

Mayor McFall called the meeting to order at 6:00 p.m.

1.2 Pledge of Allegiance

The Mayor invited all who were able to stand and join her in reciting the Pledge of Allegiance.

1.3 Attendance Report Out

The City Clerk noted attendance; there were 8 Council members present.

COUNCIL MEMBERS PRESENT IN-PERSON: Mayor McFall, Council members Light-Kovacs, Frahm, Middleton, Rothberg, Samson and Cortez.

COUNCIL MEMBERS PRESENT ONLINE: None.

COUNCIL MEMBERS ABSENT: Council members Wyrick and Swanty

1.4 Procedural Information

The Mayor provided procedural information for this portion of the meeting.

2. Council Comment

The Mayor provided procedural information for this portion of the meeting.

- Council member Cortez spoke about 75 Hard, a mental transformation program and encouraged participation.
- Council member Samson asked follow-up questions regarding the 75 Hard program and Council member Cortez's participation in the program this year. Council member Samson spoke about Council members attending the Thompson Valley EMS Awards ceremony, spoke in favor of the organization and Council working together in 2026.
- Mayor McFall spoke about attending the Thompson Valley EMS Awards and expressed gratitude to all Council for attending.

Mayor McFall closed Council Comment.

3. Public Comment

The Mayor provided procedural information for this portion of the meeting.

- Mike S, Ward 1, spoke in favor of Council's behavior and working together. Spoke against recent assault incident at a local tanning salon. Spoke against homelessness community and urged Council to consider public safety issues and homelessness.

- Gene S, Loveland, spoke about individuals purchasing buildings, concerns regarding locations, regulations,1-mile limitations and out of town money/individuals regarding marijuana dispensaries. Council member Cortez asked a clarifying question and citizen responded with clarification.
- Doug V, Ward 2, spoke in favor of the LURA Board continuing the forensic audit investigation regarding Centerra, the Ernst and Young Report findings and urged Council to continue with full audit for accountability and transparency. Council member Cortez asked clarifying questions and citizen responded with clarification.
- Cindy V, Ward 2, spoke against the Centerra Master Finance Agreement (MFA), various material breaches of Contract, public funds used to finance developer, defaulting party should pay for full forensic audit, general fund expenditures and developer revenue gains.
- Kari E, Ward 2, spoke against Master Financing and Intergovernmental Agreement (MFA), previous LURA meeting, the Ernst and Young audit report/findings just a small slice of MFA/Contract, urged Council to read Centerra MFA prior to any additional decisions and requested a complete audit. Council member Middleton asked a clarifying question and citizen responded with clarification.
- Dennis D, Ward 2, urged Council for better behavior focusing on welfare and safety for community, asked Council for fiscal responsibility in addressing homeless issue, and urged Council to find solutions in community, religious establishments and other jurisdictions to relieve City/citizens from financial burdens regarding homelessness.
- Robert M, Ward 1, requested Council pull from the Consent Agenda item 5.4, Water and Power. Spoke about concerns with calculations, projects currently under review, projects ready for development, costs added to approval and timelines. Urged Council to pull item to allow for more discussions and timing issues. Mayor McFall and Council member Samson asked clarifying questions and citizen responded with clarification.
- Dean M, Ward 1, spoke in favor of 2026 budget except for critical maintenance and capital needs not being addressed. Urged Council to reallocate any extra general funds to critical maintenance and capital needs not to operational funds.
- Kathy B, Ward 2, spoke about green wreaths with red lights on each fire stations, clear light/bulb indicates house fire, Fire Station 3 having a clear light and concerns for fire safety in community. Spoke in favor of Loveland Fire Department and Emergency Medical teams.
- Patrick Redmond, Larimer County, representative for the Greg Lopez for Governor campaign in 2026. Stated his job is to listen.
- Dimitri C, Loveland, spoke in favor of downtown area, spoke in favor of individuals opening natural alternatives dispensaries in Loveland as they would be assets to Loveland. Council member Middleton asked a clarifying question and citizen responded with clarification.
- Russell B, Black Timber Builders, spoke in favor of water policy and commended the Water Resources Department as good stewards of City water, Loveland having best water policy in area and in favor of scalable fees. Council member Cortez asked clarifying questions and citizen responded with clarification.
- Bob M, Loveland, spoke about Ernst and Young audit being a small portion of all data, spoke against Master Finance Agreement (MFA) and urged Council to continue with full audit to gain community trust.

- Darin B, Ward 2, spoke about budget meeting and urged Council and public to attend, stated Council could reach out directly to him for any additional information.
- Megan E, Ward 2, spoke about marijuana Ordinance, no answers to previous inquiries/questions and urged Council to pull item from Consent Agenda to allow Clerk to address questions. Spoke about Ernst and Young audit, Master Finance Agreement (MFA) violation of terms and urged Council to fully investigate issues raised in initial audit. Spoke against recent assault incident at a local tanning salon and advocated for a shelter and services for homelessness. Council member Light-Kovacs asked a clarifying question and citizen responded with clarification.
- Mark M, Larimer County, spoke in favor of Council's tone, sense of respect, statesmanship, desire to pull together and congratulated new Council, City Manger and City Staff.

Mayor McFall closed Public Comment.

4. Reports from City Council

There were no reports from Council

5. Consent Agenda

Council member Samson asked the City Manager to address concerns regarding Consent Agenda 5.4 – Water and Power, rather than pulling item. The City Manager answered questions and concerns regarding City water and stated item should be pulled from the Consent Agenda for additional deeper discussions.

The City Manager stated that he could answer questions and concerns regarding Consent Agenda 5.3 – City Clerk's Office, rather than pulling item. Council member Light-Kovacs asked questions regarding the fee structure and prioritizing local small business owners in the licensing process. The City Clerk and the City Attorney responded with clarification. Council member Rothberg asked questions regarding the 1-mile radius provision. The City Clerk and the City Manager responded with clarification.

Mayor McFall asked if any member of Council would like to pull any item from the Consent Agenda. Council member Middleton stated she would like to pull Consent Agenda 5.4 – Water and Power.

Council member Light-Kovacs made a MOTION to ADOPT the Consent Agenda, Items 5.1 to 5.8, with the exception of 5.4. Council member Samson provided the SECOND.

MOTION CARRIED 7-0

5.1 Member Appointments to City Boards and Commissions City Clerk's Office

The purpose of this normal and customary City Council action item is to formally fill vacancies on City Boards or Commissions as a result of Fall 2025 Recruitment.

Council member Light-Kovacs made a MOTION TO APPOINT Melissa Town to the Police Citizen Advisory Board with a term dated January 1, 2026 to December 31, 2028. Council member Samson provided the SECOND.

MOTION CARRIED 7-0

Council member Light-Kovacs made a MOTION TO APPOINT Dennis Dinsmore to the Police Citizen Advisory Board with a term dated January 1, 2026 to December 31, 2028. Council member Samson provided the SECOND.

MOTION CARRIED 7-0

Council member Light-Kovacs made a MOTION TO APPOINT Lowell Marner to the Police Citizen Advisory Board with a term dated January 1, 2026 to December 31, 2028. Council member Samson provided the SECOND.

MOTION CARRIED 7-0

Council member Light-Kovacs made a MOTION TO APPOINT Scott Ballinger as an alternate to the Police Citizen Advisory Board with a term dated January 1, 2026 to December 31, 2028. Council member Samson provided the SECOND.

MOTION CARRIED 7-0

*Council member Light-Kovacs made a MOTION TO APPOINT Mark Schulte as an alternate to the Police Citizen Advisory Board with a term dated January 1, 2026 to December 31, 2028. Council member Samson provided the SECON*D.

MOTION CARRIED 7-0

Council member Light-Kovacs made a MOTION TO APPOINT Charles Fielder to the Historic Preservation Commission with a term dated January 1, 2026 to December 31, 2028. Council member Samson provided the SECOND.

MOTION CARRIED 7-0

5.2 Ordinance Enacting a Supplemental Budget and Appropriation to the 2025 City of Loveland Budget for the 2025 Citywide Year-End Budget Wrap-Up Package
Finance

Annually, City staff brings forward any administrative adjustments identified throughout the year that need City Council action in order to be properly addressed. In addition to the administrative changes, any outside revenue such as grants or operating revenue that was unanticipated at time of Budget adoption are included with their corresponding appropriation. Lastly, projects and contractual services identified in the last two quarters (post mid-year appropriations) are also included.

This was approved 9-0 on first reading at the December 2, 2025 City Council Meeting.

Council member Light-Kovacs made a MOTION TO APPROVE on Second Reading, Ordinance No. 6803 enacting a supplemental budget and appropriation to the 2025 City of Loveland Budget for the 2025 annual year-end budget wrap-up package. Council member Samson provided the SECOND.

MOTION CARRIED 7-0

5.3 Ordinance Amending the Loveland Municipal Code by Repealing Chapters 7.60 and 7.65, Amending the Unified Development Code, Repealing and Relocating Chapter 5.45 into Title 8, and Amending Title 8 Concerning the Licensing of Marijuana, Alcohol Beverages, and Tobacco Products
City Clerk's Office

The purpose of the proposed Ordinance is to adopt and establish streamlined and consolidated licensing regulations for tobacco, alcohol, and marijuana related businesses in Loveland.

Establish new licensing regulations for marijuana and modernize regulations for tobacco and alcohol. The proposed regulations are intended to promote responsible business practices, protect public health, safety, and wellness that align with State law and best practices observed from other municipalities. The City Clerk's Office and City staff aim to consolidate all of the liquor, tobacco, and marijuana regulations within the appropriate chapter of the Loveland Municipal Code. Staff has prepared a presentation that provides further details of these changes. Changes to the Loveland Municipal Code have also been included.

Council member Light-Kovacs made a MOTION TO APPROVE, on Second Reading, Ordinance No. 6804 repealing Chapters 7.60 and 7.65, amending the Unified Development Code, repealing and relocating Chapter 5.45 into Title 8 and amending Title 8 concerning the licensing of marijuana, alcohol beverages and tobacco products. Council member Samson provided the SECOND.

MOTION CARRIED 7-0

5.4 Ordinance Amending Section 19.04.020 of the Loveland Municipal Code to Change the Amount of Water Rights Dedicated for Certain Residential Development and Clarify Dedication Timing and a Resolution Amending the City of Loveland's Schedule of Rates, Charges, and Fees to Update the Method of Calculating Water, Raw Water, and Wastewater Impact fees.
Water & Power

This Item was pulled from the Consent Agenda by Council member Middleton.

5.5 Resolution Adopting the Schedule of the 2026 Meeting Dates for the Loveland City Council and the City's Boards and Commissions.
City Clerk's Office

This resolution is adopted at the end of each year for the upcoming year. Section 2.14.020B of the Loveland Municipal Code requires the City Council to establish meeting dates for all City Boards and Commissions and other policymaking and rulemaking bodies of the City.

The attached resolution has an Exhibit A which lists the meeting dates, times, and places for the City Council and all City Boards and Commissions for 2026. The City Manager is authorized, in Section 2 of the resolution, to schedule City Council study sessions, as needed, on the second, fourth, and fifth Tuesdays of the month, and to cancel them if not needed.

Council member Light-Kovacs made a MOTION TO ADOPT Resolution #R-85-2025 adopting the schedule of the 2026 meeting dates for the Loveland City Council and the City's Boards and Commissions. Council member Samson provided the SECOND.

MOTION CARRIED 7-0

5.6 Resolution Approving an Intergovernmental Agreement with Larimer County Concerning the Chimney Hollow Open Space Public Access Assets Project. Parks and Recreation

The proposed Resolution would allow the City to enter into an intergovernmental agreement (IGA) to provide partnership asset funding assistance funding to Larimer County in the sum of $200,000 from the Open Lands fund (No General Fund GF) to assist the County in the development of public access assets on Chimney Hollow Open Space (Attachment 1 Vicinity and Trail Concepts Map), over which the City has a conservation easement. The City aims to support the County's ability to leverage this partner funding to secure additional grants for this project estimated to cost the County $6 million dollars. City partnership funding is not predicated on grants being secured. This type of funding is a common practice between open lands agencies to maximize conservation in northern Colorado. For example, over the last 5 years Larimer County has provided the City of Loveland with more than $1.1 million in partner funding for the purchase of the Prairie Ridge Addition, East Big Thompson Natural Area, and Dakota Ridge Natural Area.

The Open Lands and Trails Advisory Commission voted 6-0 to recommend that staff proceed with this partnership project at their August 14, 2024 meeting.

No General Fund (GF) monies will be accessed for this partnership project. The partnership funds of $200,000 are fully appropriated in the Open Lands & Trails 2025 Budget.

Council member Light-Kovacs made a MOTION TO ADOPT Resolution #R-86-2025 approving an intergovernmental agreement with Larimer County concerning the Chimney Hollow Open Space Public Access Assets Project. Council member Samson provided the SECOND.

MOTION CARRIED 7-0

5.7 Resolution Approving an Intergovernmental Agreement Between the City of Loveland and Larimer County for Maintenance and Security of Designated Open Lands Parks and Recreation

The purpose of this proposed Resolution is to replace the current IGA (2024 IGA) for enforcement services at Viestenz-Smith Mountain Park, Round Mountain Trailhead, Horseshoe Bend and Prairie Ridge Natural area in order to execute a new IGA (2026 IGA) which expands on the current scope to

provide cost-effective security and maintenance services to additional Open Lands properties. These additional properties referred to in the 2026 IGA as the City of Loveland Foothills properties which include Morey Wildlife Reserve, Firefly Meadow Natural Area, Wild Natural Area, Skyline Natural Area, and Dakota Ridge Natural Area. This new IGA will also provide for continued service at Viestenz-Smith Mountain Park, Round Mountain Trailhead, Horseshoe Bend and Prairie Ridge Natural Area provided by Larimer County Department of Natural Resources rangers, and maintenance staff. The properties to be serviced by the 2026 IGA are generally outside City limits and would be cost-prohibitive for the City to manage directly. Larimer County Department of Natural Resources routinely provides security and maintenance services to its own, similarly situated foothill and canyon properties, and has agreed to provide the same service to Loveland properties at a cost-effective rate. Entering the 2026 IGA will permit the continued service of current properties by Larimer County and an expansion onto properties either newly opened to the public or that will be opened to the public in 2026; the 2026 IGA will replace the existing 2024 IGA (Attachment 3 - Agreement to Terminate IGA). There will be no General Fund (GF) impacts. Full funding for the operational IGA is in the Open Lands Fund and currently appropriated in the 2026 Budget.

Council member Light-Kovacs made a MOTION TO ADOPT Resolution #R-87-2025 approving an Intergovernmental Agreement between the City of Loveland and Larimer County for Maintenance and Security of Designated Open Lands. Council member Samson provided the SECOND.

MOTION CARRIED 7-0

5.8 October Revenue Review
Finance

The Monthly Revenue Review is our monthly reporting mechanism for City staff to keep Council and the community informed about current revenue performance. These reports offer insights into current trends and comparisons against the adopted budget. To provide a more comprehensive financial perspective, the Monthly Revenue Reviews are supplemented by Quarterly Financial Reports, which present a detailed analysis of year-to-date results and highlight any significant changes in revenue and expenditure forecasts. Starting in 2025, both the Monthly and Quarterly Reports have been updated to feature a cleaner, more accessible format, enhancing clarity and ease of understanding for the public. Through these reports, the City is committed to ensuring transparency and keeping the Council and community well-informed about the City's financial health, emerging trends, and overall performance, supporting informed decision-making and strengthening public trust.

INFORMATIONAL ONLY

6. City Clerk Reads Titles of Ordinances on the Consent Agenda
According to the City’s Charter, titles of Ordinance that are part of the Consent Agenda must be read into the record. The following were read into the record by Ashley Macdonald, City Clerk:

- Item 5.2 – Second Reading, Ordinance No. 6803 enacting a Supplemental Budget and Appropriation to the 2025 City of Loveland Budget for the 2025 Citywide Year-End Budget Wrap-Up Package.

- Item 5.3 – Second Reading, Ordinance No. 6804 repealing Chapters 7.60 and 7.65, amending the Unified Development Code, repealing and relocating Chapter 5.45 into Title 8 and amending Title 8 concerning the licensing of marijuana, alcohol beverages and tobacco product.

- Item 5.4 – Second Reading, Ordinance No. 6789 amending section 19.04.020 of the Loveland Municipal Code to change the amount of water rights dedicated for certain residential development and clarify dedication timing.

7. Motion to Adopt the Consent Agenda

Council Member Light-Kovacs restated the MOTION to ADOPT the Consent Agenda, Items 5.1 to 5.8, with the exception of Item 5.4. Council member Samson provided the SECOND. Roll Call was taken.

MOTION CARRIED 7-0

8. Regular Agenda

The Mayor provided procedural information for this portion of the meeting.

8.1 Ordinance Amending Portions of Title 18 of the Loveland Municipal Code Also Known as the Unified Development Code to Enact Electric Vehicle Charging Station Standards and Review Processes, Exempt Parking Requirements Near Certain Transit Areas, and Lessen Restrictions on Accessory Dwelling Units Development Services Development Services

Kerri Burchett, City Planner, provided the Staff presentation on this item.

The purpose of this proposed Ordinance is for the City to elect to bring the City's Unified Development Code (UDC) into compliance with three House Bills enacted by the State in 2024. The new laws pertain to parking near transit, electric vehicle (EV) charging accessibility, and accessory dwelling units (ADUs). Provisions in two of the House Bills, governing ADUs and parking near transit, are currently in effect. The third House Bill relating to EV accessibility states that municipalities must align codes with the State mandates by December 31, 2025.

Planning Commission unanimously recommended approval of the amendment (5-0) on October 27, 2025. The amendment was presented to the Construction Advisory Board (CAB) as an informational item, where members expressed support for the proposed changes. Public Works staff also discussed the amendment with the Transportation Advisory Board and a letter of support is included.

Council member Light-Kovacs made a MOTION TO APPROVE, on First Reading, Ordinance No. 6805 amending portions of Title 18 of the Loveland Municipal Code also known as the Unified Development Code to enact electric vehicle charging station standards and review processes, exempt parking requirements near certain transit areas, and lessen restrictions on accessory dwelling units. Council member Samson provided the SECOND.

Public Comment:

Mayor McFall read procedures for the public hearing portion of the Ordinance and opened the chambers to receive public comment on this agenda item

- Cindy V, Ward 2, spoke in favor of City Staff work on presentation, asked about parking requirements for ADUs behind residences, rear setbacks and proximity to property lines. Spoke in favor of getting grants and more affordable housing.

Mayor McFall closed Public Comment portion of the hearing.

Council Questions and Deliberations:

- Mayor McFall asked Ms. Burchett to response to the Public Comments. Ms. Burchett responded with clarifications.
- Council member Middleton asked about water and wastewater capacities. Ms. Burchett responded with clarification.
- Council member Samson spoke in favor of getting grants, affordability and multi-generational living. Asked about grant qualifications and conditions for ADUs. Ms. Burchett responded with clarification.

Council member Light-Kovacs reread the MOTION TO APPROVE, on First Reading, Ordinance No. 6805 amending portions of Title 18 of the Loveland Municipal Code also known as the Unified Development Code to enact electric vehicle charging station standards and review processes, exempt parking requirements near certain transit areas, and lessen restrictions on accessory dwelling units. Council member Samson provided the SECOND. Roll Call was taken.

MOTION CARRIED 7-0

8.2 Introduction to the Loveland Municipal Court
Municipal Court

Judge Jennifer Edgley, provided the Staff presentation on this item.

The purpose of this item is for the Municipal Judge to present an update to City Council on trends in the Court regarding both the type and volume of cases filed in Municipal Court, as well as inform City Council of any major changes in Court procedures, legislation, or other items that may affect Municipal Court.

Council Questions and Deliberations:

- Council member Middleton asked about trends that Council should be aware of for budgetary and code considerations. Judge Edgley responded with clarification. Council member Middleton spoke in favor of presentation and information provided.
- Council member Cortez spoke in favor of presentation and asked about the Municipal Court budget and revenue. Judge Edgley and the City Manager responded with clarification. Council member Cortez asked for additional historical information from previous years regarding sentencing and violations. Judge Edgley responded with clarification.

- Council member Frahm asked for clarification on the presentation graphs regarding trends. Judge Edgley responded with clarification.

INFORMATIONAL ONLY

Council recessed at: 7:51 p.m.

Council reconvened at: 8:02 p.m.

8.3 Consideration of Items Removed from Consent Agenda

5.4 Ordinance Amending Section 19.04.020 of the Loveland Municipal Code to Change the Amount of Water Rights Dedicated for Certain Residential Development and Clarify Dedication Timing and a Resolution Amending the City of Loveland's Schedule of Rates, Charges, and Fees to Update the Method of Calculating Water, Raw Water, and Wastewater Impact fees.
Water & Power

Sharon Isreal, Utilities Director, Jim Lees, Utility Accounting Manager, Aaron Rodriquez, Utility Financial Rate Analyst, and Melanie Hobert (FCS Group – Manager for Water and Wastewater Rate Study)provided the Staff presentation on this item.

The purpose of this proposed Ordinance and companion Resolution is to allow for the establishment of scalable calculations of Water, Raw Water and Wastewater Impact Fees and scalable calculations of water rights requirements for Single-family Residential units. The scalable assessments would replace currents assessments that are charged on a per-unit basis. Both the Loveland Utilities Commission (April 16, 2025) and the Construction Advisory Board (June 25, 2025) voted unanimously to recommend that City Council approve transitioning to a scalable methodology.

This item was approved 8-0 on first reading at the September 16, 2025 City Council Meeting

Council member Light-Kovacs made a MOTION TO APPOVE on Second Reading, Ordinance No. 6789 amending section 19.04.020 of the Loveland Municipal Code to change the amount of water rights dedicated for certain residential development and clarify dedication timing. Council member Samson provided the SECOND.

Council member Light-Kovacs made a MOTION TO APPROVE on Second Reading, Resolution #R-69-2025 amending the City of Loveland's schedule of rates, charges, and fees to update the method of calculating water, raw water, and wastewater impact fees. Council member Samson provided the SECOND.

Public Comment:

Mayor McFall read procedures for the public hearing portion of the Ordinance and opened the chambers to receive public comment on this agenda item

- Kathy B, Ward 2, spoke in favor of variance between small and large residences and users being billed for consumption. Urged Council for incentives to help residences conserve water.
- Jamie S, Aspen Homes of Colorado, spoke in favor of presentation and scaled plan, spoke in favor of plan and making permitting costs more equitable. Mayor McFall asked clarifying questions. The citizen responded with clarification.

Mayor McFall closed Public Comment portion of the hearing.

Council Questions and Deliberations:

- Mayor McFall asked for panel to address comments made during Public Comments. The City Manager and Ms. Isreal responded with clarification.
- Council member Frahm asked about the impact scalable fees chart pertaining to square footage, dedicated allocation amounts and invoicing. Mr. Rodriguez responded with clarification.
- Council member Rothberg spoke in favor of City Staff work on presentation, more affordable housing and billing per consumption.
- Council member Cortez asked about fees for smaller homes being reflected in home selling price, how fees are calculated, effects on multi-family and duplex dwellings and effects on additions and remodels. Mr. Rodriguez responded with clarification.
- Council member Middleton asked if impact fee changes were for new developments only. Mr. Rodriguez responded with clarification. Council member Middleton asked about fees for additions or dwelling modifications, unfinished basements and permitting fees after effective dates. Mr. Rodriguez responded with clarification.
- Council member Samson spoke about market prices in relation to fees.
- Council member Middleton asked if the recalculation of fees annually is done administratively or by Council approval. Mr. Rodriguez responded with clarification.
- Council member Cortez spoke about homes selling for market values.
- Mayor McFall spoke about developer costs for building smaller homes versus building larger homes and builder incentives for more affordable homes. Mr. Rodriguez responded with clarification.

Council member Light-Kovacs reread the MOTION TO APPOVE on Second Reading, Ordinance No. 6789 amending section 19.04.020 of the Loveland Municipal Code to change the amount of water rights dedicated for certain residential development and clarify dedication timing. Council member Samson provided the SECOND. Roll call was Taken.

MOTION CARRIED 7-0

Council member Light-Kovacs reread the MOTION TO APPROVE on Second Reading, Resolution #R-69-2025 amending the City of Loveland's schedule of rates, charges, and fees to update the method of calculating water, raw water, and wastewater impact fees. Council member Samson provided the SECOND. Roll call was Taken.

MOTION CARRIED 7-0

9. Reports

9.1 City Manager Report

The City Manager spoke about the high wind alerts and urged everyone to prepare accordingly. Mayor McFall asked about possible rolling-black outs. The City Manager responded with clarification.

9.2 City Attorney Report

The City Attorney stated he had no report.

Mayor McFall took a moment of personal privilege to talk about Council members setting better standards than expected from others and having respect for the time that Council members are at the dais. Stated that respect for time is important for both the citizens and City Staff that are attending the meetings. Stated that getting back on time after breaks is important as 5 Council member are required as a quorum to reconvene the meeting.

10. Adjourn

The Mayor adjourned the meeting at 8:43 p.m.

Respectfully Submitted,

_____
Patrick McFall, Mayor

_____
Ashley Macdonald, City Clerk

MEETING DATE:	January 6, 2026
TO:	City Council
DEPARTMENT:	City Clerk's Office
DIRECTOR:	Ashley Macdonald
PRESENTER:	Ashley Macdonald, City Clerk
STRATEGIC PLAN FOCUS AREA:	Outreach, Colaboration & Engagement

AGENDA ITEM:
MEMBER APPOINTMENTS TO CITY BOARDS AND COMMISSIONS

RECOMMENDED CITY COUNCIL ACTION:
A motion to appoint Ross Sutherland to the Affordable Housing Commission with a term dated January 6, 2026 to December 31, 2028

A motion to appoint Dean Millard to the Citizens' Finance Advisory Commission with a term dated January 6, 2026 to December 31, 2028

A motion to appoint Vi Wickam to the Citizens' Finance Advisory Commission with a term dated January 6, 2026 to December 31, 2028

A motion to appoint Connie Luke to the Citizens' Finance Advisory Commission with a term dated January 6, 2026 to December 31, 2028

A motion to appoint Elliott Lolley to the Citizens' Finance Advisory Commission with an alternate term dated January 6, 2026 to December 31, 2028

A motion to appoint John Sampish to the Golf Advisory Board with a term dated January 6, 2026 to December 31, 2028

A motion to appoint Ryan Lundquist to the Golf Advisory Board with a term dated January 6, 2026 to December 31, 2028

A motion to appoint David Spangler to the Gold Advisory Board with a term dated January 6, 2026 to December 31, 2028

A motion to appoint Ian Hageman to the Golf Advisory Board with an alternate term dated January 6, 2026 to December 31, 2028

A motion to appoint Bethany Boddie to the Library Board with a term dated January 6, 2026 to December 31, 2028

A motion to appoint Noel Metcalf to the Library Board with a term dated January 6, 2026 to December 31, 2028

A motion to appoint Abigail Kaup to the Library Board with a term dated January 6, 2026 to December 31, 2028

A motion to appoint Natalie Walsh to the Loveland Utilities Commission with a term dated January 6, 2026 to December 31, 2028

A motion to appoint Marcus Wilson to the Loveland Utilities Commission with an alternate term dated January 6, 2026 to December 31, 2028

A motion to appoint Joseph O'Neil to the Loveland Utilities Commission with an alternate term dated January 6, 2026 to December 31, 2028

A motion to appoint Amy Walpole to the Open Lands and Trails Advisory Commission with a term dated January 6, 2026 to December 31, 2029

A motion to appoint Jim Roode to the Open Lands and Trails Advisory Commission with a term dated January 6, 2026 to December 31, 2029

A motion to appoint Scott James to the Open Lands and Trails Advisory Commission with a term dated January 6, 2026 to December 31, 2029

A motion to appoint Rebecca Hannon to the Open Lands and Trails Advisory Commission with a term dated January 6, 2026 to December 31, 2029

A motion to appoint Kaycee Maas to the Open Lands and Trails Advisory Commission with an alternate term dated January 6, 2026 to December 31, 2029

A motion to appoint Jim Haynes to the Parks and Recreation Commission with a term dated January 6, 2026 to December 31, 2028

A motion to appoint John Hannon to the Parks and Recreation Commission with a term dated January 6, 2026 to December 31, 2028

A motion to appoint Meredith Livingston to the Parks and Recreation Commission with a term dated January 6, 2026 to December 31, 2028

A motion to appoint Ellen Javernick to the Parks and Recreation Commission with a term dated January 6, 2026 to December 31, 2028

A motion to appoint Sarah Warnock to the Planning Commission with a term dated January 6, 2026 to December 31, 2028

A motion to appoint David Powell to the Planning Commission with a term dated January 6, 2026 to December 31, 2028

A motion to appoint Tammy Fisher to the Planning Commission with a term dated January 6, 2026 to December 31, 2028

A motion to appoint Dalia Zygas to the Transportation Advisory Board with an alternate term dated January 6, 2026 to December 31, 2028

OPTIONS:

COUNCIL ACTION OPTIONS	CONSEQUENCE
Approve the Motion	The vacancies and memberships on the boards will be filled.
Deny the motion or take no action	The vacancies and memberships will not be filled.
Adopt a Modified Action	Specify in the motion.
Refer back to Staff	Specify in the motion.

SUMMARY:

Purpose: The purpose of this City Council action item is to formally fill vacancies on City Boards or Commissions as a result of 2025 Fall Recruitment.

Objective: To fill the memberships.

Impact: The vacancy on the Board or Commission will be filled.

Council Follow-up: N/A

BUDGET IMPACT:

Budgetary Impact?	Funds Impacted: N/A
	Source(s) of Funding: N/A
Grant Funding?	Grantor(s) (State or Fed): N/A
	City Matching Requirement: N/A
	On-going or One-Time: N/A
	If On-going, when does the grant sunset? N/A
Additional Comments:	N/A

STRATEGIC PLAN FOCUS AREA

Focus	Outreach, Colaboration & Engagement

Strategy (if applicable)	Actively Seek Citizen Engagement
Priority (if applicable)	Boards and Commissions
Notes	None.

COUNCIL OR BOARD/COMMISSION REVIEW:
Type of Meeting: N/A

Resulting Vote: N/A

Discussion: N/A

BACKGROUND:
History:
Affordable Housing Commission
The purpose of the Affordable Housing Commission is to serve as an advisory body to City Council and staff on all matters pertaining to affordable housing in Loveland. In addition to any other duties as may be delegated to it by City Council, the Commission shall: (1) study the dimension and scope of the need for affordable housing and make recommendations to City Council regarding specific market targets; (2) review existing affordable housing incentives and policies and make recommendations to City Council regarding policy changes; (3) develop specific incentives and regulatory-based strategies to increase, preserve, and rehabilitate affordable housing in Loveland; and (4) review all "bricks and mortar" grant applications made to the City for Community Development Block Grant funds related to housing, hear presentations from applicant agencies, and make a recommendation to City Council regarding such grant funding applications.

Citizens' Finance Advisory Commission
The purpose of the Citizens' Finance Advisory Commission shall be to review the City's budget in detail and to report to City Council on its findings, to evaluate and recommend auditors for use by the City, to review city financial reports, and to review the City's financial policies and recommend changes to City Council.

Golf Advisory Board
The Golf Advisory Board advises and assists the Department of Parks and Recreation and City Council on matters pertaining to golf, the City's golf courses and the golfing public.

Library Board
The Library Board advises the City Manager and City Council on all matters pertaining to the management of a municipal library. This includes providing a qualified Library Director, budgeting and financing adequately to staff the library, provide appropriate books and other library materials, (including the availability of modern technology needed for operations), reporting periodically to the Council and management, and providing for citizen input and involvement in determining library policies, hours of operation, fees, rules of conduct and such other services needed and desired for operation of a modern information system for the people of Loveland.

Loveland Utilities Commission
The purpose of the Loveland Utilities Commission shall be to serve as an advisory body to City Council on all matters pertaining to the water, wastewater, and electric utility operations and services provided by the City.

Open Lands and Trails Advisory Commission
The purpose of the Open Lands and Trails Advisory Commission shall be to make recommendations to the City Council regarding the attributable revenue share to the City use of Loveland's share of the Larimer County Open Space Sales and Use Tax, and regarding the use of any funds designated by the City for open lands and trail purposes. Further, the commission shall make recommendations concerning the acquisition, disposal, jurisdictional transfers, planning, preservation, development, use, and management of open space, natural areas, trails, wildlife habitat, and other associated open lands and trail issues.

Parks and Recreation Commission
The Parks and Recreation Commission advises City Council and City staff with regard to the maintenance, administration, expansion and development of the City's parks and the City's parks and recreation programs.

Planning Commission
The Planning Commission reviews maps, plats, zoning ordinances, subdivision ordinances, planning matters and makes recommendations to City Council. The Planning Commission also serves as the ex officio Zoning Board of Adjustment for the City which decides appeals and reviews orders regarding the administration or enforcement of Title 18 – Zoning. The Planning Commission is involved in revising and updating the Master Plan, the Sign Code, Development Standards, Landscaping Standards, and other development matters.

Transportation Advisory Board
The Transportation Advisory Board advises City Council on matters pertaining to all modes of transportation. The Board reviews and recommends updates to the Transportation Master Plan, considers local and regional transportation matters, reviews and recommend changes to policies related to transportation, and examines the budget and capital improvements plan related to Engineering, Streets and Transit. The board also reviews and recommends changes to transportation and transit fee, rates and charges. The board may address other issues as assigned by City Council.

Outreach and Notification Efforts:
There has been active outreach and notice of vacancies. Notices were run in the Reporter Herald, on various social media platforms, the City broadcast channel, as well as notices to all boards and commissions members through their staff liaisons during meetings.

Conditions met/or anticipated:
On December 5, 2025, the AHC Staff Liaison, Alison Hade and Council Liaison, Jen Swanty recommended the appointment of Ross Sutherland to a member term.

On December 10th and 17th, 2025, the CFAC Co-Chair, Pat Santos, Staff Liaison, Biran Waldes and Council Liaison, Laura Light-Kovacs, interviewed the candidates for the Citizens' Finance Advisory Commission and are recommending the appointment of Dean Millard, Vi

Wickam and Connie Luke to member terms and Elliott Lolley to an alternate term.

On December 15, 2025, the Vice Chair, Sherri Kuhlmann, Staff Liaison, Mark Esoda and Council Liaison, Andrea Samson interviewed the candidates for the Golf Advisory Board and are recommending the appointment of John Sampish, Ryan Lundquist and David Spangler to member terms and Ian Hageman to an alternate term.

On December 17, 2025, the Staff Liaison, Amy Phillips, Board Member, Gabriel Salazar and Council Liaison, Laura Light-Kovacs interviewed candidates for the Library Boad and are recommending the appointment of Bethany Boddie, Noel Metcalf and Abigail Kaup to member terms.

On December 19, 2025, the Staff Liaison, Sharon Israel, LUC Chair, Dan Herlihey and Council Liaison, Kalina Middleton interviewed candidates for the Loveland Utilities Commission and are recommending the appointment of Natalie Walsh to a member term and Marcus Wilson and Joseph O'Neil to alternate terms.

On December 16, 2025, Staff Liaison, Marilyn Hilgenberg, OLTAC Chair, Michael Hinterberg, Associate Land Agent, Cole Kramer and Council Liaison, Goeff Frahm interviewed candidates for the Open Lands and Trails Advisory Commission and are recommending the appointment of Amy Walpole, Jim Roode, Scott James and Rebecca Hannon to member terms and Kaycee Maas to an alternate term.

On December 17th and 18th, 2025, Staff Liaison, Kara Kish, PARC Chair Brian Dowling and Council Liaison, Kalina Middleton interviewed candidates for the Parks and Recreation Commission and are recommending the appointment Jim Haynes, John Hannon, Meredith Livingston to member terms and Ellen Javernick to an alternate term.

On December 8, 2025, Staff Liaison, Troy Bliss, PC Chair, Curtis Miller, City Attorney, Vince Junglas and Council Liaison, Goeff Frahm interviewed candidates for the Planning Commission and are recommending the appointment of Sarah Warnock, David Powell and Tammy Fisher to member terms.

On December 17, 2025, Staff Liaison, Nicole Hahn, TAB Chair, Shain Vick and Council Liaison, Mayor Patrick McFall interviewed candidates for the Transportation Advisory Board and are recommending the appointment of Dalia Zygas to an alternate term.

Start and End Dates (of studies, design, construction, or in service/operational): N/A

ANALYSIS TABLE:

Yes: ☐ **No:** ☒

LIST OF ATTACHMENTS:
None.

MEETING DATE:	January 6, 2026
TO:	City Council
DEPARTMENT:	Development Services
DIRECTOR:	Robert Paulsen
PRESENTER:	Kerri Burchett, Principal City Planner
STRATEGIC PLAN FOCUS AREA:	Economic Vitality Livability

AGENDA ITEM:
ORDINANCE AMENDING PORTIONS OF TITLE 18 OF THE LOVELAND MUNICIPAL CODE ALSO KNOWN AS THE UNIFIED DEVELOPMENT CODE TO ENACT FOR ELECTRIC VEHICLE CHARGING STATION STANDARDS AND REVIEW PROCESSES, EXEMPT PARKING REQUIREMENTS NEAR CERTAIN TRANSIT AREAS, AND LESSEN RESTRICTIONS ON ACCESSORY DWELLING UNITS

RECOMMENDED CITY COUNCIL ACTION:
A motion to approve, on second reading, Ordinance No. 6805 amending portions of Title 18 of the Loveland Municipal Code also known as the Unified Development Code to enact electric vehicle charging station standards and review processes, exempt parking requirements near certain transit areas, and lessen restrictions on accessory dwelling units

OPTIONS:

COUNCIL ACTION OPTIONS	CONSEQUENCE
Approve the Motion	This action will approve amendments to Title 18 Unified Development Code (UDC) to align the City's regulations with House Bill 24-1152, House Bill 24-1173, and House Bill 24-1304.
Deny the motion or take no action	No amendments to the UDC will be made and the City's regulations will be inconsistent with adopted State legislation.
Adopt a Modified Action	Specify in a motion.
Refer back to Staff	Amendments to the UDC will be delayed. House Bill 24-1173 states that municipalities have until December 31, 2025, to amend their regulations to coincide with adopted State legislation for Electric Vehicle Charging Accessibility.

SUMMARY:

Purpose: The purpose of this proposed Ordinance is for the City to elect to bring the City's Unified Development Code (UDC) into compliance with three House Bills enacted by the State in 2024. The new laws pertain to parking near transit, electric vehicle (EV) charging accessibility, and accessory dwelling units (ADUs). Provisions in two of the House Bills, governing ADUs and

parking near transit, are currently in effect. The third House Bill relating to EV accessibility states that municipalities must align codes with the State mandates by December 31, 2025. The Planning Commission unanimously recommended approval of the amendment (5-0) on October 27, 2025. The amendment was presented to the Construction Advisory Board (CAB) as an informational item, where members expressed support for the proposed changes. Public Works staff also discussed the amendment with the Transportation Advisory Board and a letter of support is included as Attachment 10. The City Council unanimously adopted the Ordinance on first reading during their December 16, 2025 meeting with a vote of 7-0.

Objective: The objective of the amendment is to align the UDC with recently adopted State legislation and further reduce barriers for ADU development.

Impact: The House Bills seek to expand housing opportunities by eliminating parking requirements which could consume developable land and add to housing costs. It also promotes sustainability by encouraging the development of a network of EV charging systems.

Council Follow-up: None

BUDGET IMPACT:

Budgetary Impact?	Funds Impacted: None
	Source(s) of Funding: NA
Grant Funding?	Grantor(s) (State or Fed): NA
	City Matching Requirement: NA
	On-going or One-Time: NA
	If On-going, when does the grant sunset? NA
Additional Comments:	None

STRATEGIC PLAN FOCUS AREA

Focus	Economic Vitality Livability
Strategy (if applicable)	Continually Improve Our Processes Strive to Ensure Opportunity is Available to All
Priority (if applicable)	Development Review & Building Permit Processes Affordable and Attainable Housing
Notes	

COUNCIL OR BOARD/COMMISSION REVIEW:

Type of Meeting:
1. Planning Commission (PC) Study Session - September 22, 2025
2. Construction Advisory Board (CAB) - October 22, 2025
3. Planning Commission (PC) Public Hearing - October 27, 2025
4. City Council Public Hearing - December 16, 2025

Resulting Vote:
1. No vote taken
2. No vote taken
3. PC voted unanimously 5-0 in favor of recommending approval of the amendments
4. CC voted unanimously 7-0 to approve the amendments

Discussion:
1. Planning Commission (PC) Study Session
The transit parking and EV charging accessibility amendments were reviewed by the Planning Commission during a study session. The discussion centered on areas of local discretion and staff presented options available in the EV Charging Model Land Use Code (EV-MLUC). Feedback from the Commission was used to draft the UDC revisions.

Key input included:
A. Regulating only primary use EV Charging Projects as a zoning land use category and allowing accessory use EV Charging Projects to be reviewed through the building permit process.
B. Prohibiting primary use EV Charging Projects in low-density residential zones and in pedestrian areas within Downtown.
C. Applying nuisance restrictions on large advertising screens and bright lighting on charging station near residential zones and uses.

2. Construction Advisory Board (CAB)
The code amendments were presented to CAB as an informational item. The discussion focused on parking near transit and ADU parking requirements. CAB expressed support for eliminating off-street parking requirements for ADUs, citing their experience with homeowners and the typical availability of on-street parking, driveways, and garages to accommodate a space for the ADU. Members noted that it is uncommon for properties to lack parking options and emphasized that homeowners pursuing ADUs are mindful of parking needs.

3. Planning Commission (PC) Public Hearing
The Planning Commission unanimously supported the proposed code amendments with a 5-0 vote. No members of the public participated in the hearing. While the Commissioners expressed support for the purpose of the UDC amendments and the related State legislation, they also discussed the broader implications of State mandates on home rule cities. Specifically, one Commissioner stated that the State's mandates infringed upon Loveland's rights as a home rule jurisdiction, a concern which several Commissioners shared. The Planning Commission Staff Report is provided in Attachment 1, and the minutes from the public hearing are included as Attachment 2.

4. City Council (CC) Public Hearing

The City Council unanimously approved the ordinance on first reading. There was one member of the public that participated and asked questions regarding parking and setbacks for ADUs.

BACKGROUND:

History:
The following is a summary of the House Bills:

1. HB 24-1304 Parking Near Transit: Prohibits enforcement of minimum parking requirements for multifamily housing developments within 1/4 mile of designated transit service areas. Loveland has 3 transit routes that fall within the State's definition. Parking provided in these areas would be voluntary.

2. HB 24-1173: EV Charging Accessibility: Standardizes the permitting process for EV charging systems. The Colorado Energy Office developed a model EV land use code and the bill states that jurisdictions must either adopt the code, create their own administrative review standards, or affirm their current permitting procedures. The bill requires an administrative review process for EV charging projects, with limited exceptions, and attempts to prohibit municipalities from creating barriers to installation or operation of EV charging stations.

3. HB 24-1152 Accessory Dwelling Units: Permits ADUs as an accessory use to all single-family detached dwellings. The bill requires administrative approval and removes owner-occupancy requirements, architectural standards, and parking requirements. It also creates a certification program for “ADU Supporting Jurisdictions” and establishes State grant and loan programs to support ADU financing.

In addition to the required updates, staff is proposing further modifications to the ADU standards to promote flexibility and encourage ADU development. Specifically, the amendment would remove the building footprint limitation while retaining the current maximum ADU size of 900 square feet. This change would provide greater design flexibility to applicants and support accessibility and aging-in-place opportunities. The amendment also proposes additions and adjustments to Section 18.19.03 Definitions to incorporate definitions for terms introduced in the House Bills, update related terminology for consistency with the proposed ADU amendments, and improve clarity and ease of interpretation for applicants.

The Colorado Energy Office and Department of Local Affairs reviewed the proposed amendment, and their comments have been incorporated into Attachment 4 Redline Code Amendment.

Outreach and Notification Efforts:
Notification of the amendment was published in the Reporter Herald on November 22, as well as posted on City's website on October 21, 2025. Planning staff has also presented the amendments to the Construction Advisory Board, who voiced support.

Conditions met/or anticipated: None

Start and End Dates (of studies, design, construction, or in service/operational): None

ANALYSIS TABLE:

Yes: ☐ **No:** ☒

LIST OF ATTACHMENTS:

Ordinance
Att 1 Planning Commission Staff Report, October 27, 2025
Att 2 Planning Commission Minutes, October 27, 2025
Att 3 Staff Presentation
Att 4 Redlined Code Amendment
Att 5 Code Comparison Table
Att 6 Colorado Electric Vehicle Charging Model Land Use Code & Guidance
Att 7 House Bill 24-1304 Parking Near Transit
Att 8 House Bill 24-1152 Accessory Dwelling Units
Att 9 House Bill 24-1173 EV Charging Accessibility
Att 10 Letter of Support from the Transportation Advisory Board, November 3, 2025

FIRST READING: December 16, 2025

SECOND READING: January 6, 2026

ORDINANCE NO. 6805

AN ORDINANCE AMENDING PORTIONS OF TITLE 18 OF THE LOVELAND MUNICIPAL CODE ALSO KNOWN AS THE UNIFIED DEVELOPMENT CODE TO ENACT ELECTRIC VEHICLE CHARGING STATION STANDARDS AND REVIEW PROCESSES, EXEMPT PARKING REQUIREMENTS NEAR CERTAIN TRANSIT AREAS, AND LESSEN RESTRICTIONS ON ACCESSORY DWELLING UNITS

WHEREAS, the City of Loveland Unified Development Code ("UDC"), which constitutes Title 18 of the Loveland Municipal Code, was adopted by City Council in November of 2018. At the time of adoption, City of Loveland ("City") staff committed to continually monitor and update the UDC to correspond with the community's needs, new development trends, process improvements, and to align with the Colorado Revised Statutes; and

WHEREAS, on May 21, 2024, the State of Colorado adopted House Bill 24-1173 to establish a standardized and expedited permitting process for electric vehicle ("EV") charging projects; and

WHEREAS, on May 13, 2024, the State of Colorado adopted House Bill 24-1152 to encourage the construction of accessory dwelling units ("ADUs") as an accessory use to all single-family detached dwellings by, among other things, prohibiting local governments from enacting or enforcing certain restrictions on the construction and approval of ADUs; and

WHEREAS, on May 10, 2024, the State of Colorado adopted House Bill 24-1304 to prohibit enforcement of minimum parking requirements for certain multifamily housing developments within a quarter mile of designated transit service areas; and

WHEREAS, on April 1, 2025, City Council adopted Ordinance No. 6762 to lessen restrictions on ADUs and align the UDC with House Bill 24-1152, but further lessening of restrictions requiring setbacks and off-street parking are required to more closely align with the House Bill and further promote the development of ADUs; and

WHEREAS, the UDC amendments contemplated herein include amendments to several sections to align the UDC with the requirements and prohibitions of House Bill 24-1173, House Bill 24-1152 and House Bill 24-1304. The amendments also make additional changes to comply and align with the spirit and purpose of each House Bill to reduce greenhouse gas emissions and pollution, promote the adoption of electric vehicles, increase density, expand housing opportunities, and remove roadblocks in the UDC that limit the development of low-to-moderate-income housing; and

WHEREAS, the proposed amendments establish EV charging station standards and review processes, exempt parking requirements for certain multifamily housing developments near designated transit service areas, further lessen restrictions on the approval of ADUs, including

setback and off-street parking requirements, and modify associated design standards to align with amended standards, including definitions of terms introduced in the House Bills; and

WHEREAS, the Planning Commission held a study session and public hearing on the proposed amendments, and voted unanimously, 5-0, to recommend approval to the City Council; and

WHEREAS, the City Council reviewed the proposed UDC amendments and desires to adopt such amendments in furtherance of improving the health and general welfare of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO:

Section 1. That the Table in Section 18.02.03.08 – Motor Vehicle and Transportation Land Use by Zone – is deleted in its entirety and replaced as follows:

Table 18.02.03.08
Motor Vehicle and Transportation Land Use by Zone

Land Use	Zones												Standards Reference[1]
	Residential					Mixed-Use				Industrial	Parks and Resource		
	ER	R1/R1e	R2	R3e	R3	DT	B	MAC	E	I	PP	DR	
Key: "R" = Allowed Use; "L" = Limited Use; "A" = Adaptable Use; "C" = Conditional Use													
Motor Vehicle Uses													
Fueling or service stations	-	-	-	-	-	A[2]	L	L	L	L	-	-	§ 18.02.04.09
Motor vehicle wash	-	-	-	-	-	A[2]	L	L	L	L	-	-	§ 18.02.04.09
Surface parking	-	-	-	-	-	L	L	L	L	R	-	-	§ 18.02.04.09
Structured parking	-	-	-	-	-	L[2]	A	A	A	R	-	-	§ 18.02.04.09
EV Charging Project[3]	-	-	C	L	L	A[2]	L	L	L	L	C	C	§ 18.02.04.09
Passenger motor vehicle sales or rental	-	-	-	-	-	A[2]	L	L	L	L	-	-	§ 18.02.04.09
Heavy motor vehicle sales or rental	-	-	-	-	-	-	A	A	A	L	-	-	§ 18.02.04.09
Heavy motor vehicle service	-	-	-	-	-	-	A	A	A	L	-	-	§ 18.02.04.09
Motorcycle, scooter, or ATV sales or rental	-	-	-	-	-	A[2]	L	L	L	L	-	-	§ 18.02.04.09
Other Transportation Uses													
Airport	-	-	-	-	-	-	-	-	C	C	-	-	§ 18.02.04.09
Heliport	-	-	-	-	-	-	-	-	C	C	-	-	§ 18.02.04.09
Helistop	-	-	-	-	-	-	A	A	A	A	-	-	§ 18.02.04.09
Bus or Taxi Terminal	-	-	-	-	-	A[2]	A	A	A	A	-	-	§ 18.02.04.09

Table 18.02.03.08 Motor Vehicle and Transportation Land Use by Zone													
	Zones												
	Residential					Mixed-Use				Industrial	Parks and Resource		
Land Use	ER	R1/R1e	R2	R3e	R3	DT	B	MAC	E	I	PP	DR	Standards Reference[1]
Key: "R" = Allowed Use; "L" = Limited Use; "A" = Adaptable Use; "C" = Conditional Use													

TABLE NOTES:

[1] This column contains a cross-reference to the standards that apply to the use in zones in which the use is listed as Limited ("L"), Adaptable ("A"), or Conditional ("C").

[2] Type of review may vary based on scale of new construction. *See* Sec. 18.02.04.02, Scale Thresholds in DT and Residential Zones.

[3] EV Charging Projects are allowed in nonresidential and high-density residential areas of a PUD as a Limited use and in medium-density residential areas of a PUD as a Conditional use.

Section 2. That Section 18.02.04.09 – Motor Vehicle and Transportation Standards – is amended to insert a new subsection D. EV Charging Project as follows, with subsequent subsections to be re-lettered accordingly:

D. **EV Charging Project.** EV Charging Projects shall comply with the following standards, in addition to all other applicable standards in the UDC:

1. The location of screening materials including landscaping and screen walls, shall comply with the electrical equipment safety and access distances from national electrical safety standards, including National Fire Protection Association (NFPA) standards, the National Electric Safety Code (NESC), and other relevant national safety standards.
2. EV Charging Stations and Equipment installed within pedestrian walkways shall maintain a minimum unobstructed clear width of 3 feet along all accessible routes.
3. Digital advertising screens that exceed 2 square feet and bright lighting that is stylistic rather than functional shall be prohibited on EV Charging Stations and Equipment located in or adjacent to residential zones and residential uses.
4. EV Charging Equipment shall be screened along perimeter streets for the length of the EV Charging Equipment, in accordance with Section 18.04.07.17.D Ground-Mounted Equipment.
5. The use shall comply with the standards in Section 18.02.04.09.C Surface Parking, Section 18.08.03.06 Parking Buffers, Section 18.08.04.03 Parking Lots, and Division 18.09.02 Lighting, unless waived by the Director through an administrative variation.
6. Parking shelters for EV Charging Projects shall comply with the canopy height and lighting criteria in Section 18.02.04.09.A Fueling or Service Station, subsections 3.c and 5.
7. Special Standards for DT Zone: In addition to the other standards of this subsection D:
   a. The use is not allowed in the Core, Neighborhood Transition, and Fourth Street Character Districts within the DT zone.
   b. The use is an adaptable use in the General Character District within the DT zone.

Section 3. That Section 18.04.07 – Supplemental Standards – is amended to insert a new subsection 18.04.07.01 – Accessory Use EV Charging – as follows:

18.04.07.01 Accessory Use EV Charging

A. Generally. The standards of this Section apply to the installation of DCFC Charging Stations and Equipment that are incidental and subordinate to the primary use on the subject property (Accessory Use EV Charging Station), and are in addition to all other applicable standards in the UDC. These standards do not apply to Level 1 and Level 2 EV charging stations, which are exempt from land use permitting standards. Accessory Use EV Charging Stations are allowed in all zone districts, and compliance with these standards is reviewed through the building permit process. For the purposes of this section, subject property means the property on which the accessory EV charging station is proposed.

B. Location within Walkways. Accessory Use EV Charging Stations installed within pedestrian walkways shall maintain a minimum unobstructed clear width of 3 feet along all accessible routes.

C. Site Conformance. Installation of an accessory EV Charging Station shall not trigger existing land uses on the same subject property to make site improvements or otherwise conform with land use regulations, unless the existing land uses propose simultaneous changes to their use, structures, or site that would otherwise require such conformance.

D. Screening. Accessory EV Charging Stations and Equipment are exempt from screening requirements in Section 18.04.07.17.D Ground-Mounted Equipment. If screening materials are voluntarily installed, the location of the materials including landscaping and screen walls, shall comply with the electrical equipment safety and access distances from national electrical safety standards, including National Fire Protection Association (NFPA) standards, the National Electric Safety Code (NESC), and other relevant national safety standards.

E. Charging Stations In or Adjacent to Residential Zones and Uses. Digital advertising screens that exceed 2 square feet and bright lighting that is stylistic rather than functional shall be prohibited on EV Charging Stations and Equipment located in or adjacent to residential zones and residential uses.

F. Replacement of Landscaping. When existing landscape plants on a subject property are removed during the installation of an accessory charging station, they shall be replaced with similar plants so as to maintain the property's compliance with landscaping standards for the property's existing uses.

G. Location.

1. Accessory Use EV Charging Stations must comply with applicable setback requirements, unless it is demonstrated by the applicant that locating such equipment outside of setbacks is infeasible in which the Director may approve an administrative variation to allow the setback encroachment.
2. Accessory Use EV Charging Stations may be located within easements only with written consent from all affected utility providers.

Section 4. That the Section 18.04.07.01 – Accessory Dwelling Units – is re-numbered to Section 18.04.07.02 and is deleted in its entirety and replaced as follows:

18.04.07.02 Accessory Dwelling Units

A. **Generally.** Accessory dwelling units ("ADUs") are subject to the standards of this Section. These standards supersede any design and dimensional standards for ADUs established in PUDs approved prior to the effective date of C.R.S 24-67-105. Additionally, new PUDs shall not restrict the creation of ADUs beyond the standards in this Section. ADUs are allowed as accessory uses to single-family detached dwelling units that are conforming uses under this UDC. ADUs are not included in the calculation of residential density as set forth in Section 18.03.02.02, Residential Density and are not counted towards the maximum density allowed in a residential PUD.

B. **General Development Standards.** The following development standards apply to ADUs in all zones:

1. ADUs shall:
    a. Be located on the same lot as an existing principal single-family detached 1 dwelling unit, except in the North Cleveland Overlay Zone, as set forth in Section 18.06.08.04, Accessory Dwelling Units;
    b. Have a separate exterior entrance from the principal dwelling unit;
    c. Have its own cooking and bathing facilities, independent of the principal dwelling unit;
    d. Have a separate address from the principal dwelling.
    e. Provide a clear and unobstructed path from the street or driveway to the ADU when required by the Loveland Fire Rescue Authority.
2. Only one ADU is allowed per lot.
3. Off-street parking is not required for an ADU.
4. An ADU attached or internal to a principal dwelling unit must be designed as a separate, complete, and independent dwelling unit and cannot have an internal connection or opening to the principal dwelling unit.

C. **Setbacks.** ADUs (attached or detached from the principal dwelling) shall be set back from the applicable lot lines as follows:

1. Front: Equal to or greater than the actual front setback for the principal dwelling or building with which it is associated.
2. Street Side: Same as required for the principal building.
3. Interior Side: Five feet.
4. Interior Rear: Five feet.
5. Alley: Five feet.
6. Garage access doors shall be set back in accordance with Section 18.04.04.03.F Setbacks Along Alleys, Sidewalks, Trail or Access Easements, Ditches, and Waterbodies.

D. **Size.** The following size limitations apply to ADUs:

1. Maximum Floor Area: The maximum floor area including all floor planes, but

excluding attached garages, is 900 square feet.

2. Scale Thresholds Exemption: The floor area of an ADU shall not be included in the Building Coverage Ratio calculations for Scale Thresholds in Section 18.02.04.02, Scale Thresholds in DT and Residential Zones.

E. **Exceptions for Large Suburban, Estate, and Large Estate Lots.** ADUs on Large Suburban, Estate, and Large Estate Lots as described in Table 18.04.02.03.A. may exceed the maximum floor area established in Subsection C.1, above, provided the following standards are met:

1. The maximum floor area shall not exceed 50% of the total floor area of the principal dwelling unit;
2. The total building coverage of all structures shall comply with the Scale Thresholds limits in Table 18.02.04.02, Scale Thresholds in DT and Residential Zones.
3. Interior and street side setbacks for the ADU shall comply with the setback requirements for the principal dwelling unit in the applicable zone district.
4. Capital expansion fees shall be charged in accordance with Division 18.16.04, Capital Expansion Fees.

F. **Utilities**.

1. Water and wastewater services to the ADU shall be connected to the services of the principal dwelling unit.
2. Utility design shall ensure that water and electric utilities for the ADU can be shut off independently from the principal dwelling.

Section 5. That Section 18.04.07.01 – Accessory Structures – is re-numbered to Section 18.04.07.03.

Section 6. That re-numbered Section 18.04.07.03.B(4) is deleted in its entirety and replaced as follows:

4. Interior Rear: Five feet or one foot for every four feet of building height, whichever is greater.

Section 7. That re-numbered Section 18.04.07.03.C(1) is deleted in its entirety and replaced as follows:

1. The maximum building footprint shall not exceed ten percent of the total lot area or 500 square feet, whichever is greater, and shall be calculated cumulatively with all other accessory structures on the lot, excluding ADUs.

Section 8. That the Section 18.05.03.01 – Calculation of Required Parking Spaces – is amended to insert a new subsection E. EV Charging as follows, with the subsequent subsection re-lettered accordingly:

A. EV Charging.

1. Any parking space served by an EV Charging Station or any parking space used to site EV Charging Stations or Equipment is counted toward applicable parking minimums as at least one standard automobile parking space in accordance with the off-street parking requirements in Section 18.05.03.03 Parking Requirements Tables.
2. Any van-accessible parking space that is designed to accommodate a person in a wheelchair, is served by an EV Charging Port, and is not designated as parking reserved for a person with a disability under C.R.S 42-4-1208 is counted as two standard off-street automobile parking spaces in accordance with the off-street parking requirements in Section 18.05.03.03 Parking Requirements Tables.
3. ADA accessible spaces served by EV Charging shall be provided in alignment with the Americans with Disabilities Act Accessibility Standards and standards in the Building Code, providing the same proportion of accessible spaces served by EV Charging per the total number of spaces served by EV Charging. ADA EV Charging spaces may be reserved only for use by people with a disability but are not required to be, so long as the overall number of available parking spaces designed and reserved for people with a disability meets the requirements of the Americans with Disabilities Act/Table 12-5-203A.

Section 9. That the Section 18.05.03.02 – Exemptions from Parking Requirements – is deleted in its entirety and replaced as follows:

18.05.03.02 Exemptions from Parking Requirements

A. **General Improvement District #1 Exemption**. Nonresidential and mixed-use development that is located within the boundaries of General Improvement District #1 is exempt from the parking requirements of this Division. However, if parking is provided, such parking shall be designed as provided in Division 18.05.04, Parking and Loading Design.
B. **Transit Service Area Exemption**.
   1. Any new multifamily residential development, adaptive reuse for residential purposes, or mixed-use development in which at least 50% of the total floor area is designated for residential uses, and which is located wholly or partially within a transit service area, as defined in C.R.S § 29-35-301, *et seq*, as amended, is exempt from the parking requirements in this Division. If parking is voluntarily provided within the applicable transit service areas, such parking shall meet the design standards in Division 18.05.04, Parking and Loading Design. A map of the applicable transit service areas is included as Appendix H for illustrative purposes.
   2. Exceptions. The City may require a minimum parking requirement in connection with a housing development project that contains twenty units or more or contains "regulated affordable housing" as defined in C.R.S § 29-35-302 by requiring no more than one parking space per dwelling unit provided the City publishes written findings that not imposing or enforcing a parking minimum would have a substantial negative impact, pursuant to C.R.S. § 29-35-304(2), as amended, within 90 days of receiving a complete development application, and submits a report to the Colorado Department of Local Affairs, in accordance with C.R.S § 29-35-304(3), as amended.

Section 10. That Section 18.19.03 – Definitions – "Accessory Dwelling Unit" – is deleted in its entirety and replaced as follows:

Accessory Dwelling Unit means a residential dwelling unit (but not a recreational vehicle or camping facility, as defined in Title 16 Nuisance Code, or a mobile home) that is located either within the same building as the principal dwelling unit, attached to a principal dwelling unit, or in a detached building on the same lot as the principal dwelling unit.

Section 11. That Table 18.19.02.02 – Table of Acronyms – "Boarding House" – is amended to insert the following acronyms in appropriate alphabetical order:

Table 18.19.02.02 Table of Acronyms	
Acronym	**Meaning**
DCFC	Direct Current Fast Charging
EV	Electric Vehicle
kW	Kilowatt
V	Volt

Section 12. That Section 18.19.03 – Definitions – "Accessory Structure" – is deleted in its entirety and replaced as follows:

Accessory Structure means a structure that is:

1. Subordinate to the use and scale of the principal building, or supportive of and incidental to an outdoor land use;
2. Customary in connection with the principal building, other structure, or use of land; and
3. Ordinarily located on the same lot with the principal building, other structure, or use of land.

Examples of accessory structures include, but are not limited to: detached garages, sheds, carports, pergolas and similar shade structures, dog runs, chicken coops and animal pens that are accessory to residential buildings, storage buildings that are accessory to lumberyards, and restroom facilities that are accessory to parks. The phrase "accessory structure" does not include signs.

Section 13. That Section 18.19.03 – Definitions – "Fueling, Charging, or Service Station" – is deleted in its entirety and replaced as follows:

Fueling or Service Station means a building, land area, or other premises used for the retail dispensing or sales of vehicular fuels; towing of automobiles and light trucks (but not storage of inoperable automobiles or light trucks); or the sale and installation of lubricants, tires, batteries, brakes, mufflers, and similar vehicle repairs and accessory installations. The phrase "service station" does not include collision centers or facilities that provide transmission repair, engine overhauls, or repair of commercial vehicles. A fueling, charging or service station may include a retail store that sells goods and services, but primarily ready-to-eat food products (not intended for on-premises consumption), groceries, or sundries.

Section 14. That Section 18.19.03 – Definitions – is amended to insert the following definitions in appropriate alphabetical order:

Building Code means the building regulations adopted by the City under Title 15, Buildings and Construction, of the Municipal Code, including all codes adopted by reference within Title 15, collectively referred to as the Adopted Construction Codes.

Electric Vehicle (EV) means a motor vehicle which relies partially or entirely on electrical energy to power its movement, requiring periodic electrical current charging of its battery.

Electric Vehicle Charging Equipment (EV Charging Equipment) means all equipment necessary to provide electrical current charging for EVs, except for EV Charging Stations. This may include power conversion equipment, electrical distribution equipment such as transformers, switchgear boxes, and distribution lines, and other supportive equipment.

Electric Vehicle Charging Project (EV Charging Project) means a proposed development of DCFC EV Charging Stations and Equipment that serves as the primary function and land use on the property, which may include other supporting site improvements like landscaping, lighting, weather protection, rest areas or seating, and public restrooms.

Electric Vehicle Charging Station (EV Charging Station) means equipment that provides charging for EVs, located adjacent to dedicated space(s) for the vehicle(s) while they charge. One EV Charging Station may provide power for one or more vehicles.

a. Direct Current Fast Charging (DCFC) means equipment capable of fast charging on a 100 amp or higher 480 volt alternating current (VAC) three-phase branch circuit that provides about 50-350+ kW of power per hour.
b. Level 2 Charging means mid-speed charging that provides about 7-19 kW of power per hour and uses a 240V outlet.
c. Level 1 Charging means slow charging that provides about 1-2 kW of power per hour and uses a 120V outlet.

Fueling or Service Station means a building, land area, or other premises used for the retail dispensing or sales of vehicular fuels; towing of automobiles and light trucks (but not storage of inoperable automobiles or light trucks); or the sale and installation of lubricants, tires, batteries, brakes, mufflers, and similar vehicle repairs and accessory installations. The phrase "service station" does not include collision centers or facilities that provide transmission repair, engine overhauls, or repair of commercial vehicles. A fueling, charging or service station may include a retail store that sells goods and services, but primarily ready-to-eat food products (not intended for on-premises consumption), groceries, or sundries.

Horizontal Illuminance means the area on a horizontal surface in which a light fixture provides direct or high intensity illumination.

Mixed-Use means a development that combines two or more distinct land uses, such as residential, commercial, office, institutional, or civic, within a single building, site, or integrated development area. Mixed-use developments may be arranged vertically (with different uses stacked within a structure) or horizontally (with uses distributed across multiple buildings or parcels), and are designed to promote pedestrian accessibility, efficient land use, and functional integration of complementary activities.

Section 15. That Appendix H – DOLA Applicable Transit Service Area Map – is inserted to contain the then current version of the State of Colorado Department of Local Affairs Transit Area Service Map, as defined in C.R.S § 29-35-301, *et seq*, for the City of Loveland.

Section 16. That as provided in City Charter Section 4-9(a)(7), this Ordinance shall be published by title only by the City Clerk after adoption on second reading unless the Ordinance has been amended since first reading in which case the Ordinance shall be published in full or the amendments shall be published in full. This Ordinance also complies with C.R.S. Section 31-16-207, (2019) which allows for changes or additions to a Code that has been adopted by reference, such as the Unified Development Code, in the manner normally used for adoption of ordinances. This Ordinance shall be in full force and effect ten days after its final publication, as provided in City Charter Section 4-8(b).

ADOPTED this 6th day of January, 2026.

Patrick McFall, Mayor

ATTEST:

Ashley Macdonald, City Clerk

APPROVED AS TO FORM:

Assistant City Attorney

Ordinance 6805

I, Ashley Macdonald, City Clerk of the City of Loveland, Colorado, hereby certify that the above and foregoing Ordinance was introduced at a regular (or special) meeting of the City Council, held on December 16, 2025 and was initially published in the Loveland Daily Reporter-Herald, a newspaper published within the city limits, in full on December 20, 2025 and by title except for parts thereof which were amended after such initial publication which parts were published in full in said newspaper on January 10, 2026.

_____

Ashley Macdonald, City Clerk

Effective Date: January 20, 2026

City of Loveland
DEVELOPMENTCENTER

CURRENT PLANNING DIVISION
410 E. 5th Street | Loveland, CO 80537 | 970-962-2523
eplan-planning@cityofloveland.org | cityofloveland.org/DC

Planning Commission Staff Report

October 27, 2025

AGENDA ITEM # 1

Project Name	Title 18 Unified Development Code Amendment
Staff Planner	Kerri Burchett

Amendment Summary

This item is an amendment to the Unified Development Code (UDC) to align the Code with adopted Colorado legislation related to parking near transit, electric vehicle (EV) charging projects, and accessory dwelling units (ADUs). The new State laws affect the City's land use standards and permitting processes and require amendments to the UDC to ensure compliance.

Three State House Bills requiring City action were signed into law in 2024: HB 24-1304, HB 24-1152 and HB 24-1173. Two of the House Bills, governing ADUs and parking near transit, are already in effect (HB 24-1304 and HB 24-1152). The third House Bill, HB 24-1173, that relates to EV permitting, requires jurisdictions to align codes with the State mandates by December 31, 2025.

1. HB 24-1304 Parking Near Transit: Prohibits enforcement of minimum parking requirements for multifamily housing developments within designated transit service areas. Parking provided in these areas would be voluntary.
2. HB 24-1173: EV Charging Accessibility: Establishes a standardized and expedited permitting process for EV charging systems. The law directed the Colorado Energy Office to develop a model permitting code (the EV Charging Model Land Use Code) and requires jurisdictions to either adopt the code, create their own administrative review standards, or affirm their current permitting procedures by December 31, 2025. The law requires an administrative review for most EV Charging Projects and prohibits local governments from creating unnecessary barriers to installation or operation of EV charging stations.
3. HB 24-1152 Accessory Dwelling Units: Allows the construction of ADUs as an accessory use to all single-family detached dwellings. The bill requires administrative approval and removes barriers such as owner-occupancy requirements, architectural standards, and parking requirements. It also creates a certification program for "ADU Supporting Jurisdictions" along with State grant and loan programs to help finance ADUs.

The amendment was presented to the Planning Commission in a study session on September 22, 20205 and as an informational item to the Construction Advisory Board on October 22, 2025. Additionally, the amendment language was reviewed by the State Department of Local Affairs (DOLA) for compliance with the transit parking requirement and by MIG Consultants, contracted by the State, for compliance with the EV Charging Model Land Use Code. The redlines included as **Attachment 1** have been adjusted accordingly. Adoption of an amendment to the UDC requires approval of an ordinance by the City Council.

Recommended Motion

Move to recommend approval to the City Council of amendments to Title 18 Unified Development Code of the Loveland Municipal Code as provided in Attachment 1 and presented to the Planning Commission on October 27, 2025.

I. Attachments

1. Redlined Code Amendment
2. Code Comparison Table
3. Colorado Electric Vehicle Charging Model Land Use Code & Guidance
4. HB 24-1304 Parking Near Transit
5. HB 24-1152 Accessory Dwelling Units
6. HB 24-1173 EV Charging Accessibility

II. Outreach

The following outreach and notification occurred:

Outreach

- Planning Commission study session – September 22, 2025
- Construction Advisory Board – October 22, 2025
- State review of amendment

Notification

- Notification of the public hearing was published in the Reporter Herald on October 11, 2025.
- The amendment was posted on the City's website on October 21, 2025

III. Amendment Description

The following is a description of the code amendment. Redlines of the amendment are included as **Attachment 1**.

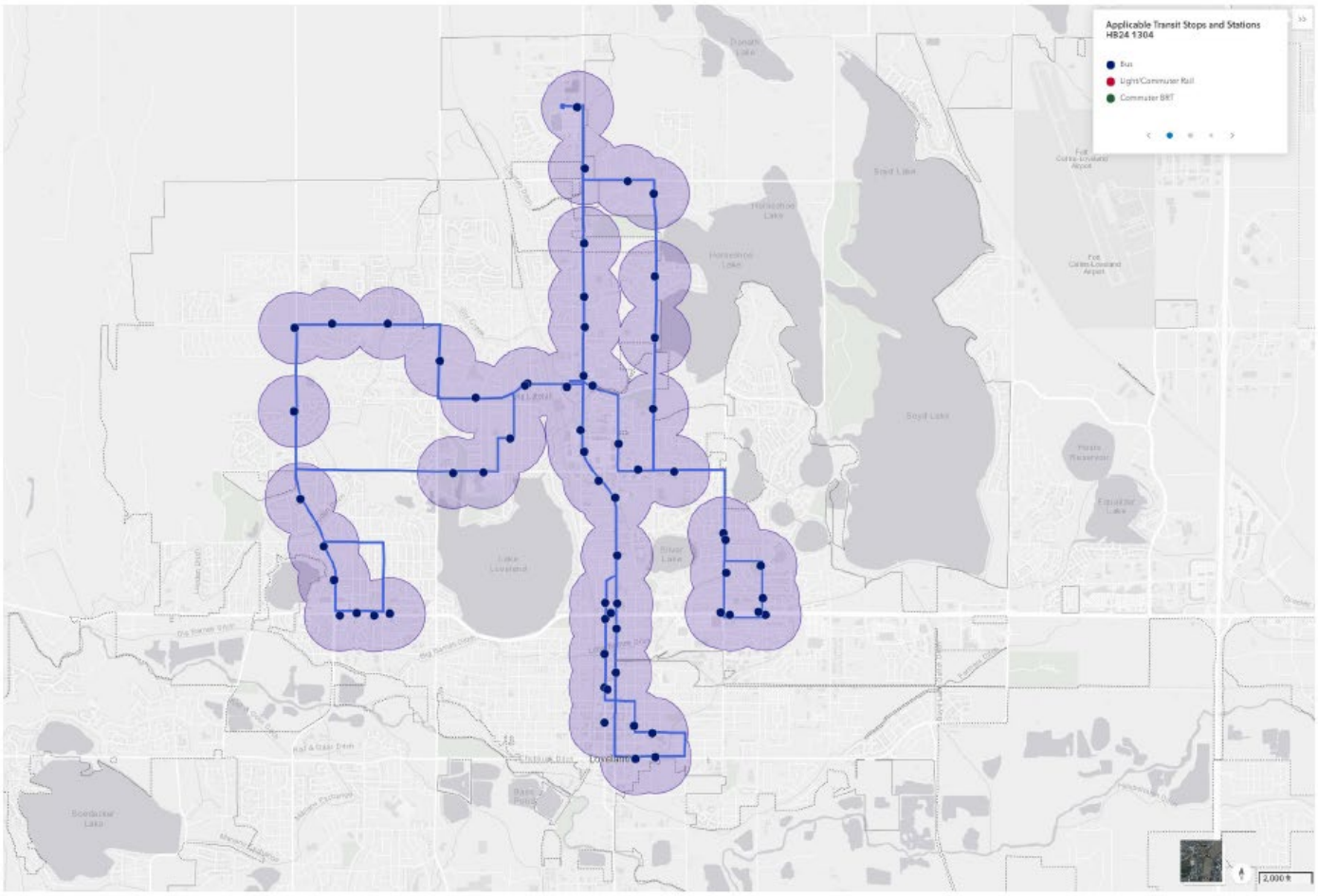
1. HB 24-1304 – Parking Near Transit

- Overview: Prohibits enforcement of minimum parking requirements within designated transit service areas.
- UDC Impact: Adds a "Transit Service Area Exemption" that removes minimum parking requirements for multifamily residential and mixed-use developments near applicable transit routes. Parking provided in these areas would be voluntary.
- Applicable Section in Attachment 1 Redlines: 18.05.03.02.B Exemptions from Parking Requirements

This House Bill eliminates off-street parking requirements for multifamily housing projects located within ¼ mile of a bus stop with service intervals of 30 minutes or less (see map on page 2). Multifamily and mixed-use developments with at least 50% of the floor area used for residential units, would not be required to meet the City's off-street parking standards. This exemption does not apply to nonresidential projects or single family residential and does not preclude an applicant from providing parking voluntarily. The intent of the bill is to promote housing and affordability by removing parking requirements that could consume developable land and increase project costs.

In Loveland, three transit routes currently meet this criteria: Routes 1, 2, and 6, as mapped by the Department of Local Affairs (DOLA). The law took effect on June 30, 2025, and since that time, the City has not applied parking minimums in the designated transit areas. The UDC must be updated to formally reflect the parking exemption, ensuring alignment with the House Bill.

Map of Applicable Transit Stops and Stations in Loveland – HB 24-1304



2. HB 24-1173 – EV Charging Accessibility

- Overview: Establishes a standardized and expedited permitting process for EV charging systems. The law directed the Colorado Energy Office to develop a model permitting code called the EV Charging Model Land Use Code (EV-MLUC) and requires jurisdictions to either adopt the EV-MLUC, create their own objective standards with an administrative review process, or affirm their current permitting procedures by December 31, 2025. The EV-MLUC requires streamlined administrative review for most EV Charging Projects and prohibits local governments from creating unnecessary barriers to installation or operation of EV charging stations. The EV-MLUC is included as **Attachment 3**.
- UDC Impact: The UDC currently classifies charging stations as part of the fueling and service station land use and does not provide specific standards for EV charging stations or the streamlined review required by State law. A new land use category is needed, along with standards to address the development of EV Charging Projects.
- Applicable Sections in Attachment 1 Redlines: 18.02.03.08 Motor Vehicle and Transportation Land Use by Zone, 18.02.04.09 Motor Vehicle and Transportation Standards, 18.04.07.01 Accessory Use EV Charging, 18.05.03.01 Calculation of Required Parking Spaces, 18.19.02.02 Table of Acronyms, and 18.19.03 Definitions.

The EV-MLUC provides the most effective path to comply with State requirements. It identifies mandatory standards and areas where local discretion is allowed. Jurisdictions can be more permissive than the base requirements in the EV-MLUC but cannot be more restrictive. The model code also outlines optional standards that are not required for compliance but can be implemented by jurisdictions if desired. Staff recommends incorporating provisions from the EV-MLUC provisions into the UDC, as outlined in **Attachment 1**.

There are 4 types of EV charging stations identified in the EV-MLUC:

1. Level 1 – slow charging, usually 1-2 chargers in homes
2. Level 2 – medium-speed charging, usually 2-10 chargers in parking lots
3. Accessory Use Direct Current (DC) Fast Charging – fast charging, usually 2-16 chargers in existing parking lots
4. Primary Use DC Fast Charging – 10+ chargers used as the primary use on a lot, similarly to a gas station

The EV-MLUC specifies that the City can only apply land use regulations to EV charging stations that provide DC fast charging. In Loveland, Target and Embassy Suites are the only 2 businesses that currently have incorporated DC fast charging stations as an accessory use in their parking lots. Generally, Level 2 chargers are primarily used by businesses.

The EV-MLUC requires DC fast charging projects to be allowed as a use-by right and processed administratively with the following land use exceptions:

If you are complying with HB24-1173 through Model Code adoption…

➔ DCFC charging (primary & accessory use) is allowed by-right **and processed administratively** in all land use contexts/zone districts. Allowed exceptions:

Land Use Context	Primary Use	Accessory Use
Low density housing	Prohib. or Cond.	Cond.
Ped-oriented commercial	Prohib. Or Cond.	
Low density mixed-use	Cond.	
Mid density housing	Cond.	
Rec, OS, Ag, Forestry	Cond.	



Staff recommends adoption of the exceptions permitted by the State for primary use EV charging projects. The following are the key land use approvals and standards proposed in the UDC amendment:

1. "EV Charging Projects" would be defined to include only DC fast charging stations that are the primary use on the site. Existing businesses adding DC fast chargers in their parking lots would not be classified as an "EV Charging Project" and would not require land use approval. Accessory use DC chargers would be reviewed through the building permit process.
2. EV Charging Projects would not be allowed in low-density residential zones (ER, R1, and R1e) and in the Downtown Core, 4th Street, and Neighborhood Transition areas, similar to a gas station or carwash.
3. EV Charging Projects would be allowed in the medium-density residential (R2), Public Parks (PP), and Development Resources (DR) zones as a conditional use requiring Planning Commission approval. This represents the most restrictive regulatory process permitted under the EV-MLUC.
4. Screening, setbacks, lighting, and design standards for charging stations and equipment would be incorporated as base standards in compliance with the EV-MLUC. Restrictions on large advertising screens and bright lighting would be applied to properties adjacent to or within residential zones.

Redlines of the amendment are included as **Attachment 1** and a code comparison table summarizing each required standard in the EV-MLUC and the proposed UDC revision is provided as **Attachment 2**. Optional standards and areas of local discretion were reviewed by the Planning Commission at a study session on September 22, 2025, and the redlines have been adjusted based on the feedback received.

3. HB 24-1152 Accessory Dwelling Units (ADUs)

- Overview: Allows the construction of ADUs as an accessory use to all single-family detached dwellings. The bill requires administrative approval and removes barriers such as owner-occupancy requirements, architectural standards, and parking requirements. It also creates a certification program for "ADU Supporting Jurisdictions" along with State grant and loan programs to help finance ADUs.
- UDC Impact: The City amended the UDC in April 2025 to comply with the House Bill and has received preliminary certification as an ADU Supporting Jurisdiction. As part of the certification process, the State reviewed Loveland's ADU standards and identified two areas of partial compliance: off-street parking and rear setbacks. To maintain eligibility for State grant funding, the City must amend the UDC to fully comply with the State law.
- Applicable Section in Attachment 1 Redlines: 18.04.07.02 Accessory Dwelling Units and 18.04.07.03 Accessory Structures

Proposed Amendments

A. **Off-Street Parking:** The House Bill prohibits requiring new off-street parking for ADUs unless the following conditions are all met:
   a. The property does not have an existing off-street parking space that could be used for the ADU, including a driveway, garage, or tandem parking space;
   b. The property is located in a zoning district that, as of January 1, 2024, requires one or more parking spaces for the primary dwelling unit; and
   c. The property is located on a block where on-street parking is prohibited.

Under current UDC standards, one off-street parking space is required for an ADU when on-street parking is not permitted. Staff counts driveways and garage spaces as meeting this requirement, provided the spaces are in addition to the two spaces required for the primary residence. The State has determined that as written, the UDC is not in full compliance with conditions (a) and (b) outlined above.

The UDC must be updated to address ADU parking requirements. The following are 2 amendment options which would both bring the UDC into compliance with State law.

- **Option 1: No Off-Street Parking Requirement**
  Off-street parking would not be required for ADUs.

- **Option 2: Conditional Off-Street Parking Requirement**
  Off-street parking for an ADU would not be required unless the three conditions required by the State existed (outlined above). If all three conditions exist, one off-street parking space for the ADU would need to be provided.

Staff Recommendation: Option 1
Staff recommends adopting Option 1, which eliminates the off-street parking requirement for ADUs. Since the UDC was adopted in late 2018, the City has approved 36 ADU building permits, which is about 5 per year. In most cases, parking for ADUs has been provided within existing driveways. The few exceptions have been when ADUs are accessed from alleys and applicants have voluntarily added a new parking space near the ADU.

Removing the parking requirement would eliminate a standard that is rarely applied and align the UDC with State requirements. Additionally, based on the State's required language, in order to require a new off-street parking space, the City would need to determine that the three conditions listed above are met. The burden is placed on the City to demonstrate the need for off-street parking.

Option 2 would also bring the UDC into compliance with State requirements by clearly incorporating the State's specific exceptions for requiring an off-street parking space for an ADU. Staff is seeking feedback on the two parking options.

B. **Rear Setbacks:** The House Bill limits rear setbacks for ADUs to no more than those required for other accessory structures, or 5 feet. While the UDC establishes a 5-foot setback for detached ADUs, attached ADUs are subject to the principal dwelling's setback, which is generally 15 feet. The amendment establishes a standard 5-foot setback for both attached and detached ADUs.

C. **Other Adjustments:** In addition to meeting State compliance requirements, staff is recommending further amendments to the ADU standards to provide flexibility and encourage ADU development. Although these amendments were not identified in the State's preliminary review of Loveland's Supportive Jurisdiction application, they demonstrate the City's continued commitment to removing barriers to ADU construction and may strengthen Loveland's eligibility for future ADU-related grant opportunities.

The first amendment removes the building footprint restrictions tied to lot size, allowing homeowners to construct either a single-story or two-story ADU, regardless of lot area. Setbacks for the ADU would comply with zoning standards and the maximum living area for an ADU would remain at 900 square feet. This change simplifies the code standards and review process, provides greater design flexibility to applicants, supports accessibility and aging in place opportunities, and could improve neighborhood compatibility.

The second amendment incorporates a Loveland Fire Rescue Authority (LFRA) standard requiring a clear and unobstructed path from the street or driveway to the ADU when necessary for emergency access. While this standard is currently administered by LFRA, its inclusion in the UDC will give applicants early awareness of the requirement during project planning and design.

4. Definition Additions and Adjustments

The UDC amendment also proposes additions and adjustments to Section 18.19.03 Definitions to incorporate definitions for terms introduced in the House Bills and to update related terminology for consistency with the proposed ADU amendments. As part of this update, the definition of "Accessory Structure" is proposed to be revised to include additional clarifying examples such as sheds, pergolas, shade structures, and chicken coops, listed under the broader category of animal pens. These changes aim to improve clarity, support regulatory alignment, and ensure ease of interpretation for applicants.

IV. Staff Recommendation

Staff recommends that, after review of the UDC amendment, the Planning Commission forward a recommendation of approval to the City Council.

MINUTES
Planning Commission Meeting

6:00 PM – October 27, 2025
City Council Chambers, 500 E. 3rd Street

The meeting of the City of Loveland Planning Commission was called to order on Monday, October 27, 2025, at 6:00 p.m., by Chair Miller. The following members were present:

PRESENT: Chairman Miller; Commissioners Frahm, Long, Herrera, and Say

ABSENT: Vice Chair Warnock; Commissioners Schuett, Dewey, and Paul.

Chairman Miller led the Pledge of Allegiance.

CITIZEN REPORTS

Mr. Troy Bliss, Current Planning Manager, announced that representatives from the company "Framework" are in attendance this evening, and would like to share some information regarding Proposition 123, under the Citizen Reports section. The Commission agreed.

The Framework Team, consisting of **Jeff Arango, Tyler Quinn-Smith, Emily Presspritch, and Neil Heller,** presented an update on their work with the City to support implementation of Proposition 123 and improve housing affordability through code and process reform.

Key Points:

- Proposition 123 Requirements:
  - Expedited permitting for qualifying affordable housing projects
  - City must increase affordable housing stock by 3% over three years (target: 246 units by end of 2026).
- Initial Observations:
  - Developers frequently use Planned Unit Developments (PUDs) for flexibility.
  - "Complete Neighborhood" zoning standards are underutilized.
  - Integration of subdivision and site plan reviews trigger the 90-timeline
  - Internal review process lacks coordination. Leading to delays and conflicting feedback.
- Housing Affordability Context:
  - Affordability is typically considered as spending no more than 30% of household income on housing. This applies to all income levels.
  - Includes subsidized housing and naturally occurring affordable housing (NOAH).

  - Market-rate affordable housing is rare but possible through design and cost efficiencies.
- Strategic Focus Areas:
  - Streamline permitting and improve interdepartmental coordination.
  - Legalize density and support zoning reform to increase housing supply
  - Continue stakeholder engagement and code audit to identify barriers and solutions
- Next Steps:
  - Conduct developer interviews and staff workshops
  - Continue code review and feasibility testing.
  - Collaborate with the City Engineer and affordable housing developers.

COMMISSIONER QUESTIONS:

Commissioner Herrera inquired whether the applicant team was engaging with non-governmental organizations (NGOs) as part of their review process. He recommended engaging with additional organizations such as Neighbor to Neighbor, House of Neighborly Service, and Catholic Community Services, which have long-standing experience in affordable housing, particularly for low-income and elderly populations. He emphasized the importance of including housing authorities and their affiliated nonprofit housing development corporations in the conversation. He also suggested exploring financial tools to incentivize affordable housing development and highlighted the need to consider both top-down supply strategies and bottom-up needs in housing policy.

Ms. Kerri Burchett, Strategic Planning, responded to Commissioner Herrera's inquiry:

- Staff is actively engaging with partners including Habitat for Humanity, Mission Homes, and Impact Development.
- A regional housing needs assessment is underway in partnership with Larimer County and Fort Collins to identify housing gaps in Loveland.
- Proposition 123 requires the City to implement an expedited 90-day permitting process for qualifying affordable housing projects by the end of 2026. The City is targeting June 2026 for code approval to facilitate a fast-track process.
- Staff acknowledged the Comprehensive Plan is outdated and noted the need to align local definitions and processes with state requirements.
- Emphasis was placed on identifying regulatory barriers and shifting toward a partnership mindset to support both public and private affordable housing development.
- Updates will continue as the project progresses through interviews, site visits, and internal workshops.

Commissioner Say inquired about the meaning of the City of Loveland "opting in" to Proposition 123.

Kerri Burchett responded with the following key points:

- In October 2023, the Loveland City Council unanimously voted to participate in Proposition 123, a measure aimed at accelerating the development of affordable housing.
- Participation is voluntary, not mandated, but offers access to grant funding for the city and its partners, including developers of affordable housing.

- By opting in, Loveland committed to increasing affordable housing stock by 3% over three years, setting a baseline of 246 new affordable units by the end of 2026.
- As of now, approximately 140 units qualify toward this goal - Loveland can also count naturally occurring affordable housing.

Commissioner Long questioned the accuracy of the median home price date presented and confirmed it was from 2021. No further questions were posed.

Chairman Miller asked for clarification on the 3% affordable housing requirement.
Kerri Burchett explained that the 3% increase applies to affordable housing stock over three years, not 3% of all new construction.

Commissioner Long asked about resale and equity in deed-restricted homes.
Ms. Burchett explained that Deed restrictions typically last 20 years, and homes must be resold to income-qualified buyers. Sellers retain a percentage of equity, increasing over time.

CURRENT PLANNING UPDATES:

Mr. Troy Bliss, Current Planning Manager, provided key updates:

- Agenda for November 10 Meeting:
  - A complex zoning variance is on the agenda, requiring the Planning Commission to convene as the Zoning Board of Adjustment (ZBA).
  - Public hearing to consider a landscape plan for recommendation to City Council (likely in December).
  - Public hearing to consider updates to the Hydrozone Plan, an optional water efficiency tool for certain projects.
- Commissioner Recruitment:
  - Fall recruitment ends November 13.
  - Three commissioner terms are expiring.
  - Commissioners intending to reapply or step down should notify Troy Bliss or Lisa Rye.
- Holiday Meeting Cancellations:
  - Proposed cancellation of meetings on November 24 and December 22 due to Thanksgiving and Christmas holidays.
  - Formal decision to be made at the November 10 meeting.
- World Planning Day Acknowledgement:
  - Recognized on November 8.
  - Mr. Bliss acknowledged the Planning Commission's contributions, along with other boards like the Historic Preservation Commission and Transportation Advisory Board.

CITY ATTORNEY UPDATES

Mr. Jordan Reif, City Attorney, stated that he had nothing to report.

COMMISSIONER COMMENTS:

- **Commissioner Frahm** asked for confirmation that quorum for the Planning Commission is 5 members. He inquired about the status of Planning Commissioners if elected to City Council on November 4th and if they continue service on the Commission until sworn in on November 14th or if their term ends immediately upon election. **Attorney Reif co**nfirmed that elected commissioners are not officially seated on Council until November 14; until then, they remain on the Planning Commission. He highlighted the need to ensure quorum for the November 10 Planning Commission meeting, especially if election results affect attendance, and suggested that resigning from the Planning Commission after election could help resolve any potential quorum issues.

- **Commissioner Herrera** inquired about the status of ongoing litigation involving Greenwood Village, Arvada, Aurora, and Glendale. **Attorney Reif** stated there was no recent update available but committed to providing one after the meeting.

- **Commissioner Say** highlighted a Reporter Herald newspaper article recognizing **Troy Bliss**, Current Planning Manager, for his 17 years of service and contributions to revitalizing downtown Loveland. **Mr. Bliss** expressed appreciation for the recognition by Commissioner Say and the article coverage.

- **Commissioner Frahm** provided a reminder that the election is one week away and encouraged voter participation, noting a previous turnout of only 27%.

APPROVAL OF MINUTES

Commissioner Long *moved to approve the October 13, 2025, Planning Commission meeting minutes; upon a second from* ***Commissioner Frahm,*** *the minutes were approved (5-0).*

REGULAR AGENDA:

1. Title 18 Unified Development Code Amendment
Presented by Kerri Burchett, Staff Planner

Item Description: This is a public hearing to consider an amendment to the Unified Development Code (UDC) to align the Code with adopted Colorado legislation related to parking near transit, electric vehicle (EV) charging projects, and accessory dwelling units (ADUs). The new State laws affect the City's land use standards and permitting processes and require amendments to the UDC to ensure compliance.

Ms. Kerri Burchett, Principal Planner, provided a PowerPoint presentation of the proposed amendments to the Unified Development Code (UDC) in response to recent state legislation, as

summarized in the staff report. She is requesting a recommendation by the Planning Commission for City Council approval.

Topics Covered:

1. **House Bill 24-1304 – Parking Near Transit:**
    - Goal is to remove off-street parking requirements for multifamily housing within ¼ mile of high-frequency transit stops.
    - Affects three transit corridors in Loveland.
    - Code update required to align with state law.
2. **House Bill 24-1173 – EV Charging Projects:**
    - Goal is to streamline permitting and land use for EV Charging projects.
    - Fast-charging stations can be regulated by use type and location; Level 1 and Level 2 chargers are exempt.
    - Includes standards for lighting, landscaping, and canopy design.
    - Code amendments separate land use from building code requirements.
3. **House Bill 24-1152 – Accessory Dwelling Units (ADUs):**
    - Goal is to expand ADU development by removing barriers.
    - State mandates fewer restrictions on ADUs.
    - Loveland pursuing "ADU Supporting Jurisdiction" certification to access grant funding.
    - Staff recommends removing off-street parking requirements for ADUs to comply with state law and support housing flexibility.
    - Loveland averages 5 ADU permits/year; parking has not been a barrier.

COMMISSIONER QUESTIONS:

Commissioner Frahm inquired about the following:

- Whether ADU height is limited by the height of the primary residence. Staff clarified that ADUs are subject to a 26-foot height limit, regardless of the main structure's height.
- The applicability of new ADU rules to HOAs and challenges in newer developments. Staff confirmed ADUs are allowed in all HOAs, though smaller lots in newer areas may face setback and space limitations.
- Whether any new fees or permits are required. Staff responded that no new fees have been introduced; existing development and permit fees still apply.

Commissioner Say asked for clarification on several ADU-related topics:

- Confirmed that ADU regulations override PUD standards.
- Clarified that the standard maximum ADU size is 900 sq ft, with up to 50% of the primary home allowed on larger lots (over 10,800 sq ft), though without fee reductions.
- Noted there is no minimum ADU size in the UDC, but building code minimums still apply.
- Confirmed that ADUs may have separate entrances on different street segments.
- Setbacks are measured from the property line; ADUs are not permitted within easements.
- ADUs must have separate electric meters.

- The transit route map used for parking exemptions can be administratively updated as it is incorporated into the UDC appendix for illustrative purposes.

PUBLIC COMMENT:

There was no public comment. Chairman Miller closed the public hearing.

MOTION:

Commissioner Frahm moved to recommend approval to the City Council of amendments to Title 18 Unified Development Code of the Loveland Municipal Code as provided in Attachment 1 and presented to the Planning Commission on October 27, 2025

Commissioner Herrera suggested that the Commission pick an option as to the ADU parking and make that part of the motion.

MOTION TO AMEND:

Commissioner Herrera moved to amend the original motion by adding Option 1. Commissioner Frahm seconded.

VOTE ON THE MOTION TO AMEND:

The motion to amend was approved – 5-0.

COMMISSION COMMENTS:

Commissioner Herrera expressed concern about the implications of recent state legislation on the city's home rule authority. He emphasized that while the legislation mandates certain actions, the City Council should make a conscious policy decision on whether to comply or challenge the state's authority. He noted that other municipalities are pursuing litigation on this constitutional issue and stressed that city staff cannot waive home rule rights. While supportive of the legislation's goals, he urged that the decision to comply should rest with the City Council, not staff.

Chair Miller asked whether the City Council's decision to comply with state legislation would limit its future ability to oppose such mandates, and whether ongoing litigation by other cities would render the issue moot.

Attorney Reif clarified that the City retains the right to amend its code at any time, though doing so could raise constitutional issues if it conflicts with state law. He noted that state compliance is currently tied to grant funding through executive order. He also provided an update on related litigation, stating that no substantive court rulings have been issued yet.

Commissioner Herrera reiterated support for the ordinance amendments but raised concerns about state mandates overriding home rule authority. He emphasized that policy decisions should be made by City Council with full legal advisement, not solely by staff.

Chair Miller asked whether City Council had formally agreed to the changes and supported Herrera's point about the need for Council-level policy decisions.

Attorney Reif confirmed that Council approved the ADU code changes but had not challenged their constitutionality.

Commissioner Say expressed support for the motion but criticized the state's approach, favoring incentive-based programs like Proposition 123 over mandates. He emphasized the importance of preserving home rule authority.

Commissioner Frahm supported Herrera's comments and suggested including language in future Council actions affirming Loveland's commitment to home rule.

Commissioner Long questioned whether this situation sets a precedent and whether the state has previously tied compliance to funding.

Ms. Burchett responded that the city has previously complied with similar mandates, including occupancy limits.

VOTE ON THE ORIGINAL MOTION:

The motion was approved, 5-0.

ADJOURNMENT:

Chair Miller adjourned the meeting at 8:05 PM.

Approved by:

Curtis Miller, Planning Commission Chair

Lisa Rye, Planning Commission Secretary

City of Loveland

UDC AMENDMENT

PARKING NEAR TRANSIT, EV CHARGING PROJECTS & ADUs

CITY COUNCIL 1-6-26

KERRI BURCHETT

COMMUNITY & STRATEGIC PLANNING

AGENDA



1 PARKING NEAR TRANSIT

2 EV CHARGING PROJECTS

3 ACCESSORY DWELLING UNITS

4 RECOMMENDATION & QUESTIONS

City of Loveland

WHY ARE WE PRESENTING?

- NEW STATE LEGISLATION
- UDC ALIGNMENT





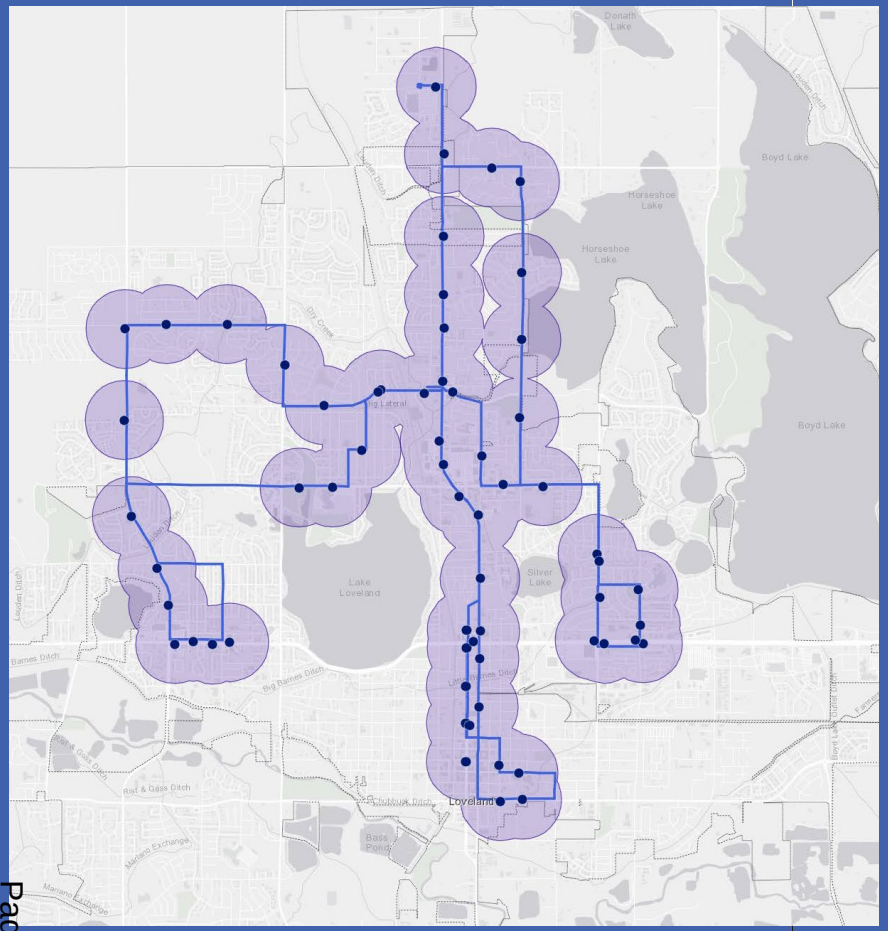


WHAT ARE WE ASKING?

- APPROVAL OF THE ORDINANCE AMENDING THE UDC

City of Loveland

TRANSIT PARKING EXEMPTION AREA



Loveland's transit areas requiring compliance – mapped by State

House Bill Summary

- Eliminates off-street parking requirements for multifamily housing projects near designated transit service areas.
- Transit areas are defined and mapped by the State – within ¼ mile of a bus stop with service intervals of 30 minutes or less
- Applicants can provide parking voluntarily
- Effective June 30, 2025

UDC Impact

- Loveland has 3 transit routes that meet the criteria

City of Loveland

EV CHARGING ACCESSIBILITY_



HB 22-1362 & 23-1233 relate to EV charging in the building code

House Bill Summary

- Goal: Create a standard permitting process for EV charging stations to support and encourage electric vehicles
- Model permitting code developed. Jurisdictions must adopt the model code, create their own objective standards with an administrative review process, or affirm their current EV permitting standards
- Must be implemented by December 2025

UDC Impact

- UDC must include mandatory provisions from the model code and can apply local discretion to optional standards

City of Loveland

1. Land Use Allowance & Process

- New “EV Charging Project” category for primary fast charging EV charging stations.
- Zoning for EV Charging Projects will follow State requirements
- Accessory fast charging EV Charging Stations will be reviewed with a building permit.

Land Use	ER	R1/R1e	R2	R3e	R3	DT	B	MAC	E	I	PP	DR	Standards Reference[1]
Key: “R” = Allowed Use; “L” = Limited Use; “A” = Adaptable Use; “C” = Conditional Use													
Motor Vehicle Uses													
Fueling~~, charging~~ or service stations	-	-	-	-	-	A[2]	L	L	L	L	-	-	§ 18.02.04.09
Motor vehicle wash	-	-	-	-	-	A[2]	L	L	L	L	-	-	§ 18.02.04.09
Surface parking	-	-	-	-	-	L	L	L	L	R	-	-	§ 18.02.04.09
Structured parking	-	-	-	-	-	L[2]	A	A	A	R	-	-	§ 18.02.04.09
EV Charging Project[3]	-	-	C	L	L	A[2]	L	L	L	L	C	C	§ 18.02.04.09

City of Loveland

2. Areas of Local Land Use Discretion

- Nuisance standard – no bright stylistic lighting or large advertising screens (over 2 sq ft) in residential zones or adjacent to residential properties
- Must replace plantings removed for EV stations
- Standards for weather canopies matching fueling stations canopies



Striping of EV spaces at Resurrection Church



Stylistic lighting at Target



Fast charging accessory EV station at Larimer County Administration building

City of Loveland

ACCESSORY DWELLING UNITS



House Bill Summary

- Allows ADUs on all single-family properties as an administrative process and removes barriers such as architectural standards, parking, and owner-occupancy
- Created a certification program for “ADU Supporting Jurisdictions”

UDC Impact

- City amended the UDC in April & received preliminary certification as a supporting jurisdiction
- State identified 2 areas of partial compliance – off-street parking and rear setbacks
- Amendment is needed to receive full certification and be eligible for grants in 2026

City of Loveland

ACCESSORY DWELLING UNITS



1. Off-Street Parking

- No off-street parking requirement for ADUs

2. Rear Setback

- Rear setback of 5-feet for both attached or detached ADUs

Other Adjustments

- ADUs: removes the building footprint restrictions tied to lot size
- ADUs: Clear and unobstructed path from street to ADU for emergency access
- Definitions: New terminology needed with House Bills, clarifying accessory structures

City of Loveland

Completed

- Planning Commission study session (Sept. 22)
- State review of amendment
- Construction Advisory Board (Oct 22 – support)
- Planning Commission public hearing (Oct 27)
  - Unanimous recommendation of approval (5-0)
  - Discussion regarding home rule authority in relation to State mandates
- Transportation Advisory Board (Nov 3 – letter of support)

City of Loveland

PUBLIC COMMENT & COUNCIL QUESTIONS

City of Loveland

THANK YOU

Table 18.02.03.08 Motor Vehicle and Transportation Land Use by Zone													
Land Use	Zones												Standards Reference[1]
	Residential					Mixed-Use				Industrial	Parks and Resource		
	ER	R1/R1e	R2	R3e	R3	DT	B	MAC	E	I	PP	DR	
Key: "R" = Allowed Use; "L" = Limited Use; "A" = Adaptable Use; "C" = Conditional Use													
Motor Vehicle Uses													
Fueling~~, charging~~ or service stations	-	-	-	-	-	A[2]	L	L	L	L	-	-	§ 18.02.04.09
Motor vehicle wash	-	-	-	-	-	A[2]	L	L	L	L	-	-	§ 18.02.04.09
Surface parking	-	-	-	-	-	L	L	L	L	R	-	-	§ 18.02.04.09
Structured parking	-	-	-	-	-	L[2]	A	A	A	R	-	-	§ 18.02.04.09
EV Charging Project[3]	-	-	C	L	L	A[2]	L	L	L	L	C	C	§ 18.02.04.09
Passenger motor vehicle sales or rental	-	-	-	-	-	A[2]	L	L	L	L	-	-	§ 18.02.04.09
Heavy motor vehicle sales or rental	-	-	-	-	-	-	A	A	A	L	-	-	§ 18.02.04.09
Heavy motor vehicle service	-	-	-	-	-	-	A	A	A	L	-	-	§ 18.02.04.09
Motorcycle, scooter, or ATV sales or rental	-	-	-	-	-	A[2]	L	L	L	L	-	-	§ 18.02.04.09
Other Transportation Uses													
Airport	-	-	-	-	-	-	-	-	C	C	-	-	§ 18.02.04.09
Heliport	-	-	-	-	-	-	-	-	C	C	-	-	§ 18.02.04.09
Helistop	-	-	-	-	-	-	A	A	A	A	-	-	§ 18.02.04.09
Bus or Taxi Terminal	-	-	-	-	-	A[2]	A	A	A	A	-	-	§ 18.02.04.09

TABLE NOTES:
[1] This column contains a cross-reference to the standards that apply to the use in zones in which the use is listed as Limited ("L"), Adaptable ("A"), or Conditional ("C").
[2] Type of review may vary based on scale of new construction. *See* Sec. 18.02.04.02, Scale Thresholds in DT and Residential Zones.
[3] EV Charging Projects are allowed in nonresidential and high-density residential areas of a PUD as a Limited use and in medium-density residential areas of a PUD as a Conditional use.

18.02.04.09 Motor Vehicle and Transportation Standards

A. **Fueling, Charging, or Service Station.**

B. **Surface Parking.**

C. **Structured Parking.**

D. **EV Charging Project.** EV Charging Projects shall comply with the following standards, in addition to all other applicable standards in the UDC:

1. The location of screening materials including landscaping and screen walls, shall comply with the electrical equipment safety and access distances from national electrical safety standards, including National Fire Protection Association (NFPA) standards, the National Electric Safety Code (NESC), and other relevant national safety standards.
2. EV Charging Stations and Equipment installed within pedestrian walkways shall maintain a minimum unobstructed clear width of 3 feet along all accessible routes.
3. Digital advertising screens that exceed 2 square feet and bright lighting that is stylistic rather than functional shall be prohibited on EV Charging Stations and Equipment located in or adjacent to residential zones and residential uses.

4. EV Charging Equipment shall be screened along perimeter streets for the length of the EV Charging Equipment, in accordance with Section 18.04.07.17.D Ground-Mounted Equipment.
5. The use shall comply with the standards in Section 18.02.04.09.C Surface Parking, Section 18.08.03.06 Parking Buffers, Section 18.08.04.03 Parking Lots, and Division 18.09.02 Lighting, unless waived by the Director through an administrative variation.
6. Parking shelters for EV Charging Projects shall comply with the canopy height and lighting criteria in Section 18.02.04.09.A Fueling or Service Station, subsections 3.c and 5.
7. Special Standards for DT Zone: In addition to the other standards of this subsection D:
   a. The use is not allowed in the Core, Neighborhood Transition, and Fourth Street Character Districts within the DT zone.
   b. The use is an adaptable use in the General Character District within the DT zone.

E. **Passenger Motor Vehicle Sales or Rental.**

F. **Heavy Motor Vehicle Sales or Rental.**

G. **Heavy Motor Vehicle Service.**

H. **Motorcycle, Scooter, or ATV Sales or Rental.**

I. **Airport.**

J. **Heliport.**

K. **Helistop.**

L. **Bus and Taxi Terminal.**

Division 18.04.07 Supplemental Standards

18.04.07.01 Accessory Use EV Charging

A. Generally. The standards of this Section apply to the installation of DCFC Charging Stations and Equipment that are incidental and subordinate to the primary use on the subject property (Accessory Use EV Charging Station), and are in addition to all other applicable standards in the UDC. These standards do not apply to Level 1 and Level 2 EV charging stations, which are exempt from land use permitting standards. Accessory Use EV Charging Stations are allowed in all zone districts, and compliance with these standards is reviewed through the building permit process. For the purposes of this section, subject property means the property on which the accessory EV charging station is proposed.

B. Location within Walkways. Accessory Use EV Charging Stations installed within pedestrian walkways shall maintain a minimum unobstructed clear width of 3 feet along all accessible routes.

C. Site Conformance. Installation of an accessory EV Charging Station shall not trigger existing land uses on the same subject property to make site improvements or otherwise conform with land use regulations, unless the existing land uses propose simultaneous changes to their use, structures, or site that would otherwise require such conformance.

D. Screening. Accessory EV Charging Stations and Equipment are exempt from screening requirements in Section 18.04.07.17.D Ground-Mounted Equipment. If screening materials are voluntarily installed, the location of the materials including landscaping and screen walls, shall comply with the electrical equipment safety and access distances from national electrical safety standards, including National Fire Protection Association (NFPA) standards, the National Electric Safety Code (NESC), and other relevant national safety standards.

E. Charging Stations In or Adjacent to Residential Zones and Uses. Digital advertising screens that exceed 2 square feet and bright lighting that is stylistic rather than functional shall be prohibited on EV Charging Stations and Equipment located in or adjacent to residential zones and residential uses.

F. Replacement of Landscaping. When existing landscape plants on a subject property are removed during the installation of an accessory charging station, they shall be replaced with similar plants so as to maintain the property's compliance with landscaping standards for the property's existing uses.

G. Location.

1. Accessory Use EV Charging Stations must comply with applicable setback requirements, unless it is demonstrated by the applicant that locating such equipment outside of setbacks is infeasible in which the Director may approve an administrative variation to allow the setback encroachment.
2. Accessory Use EV Charging Stations may be located within easements only with written consent from all affected utility providers.

18.04.07.02 Accessory Dwelling Units

A. **Generally.** Accessory dwelling units ("ADUs") are subject to the standards of this Section. These standards supersede any design and dimensional standards for ADUs established in PUDs approved prior to the effective date of C.R.S 24-67-105. Additionally, new PUDs shall not restrict the creation of ADUs beyond the standards in this Section. ADUs are allowed as accessory uses to single-family detached dwelling units that are conforming uses under this UDC. ADUs are not included in the calculation of residential density as set forth in Section 18.03.02.02, Residential Density and are not counted towards the maximum density allowed in a residential PUD.

B. **General Development Standards.** The following development standards apply to ADUs in all zones:

1. ADUs shall:
   a. Be located on the same lot as an existing principal single-family detached dwelling unit, except in the North Cleveland Overlay Zone, as set forth in Section 18.06.08.04, Accessory Dwelling Units;
   b. Have a separate exterior entrance from the principal dwelling unit;
   c. Have its own cooking and bathing facilities, independent of the principal dwelling unit;
   ~~d. Meet all of the setback requirements within the applicable zoning district (if the ADU is located in a detached structure, it is subject to the accessory structure setback requirements); and~~
   d. Have a separate address from the principal dwelling.
   e. Provide a clear and unobstructed path from the street or driveway to the ADU when required by the Loveland Fire Rescue Authority.
2. Only one ADU is allowed per lot.
3. ~~The subject property shall contain the required number of parking spaces for the principal dwelling unit; and in addition to the parking for the primary dwelling unit, one parking space shall be provided for the ADU, unless the width of the adjacent street is 28 feet or greater and on-street parking is allowed~~.
4. An ADU attached or internal to a principal dwelling unit must be designed as a separate, complete, and independent dwelling unit and cannot have an internal connection or opening to the principal dwelling unit.

C. **Setbacks.** ADUs (attached or detached from the principal dwelling) shall be set back from the applicable lot lines as follows:

1. Front: Equal to or greater than the actual front setback for the principal dwelling or building with which it is associated.
2. Street Side: Same as required for the principal building.
3. Interior Side: Five feet.
4. Interior Rear: Five feet.
5. Alley: Five feet.
6. Garage access doors shall be set back in accordance with Section 18.04.04.03.F Setbacks Along Alleys, Sidewalks, Trail or Access Easements, Ditches, and Waterbodies.

~~C.~~D. **Size.** The following size limitations apply to ADUs:

1. Maximum Floor Area: The maximum floor area including all floor planes, but excluding attached garages, is 900 square feet.

~~2. Maximum Building Footprint:~~

~~a. Detached ADUs: The building footprint for an ADU detached from the principal dwelling unit shall not exceed the following unless it is approved as an Adaptable Use:~~

~~1. 500 square feet for lots 5,000 square feet or less.~~

~~2. 10 percent of the total lot area of the property or 900 square feet, whichever is less, for lots greater than 5,000 feet.;~~

~~b. Attached ADUs: The building footprint for an ADU attached to the principal dwelling unit shall not be limited based on the lot size, provided all standards in this Section are met.~~

~~c. The building footprint for a detached ADU shall be counted towards the maximum building footprint allowed for an accessory structure as provided in Section 18.04.07.01.C.1., unless the ADU is located as a second level above the accessory structure.~~

~~3.~~2. Scale Thresholds Exemption: The floor area of an ADU shall not be included in the Building Coverage Ratio calculations for Scale Thresholds in Section 18.02.04.02, Scale Thresholds in DT and Residential Zones.

~~D.~~E. **Exceptions for Large Suburban, Estate, and Large Estate Lots.** ADUs on Large Suburban, Estate, and Large Estate Lots as described in Table 18.04.02.03.A. may exceed the maximum floor area established in Subsection C.1, above, provided the following standards are met:

1. The maximum floor area shall not exceed 50% of the total floor area of the principal dwelling unit;
2. The total building coverage of all structures shall comply with the Scale Thresholds limits in Table 18.02.04.02, Scale Thresholds in DT and Residential Zones.
3. Interior and street side ~~S~~setbacks for the ADU shall comply with the setback requirements for the principal dwelling unit in the applicable zone district.
4. Capital expansion fees shall be charged in accordance with Division 18.16.04, Capital Expansion Fees.

~~**F. Exception for the Conversion or Expansion of an Existing Detached Structure to an ADU.** An existing detached accessory structure that was legally permitted prior to the adoption of the UDC that does not meet the building footprint requirement in Subsection C.2.a, may be converted to an ADU or expanded as a second story ADU provided the floor area of the ADU does not exceed 900 square feet.~~

Option 1
F. **Parking.** Off-street parking is not required for an ADU.
Option 2
F. **Parking.** Construction of a new off-street parking space is not required for an ADU unless the following three conditions exist. If all three conditions exist, one new off-street parking space must be provided for the ADU. 1. The property does not have an existing off-street parking space, including a driveway, garage, or tandem parking space, that can be used for the ADU; 2. The property is in a zoning district that, as of January 1, 2024, requires off-street parking for the principal dwelling unit; and 3. The property is located on a block that does not allow on-street parking for any reason including ensuring access for emergency services.

Two options for parking were presented to Planning Commission. Planning Commission recommended Option 1 and staff supports that recommendation. Option 1 is incorporated into the ordinance for consideration.

G. ~~E.~~ **Utilities**.

a. Water and wastewater services to the ADU shall be connected to the service lines of the principal dwelling unit.

b. Utility design shall ensure that water and electric utilities for the ADU can be shut off independently from the principal dwelling.

18.04.07.03~~1~~ Accessory Structures

A. **Generally.**

B. **Setbacks.** Accessory Structures shall be set back from the applicable lot lines as follows:

1. Front: Equal to or greater than the actual front setback for the principal dwelling or building with which it is associated;
2. Street Side: Same as required for the principal building.
3. Interior Side: Five feet.
4. Interior Rear: Five feet or one foot for every four feet of building height, whichever is greater~~, except for ADUs which shall have a minimum interior rear setback of five feet.~~
5. Alley: Five feet.
6. Garage access doors shall be set back in accordance with Section 18.04.04.03.F Setbacks Along Alleys, Sidewalks, Trail or Access Easements, Ditches, and Waterbodies.

C. **Residential Detached Garages, Carports and Storage Buildings.** The following limitations and requirements shall be applied to a detached garage, carport, or storage building in a residential zone district or on residential properties, in order for the garage, carport, or storage building to be considered an accessory structure (as opposed to a principal building):

1. The maximum building footprint shall not exceed ten percent of the total lot area or 500 square feet, whichever is greater, and shall be ~~considered~~ calculated cumulatively with all other accessory structures on the lot, excluding ADUs.

2. The roof pitch, materials, and style shall match the roof pitch, materials, and style on the principal building.
3. The exterior treatment shall be similar to the materials and colors of the principal building. Metal shall not be used as the primary material unless the Director determines that the metal material is appropriate based on the nature of the property and the character of the neighborhood.
4. Storage buildings exempt from a building permit are exempt from the standards in Section C.

D. **Temporary Accessory Structures**

E. **Common Buildings in Housing Clusters.**

F. **Covered Parking for Multifamily Development.**

G. **Existing Manufactured Home Parks and Subdivisions.**

H. **Encroachments.**

18.05.03.01 Calculation of Required Parking Spaces

A. Generally.
B. Factors.
C. Rounding.
D. Tandem Parking Spaces.
E. EV Charging.

1. Any parking space served by an EV Charging Station or any parking space used to site EV Charging Stations or Equipment is counted toward applicable parking minimums as at least one standard automobile parking space in accordance with the off-street parking requirements in Section 18.05.03.03 Parking Requirements Tables.
2. Any van-accessible parking space that is designed to accommodate a person in a wheelchair, is served by an EV Charging Port, and is not designated as parking reserved for a person with a disability under C.R.S 42-4-1208 is counted as two standard off-street automobile parking spaces in accordance with the off-street parking requirements in Section 18.05.03.03 Parking Requirements Tables.
3. ADA accessible spaces served by EV Charging shall be provided in alignment with the Americans with Disabilities Act Accessibility Standards and standards in the Building Code, providing the same proportion of accessible spaces served by EV Charging per the total number of spaces served by EV Charging. ADA EV Charging spaces may be reserved only for use by people with a disability but are not required to be, so long as the overall number of available parking spaces designed and reserved for people with a disability meets the requirements of the Americans with Disabilities Act/Table 12-5-203A.

F. ~~E~~ Parking Reductions.

18.05.03.02 Exemptions from Parking Requirements

A. General Improvement District #1 Exemption. Nonresidential and mixed-use development that is located within the boundaries of General Improvement District #1 is exempt from the parking requirements of this Division. However, if parking is provided, such parking shall be designed as provided in Division 18.05.04, Parking and Loading Design.

B. Transit Service Area Exemption:

1. Any new multifamily residential development, adaptive reuse for residential purposes, or mixed-use development in which at least 50% of the total floor area is designated for residential uses, and which is located wholly or partially within a transit service area, as defined in C.R.S § 29-35-301, *et seq*, as amended, is exempt from the parking requirements in this Division. If parking is voluntarily provided within the applicable transit service areas, such parking shall meet the design standards in Division 18.05.04, Parking and Loading Design. A map of the applicable transit service areas is included as Appendix H for illustrative purposes.
2. Exceptions. The City may require a minimum parking requirement in connection with a housing development project that contains twenty units or more or contains "regulated affordable housing" as defined in C.R.S § 29-35-302 by requiring no more than one parking space per dwelling unit provided the City publishes written findings that not imposing or enforcing a parking minimum would have a substantial negative impact, pursuant to C.R.S. § 29-35-304(2), as amended, within 90 days of receiving a complete development application, and submits a report to the Colorado Department of Local Affairs, in accordance with C.R.S § 29-35-304(3), as amended.

Table 18.19.02.02 Table of Acronyms	
Acronym	**Meaning**
AASHTO	American Association of State Highway Transportation Officials
ac.	Acre
ACF	Adequate Community Facilities
ADA	Americans with Disabilities Act
ADA 502	2010 ADA Standards for Accessible Design § 502, as amended from time to time, and however subsequently titled or numbered
ADT	Average Daily Traffic
AMI	Area-wide Median Income
Art.	Article
ATM	Automated Teller Machine
BMP	Best Management Practice
BRU	Preceded by a number, "Bedroom Unit" (e.g., 2 Bedroom Unit)
CAFO	Concentrated Animal Feeding Operation
CATV	Cable Television
CC	City Council
CCR	Colorado Code of Regulations
CDPHE	Colorado Department of Public Health and Environment
CPTED	Crime Prevention Through Environmental Design
CMRS	Commercial Mobile Radio Service
CNSDA	Colorado Notification of Surface Development Act, C.R.S. § 24-65.5-101, *et seq*.
C.O.	Certificate of Occupancy
COGCC	Colorado Oil and Gas Conservation Commission
C.R.S.	Colorado Revised Statutes
dBA	A-weighted Decibels
DBH	Diameter at Breast Height
DCFC	Direct Current Fast Charging
Div.	Division
e.g.	exempli gratia (translation: "for example"), which is followed by illustrative, non-exclusive examples
EIFS	Exterior Insulation Finishing Systems
EOPC	Engineer's Opinion of Probable Cost
EPA	United States Environmental Protection Agency
ESMR	Enhanced Specialized Mobile Radio
ET	Evapo-Transpiration
EV	Electric Vehicle
FAR	Floor Area Ratio
FDP	Final Development Plan
ft.	Feet
GFA	Gross Floor Area
i.e.	id est (translation: "that is"), which is followed by an elaboration of the topic
IGA	Intergovernmental Agreement
kW	Kilowatt

Table 18.19.02.02 Table of Acronyms	
Acronym	**Meaning**
lf.	Linear Feet
LAN	Local Area Network
LEED	Leadership in Energy and Environmental Design
LSR	Landscape Surface Ratio
Max.	Maximum
Min.	Minimum
MUTCD	Manual on Uniform Traffic Control Devices
N/A	Not Applicable
NOV	Notice of Violation
NPDES	National Pollutant Discharge Elimination System
OGC Act	Colorado Oil and Gas Conservation Act, C.R.S. § 34-60-101, *et seq*.
OSHA	Occupational Safety and Health Act
OSR	Open Space Ratio
PC	Planning Commission
PCS	Personal Communications Services
PICP	Public Improvement Construction Plans
PDP	Preliminary Development Plan
PUD	Planned Unit Development
RV	Recreational Vehicle
Sec.	Section
sf.	Square Feet
sp.	Parking Space (or Parking Spaces)
U	Dwelling Unit
U/A	Dwelling Units per Acre
UDC	City of Loveland Unified Development Code
UDFCD	Urban Drainage and Flood Control District
U.S.	When preceded and followed by numbers, United States Reports (a Supreme Court Reporter); otherwise United States
U.S.C.	United States Code
U.S. DOJ	United States Department of Justice
USDCM	Urban Storm Drainage Criteria Manuals
V	Volt
WCF	Wireless Communications Facilities
ZBA	Board of Adjustment

18.19.03 Definitions

Accessory Structure means a structure that is:

1. Subordinate to the use and scale of the principal building, or supportive of and incidental to an outdoor land use;
2. Customary in connection with the principal building, other structure, or use of land; and
3. Ordinarily located on the same lot with the principal building, other structure, or use of land.

Examples of accessory structures include, but are not limited to: detached garages, sheds, carports, pergolas and similar shade structures, dog runs, ~~and~~ chicken coops and animal pens that are accessory to residential buildings, storage buildings that are accessory to lumberyards, and restroom facilities that are accessory to parks. The phrase "accessory structure" does not include signs.

Building Code means the building regulations adopted by the City under Title 15, Buildings and Construction, of the Municipal Code, including all codes adopted by reference within Title 15, collectively referred to as the Adopted Construction Codes.

Electric Vehicle (EV) means a motor vehicle which relies partially or entirely on electrical energy to power its movement, requiring periodic electrical current charging of its battery.

Electric Vehicle Charging Equipment (EV Charging Equipment) means all equipment necessary to provide electrical current charging for EVs, except for EV Charging Stations. This may include power conversion equipment, electrical distribution equipment such as transformers, switchgear boxes, and distribution lines, and other supportive equipment.

Electric Vehicle Charging Project (EV Charging Project) means a proposed development of DCFC EV Charging Stations and Equipment that serves as the primary function and land use on the property, which may include other supporting site improvements like landscaping, lighting, weather protection, rest areas or seating, and public restrooms.

Electric Vehicle Charging Station (EV Charging Station) means equipment that provides charging for EVs, located adjacent to dedicated space(s) for the vehicle(s) while they charge. One EV Charging Station may provide power for one or more vehicles.

a. Direct Current Fast Charging (DCFC) means equipment capable of fast charging on a 100 amp or higher 480 volt alternating current (VAC) three-phase branch circuit that provides about 50-350+ kW of power per hour.
b. Level 2 Charging means mid-speed charging that provides about 7-19 kW of power per hour and uses a 240V outlet.
c. Level 1 Charging means slow charging that provides about 1-2 kW of power per hour and uses a 120V outlet.

Fueling~~, Charging,~~ or Service Station means a building, land area, or other premises used for the retail dispensing or sales of vehicular fuels; ~~Level 3 DC fast-charging of electric vehicles~~; towing of automobiles and light trucks (but not storage of inoperable automobiles or light trucks); or the sale and installation of lubricants, tires, batteries, brakes, mufflers, and similar vehicle repairs and accessory installations. The phrase "service station" does not include collision centers or facilities that provide transmission repair, engine overhauls, or repair of commercial vehicles. A fueling, charging or service station may include a retail store that sells goods and services, but primarily ready-to-eat food products (not intended for on-premises consumption), groceries, or sundries.

Horizontal Illuminance means the area on a horizontal surface in which a light fixture provides direct or high intensity illumination.

Mixed-Use means a development that combines two or more distinct land uses, such as residential, commercial, office, institutional, or civic, within a single building, site, or integrated development area. Mixed-use developments may be arranged vertically (with different uses stacked within a structure) or horizontally (with uses distributed across multiple buildings or parcels), and are designed to promote pedestrian accessibility, efficient land use, and functional integration of complementary activities.

EV Model Land Use Code – HB 24-1173
Code Comparison and Recommendation

	Model Code Regulation	UDC	Resolution	Notes
	Definitions			
1	Electric Vehicle	-	Added to 18.19.03 Definitions	Mandatory definition
2	Electric Vehicle Charging Port	-	Added to 18.19.03 Definitions	Mandatory definition
3	Electric Vehicle Charging Station	-	Added to 18.19.03 Definitions	Mandatory definition
4	Electric Vehicle Charging Equipment	-	Added to 18.19.03 Definitions	Mandatory definition
5	Electric Vehicle Charging Project	-	Added to 18.19.03 Definitions	Mandatory definition – add only in reference to Primary Use EV. Removed Accessory Use EV as part of the definition
6	Primary Use EV Charging Project	-	Added to 18.19.03 Definitions	Mandatory definition
7	Accessory Use EV Charging Project	-	Added description to 18.04.07.01 Supplemental Standards	Accessory use EVs charging stations and equipment will not require land use approval and is not defined as part of a EV Charging Project
8	Administrative Review Process	Use by Right and Limited Use are described in Section 18.02.03.01 - both are administratively reviewed	Use existing terminology	The UDC currently describes these processes consistently with State definitions
9	Conditional Review Process	Conditional use is described in Section 18.02.03.01 requiring Planning Commission approval	Use existing terminology	The UDC currently describes this process consistently with the State definition
10	Subject Property	-	Added to 18.04.07.01.A & as	The definition was added to the supplemental standards for Accessory EV

			part of Primary Use EV definition in 18.19.03 Definition	Charging Stations, and in the definition of Primary Use EV Charging Project, as it has much broader meanings in the UDC, outside of EV Charging Projects
11	Setbacks	Defined in 18.19.01.03	Use existing terminology	The UDC currently defines this term consistently with State definition
12	Horizontal Illuminance	Term used in light level table 18.09.02.03 but not defined.	Added to 18.19.03 Definitions	This term is used in UDC but is not defined
13	Site Lines/Site Distance Triangles	Site triangles are defined in Section 7 of the LCUASS	Use existing terminology	The Larimer County Urban Area Street Standards defines this term consistently with State definition

Model Code Regulation	UDC	Resolution	Notes
Required Standards			
1. Permit Applicability: Jurisdictions may only require land use permits for EV charging development that meets the definition of an "EV Charging Project" (and associated definitions for "Primary Use" and "Accessory Use" EV Charging Projects). Conversely, jurisdictions may not require a land use permit for other types of EV charging development (i.e. all Level 1 and Level 2 charging).	-	Add "EV Charging Project" as a new land use category under Motor Vehicle and Transportation Land Use Table 18.02.03.08	Land use approval will only be required for Primary Use Charging Projects. Accessory Use EV charging will be incorporated as supplemental standards and reviewed at time of building permit. Level 1 and 2 chargers are not subject to the supplemental standards.
2. Permit Review Process: Jurisdictions must review land use permit applications for EV Charging Projects using the applicable permitting process from the zoning district where projects are proposed. For EV Charging Projects where the approval process is "Use by Right" or similar, the permitting process must be similar to an	The UDC land use tables specify process based on zone districts	Add "EV Charging Project" into Table 18.02.03.08	Category added into the Motor Vehicle and Transportation Land Use by Zone, with process allowances based on specific zone districts. Limited and Adaptable uses are administratively approved.

Administrative Review Process. For EV Charging Projects where the approval process is "Conditional Use" or similar, the permitting process must be similar to a Conditional Use Process.			Conditional Uses require Planning Commission approval
3. Existing Primary Use Conformance Updates: Jurisdictions may not require existing land uses on the same property as the Accessory Use EV Charging project to make site improvements or conform with land use regulations, unless the existing land uses proposed simultaneous changes to their use, structures or site that would otherwise require such conformance.	-	Added a standard in Section 18.04.07.01.C	Added to supplemental standards for Accessory EV charging stations
4. Regulation of Primary Use EV Charging Stations: Jurisdictions may apply existing regulations (or develop new regulations) for Primary Use EV Charging Projects, as long as the regulations are no more restrictive to Primary Use EV Charging than those that apply to similar land uses, such as parking or commercial uses. Whether jurisdictions apply existing regulations or develop new regulations, they must define Primary Use EV Charging Projects as a land use and clarify which regulations apply to Primary Use EV Charging Projects.	The UDC includes Level 3 fast charging as part of the fueling station definition, however it does not contain specific standards for EV	Add specific references to city standards that must be complied with in 18.02.04.09.D.6	Primary charging projects must comply with surface parking use standards, parking lot landscaping, lighting, and screening standards in the UDC
5. Permitted by Zoning District: Primary use EV Charging Projects and Accessory Use EV Charging Projects shall be permitted as a use by right in all land use contexts, except for low-density housing land use contexts, where they shall be permitted as a conditional use.	-	Add EV Charging Projects (Primary Use only) as follows: • Prohibited in low density residential (Estate, R1/R1e) • Conditional use in medium density (R2), Public Park (PP) and DR (Developing Resource)	Loveland has 4 character districts in the Downtown (DT zone. The permitting process for EV charging projects is proposed to be the same as the permitting process for gas

		• Prohibited in 3 pedestrian oriented Downtown subzones (through a special standard) • Adaptable use in the General Character Downtown subzone • Limited in all other zones	stations and car washes in the subzones
6. Parking: Any parking space served by an EV charging port or any other parking space used to site EV charging stations or equipment must be counted toward applicable parking minimums as at least one standards automobile parking space.	-	Add standard 18.05.03.01.E.1 Calculation of Required Parking Spaces	-
7. Parking: Any van-accessible parking space that is designated to accommodate a person in a wheelchair, is served by an EV Charging Port, and is not designated as parking reserved for a person with a disability must be counted as at least 2 standard automobile parking spaces.	-	Add standard 18.05.03.01.E.2 calculation of required parking spaces	-
8. Parking: The design of parking spaces and parking access for all EV Charging Projects shall comply with the US Access Board Design Recommendations for Accessible Electric Vehicles Charging Stations or any applicable accessibility regulations issued by the federal Department of Justice or Department of Transportation, or in state statute.	-	Add standard 18.05.04.02.D in Parking Space and Aisle Standards	-
9. Setbacks: For Accessory Use EV Charging Projects, EV Charging Stations and Equipment (and any required screening), shall be permitted within designated setbacks of the subject property.	-	Add Section 18.04.07.01.F to require compliance with setbacks unless approved administratively by the Director	Require compliance with setbacks unless demonstrated that there are no alternatives. Admin approval of a variation

10. Equipment Standard: The appearance, materials, and dimensions of EV Charging Stations and Equipment shall be determined by current EV Charging manufacturing standards and utility design.	-	Add standard 18.02.04.09.1 and 18.02.04.09.B to prohibit nuisance conditions adjacent to residential zones and uses only	The City can prohibit or limit design features such as large digital advertising screens or bright lighting that is stylistic rather than functional and may result in light pollution or nuisances to neighboring properties
11. Screening and Landscaping: Jurisdictions are encouraged not to require screening for Accessory Use EV Charging Projects.		Add standard 18.04.07.01.D that exempts Accessory EV Charging Stations and Equipment from screening requirements	-
12. Screening and Landscaping: Jurisdictions may not require screening or landscaping to be located within the electrical equipment safety and access distances from national electrical safety standards, including National Fire Protection Association (NFPA) standards, the National Electric Safety Code (NESC), and other relevant national safety standards	-	Add standard 18.02.04.09.D. 2	-

Model Code Regulation	UDC	Resolution	Notes
Optional Standards			
13. Lighting: Charging Stations proposed as part of an EV Charging Project must be within the Horizontal Illuminance of on-site lighting, as defined in this [code section]. Lighting may be provided by existing on-site lighting and/or by new lighting fixtures integrated into EV	The UDC has minimum horizontal illuminance, maximum uniformity ratios, maximum average illuminance and minimum vertical illuminance in Table 18.09.02.03	Add reference in 18.02.04.09.D.6 for compliance with the City's parking lot lighting criteria	Photometric plans are required as part of a site development plan for an EV charging project (primary use only)

Charging Stations or Equipment or by new separate light fixtures			
14. Parking Marking and Striping: Existing standards for parking pavement markings and striping established within [this code section] apply to EV Charging Projects	-	No additional standard	The City will not require special pavement marking for EV spaces
15. Visibility: EV Charging Stations and EV Charging Equipment shall not obstruct [site lines/sight distance triangles] as defined in [this code section]	Existing provision in the Larimer County Urban Area Street Standards	No additional standard	LCUASS Chapter 8 requires sight distance triangles to remain free of visual obstructions
16. Landscaping: When existing landscape plants on a subject property are removed during the installment of an Accessory Use EV Charging Project, they shall be replaced with similar plants so as to maintain the property's compliance with landscaping standards for the property's existing uses.		Add standard 18.04.07.01.E	-
17. Signage: Signage may be provided as part of an EV Charging Project to provide information about charging types, voltages, fees, wayfinding, or other information. Any signage provided is subject to the applicable standards in [this Code/Section]	UDC does not require sign permits for incidental signs of 1 sf (gas pumps, utility cabinets, equipment, etc.), small signs of 2 sq ft, or signs not visible from ROW	No additional standard recommended	Signage must be allowed on EV charging projects but cannot be required.
18. Weather Canopies: If weather canopies are included as part of an EV Charging Project, they are subject to the applicable siting,	Parking shelters for residential projects cannot encroach in front of side setbacks;	Add standard 18.02.04.09.D.7 for parking shelters	Parking shelters to comply with fueling station canopies height and lighting

dimensional, setback, appearance, materials, and other standards in [this Code/Section]	no design criteria provided		

Additional Standard Not in the Model Code			
Clear space in pedestrian accessible walkways	-	Added standard 18.02.04.09.D.3 to require EV Charging Stations and Equipment installed within pedestrian walkways to maintain a minimum unobstructed clear width of 3 feet along all accessible routes.	

Colorado Electric Vehicle Charging Model Land Use Code & Guidance

Prepared by the Colorado Energy Office

in compliance with HB24 -1173

March 2025

Table of Contents

Chapter 1: Introduction 3
What is the Colorado Electric Vehicle Charging Model Land Use Code & Guidance? . 3
What is House Bill 24-1173? 3
EV Charging Model Code Requirements 5
Background 9
Chapter 2: HB24-1173 Compliance 13
Applicability 13
Compliance Options 13
Compliance Path Considerations 15
Reporting 15
Chapter 3: Model Code Adoption Guidance 16
Definitions and Standards Structure 16
Opportunities for Customization 17
Conflicting Language 19
Interaction with Other Regulations 19
Integrating Graphics 20
Other Potential Standards 20
Chapter 4: Model Code Definitions and Standards 21
Base Definitions (Adoption Required) 21
Base Standards (Adoption Required) 27
Optional Standards 39
Other Potential Standards 43
Chapter 5: Model Code Application & Review Process Requirements 44
Required Permitting Process Elements 45
Recommended (Optional) Permitting Process Elements 46
Templates 46
Appendix A - Subject Jurisdictions 47
Appendix B – Example Land Use Context to Zoning District Translation Table 48

Chapter 1: Introduction

What is the Colorado Electric Vehicle Charging Model Land Use Code & Guidance?

This document helps local governments understand the three options available to comply with House Bill 24-1173 ("HB24-1173" or "the law"), and outlines requirements for local governments that choose to comply by adopting the EV Charging Model Land Use Code ("Model Code"). This document provides requirements and recommendations for land use standards and permitting processes, and guidance to implement them. Readers are encouraged to review the entire document to fully understand the compliance options and requirements. The key chapters in this document are:

- **Chapter 2:** outlines the three options for compliance with HB24-1173
- **Chapters 3 & 4:** includes the Model Code land use standard requirements and adoption guidance
- **Chapter 5:** provides the Model Code land use permitting process requirements and recommendations

What is House Bill 24-1173?

As a strategy for expanding Electric Vehicle ("EV") use, cost-effectiveness, convenience and viability across the state, and to advance Colorado's ambitious goals to reduce air pollution and greenhouse gas ("GHG") emissions, the Colorado Legislature passed House Bill 24-1173 to encourage a more standardized and streamlined local permitting processes for EV charging development.

The law applies to counties with 20,000 and more people, and municipalities with 10,000 and more people, as of the 2020 Federal Census. Counties and municipalities subject to the law ("subject jurisdictions") are listed in Appendix A: Subject

Jurisdictions. By December 31, 2025, subject jurisdictions are required to complete one of three compliance actions:

1. **EV Charging Model Code Adoption:** Adopt the permitting standards and processes from this EV Charging Model Code. Requirements, recommendations, and implementation instructions for this option are found in Chapters 3-5 of this document.
2. **Statutory Code Adoption:** Adopt the EV charging permitting standards directly as written in the law, including adopting objective permit review standards and an administrative review process for EV charging projects.
3. **Retain Existing Permitting Process and Standards:** Adopt an ordinance or resolution to retain existing standards and permitting processes for EV charging projects, opting out of any changes to permitting standards and processes.

Only subject jurisdictions that choose the Model Code compliance path must adhere to the Model Code requirements of this document. Jurisdictions that choose one of the other compliance paths are not subject to the Model Code requirements. More detailed information on how to comply with the law is found in Chapter 2.

EV Charging Model Code Requirements

The Model Code requirements are based on established best practices, aiming to reduce barriers for EV charging development and streamline the approval process. The Colorado Energy Office ("CEO")'s goal in developing the Model Code is to provide an attractive option for the majority of local governments across the state, establishing a relatively consistent set of standards and processes. Although the requirements and recommendations are written to support subject jurisdiction compliance with HB24-1173, they may also serve as a resource for other local governments that wish to streamline their EV charging permitting processes voluntarily.

There are two components to the requirements for the Model Code compliance option: 1) definitions and standards and 2) permitting processes. **Local governments that plan to comply with the law using a different compliance path are not subject to these requirements.**

Definitions and Standards

Chapter 4 provides definitions and standards for local governments to integrate into their land use codes, and – along with guidance in Chapter 3 – instructions for interpreting and implementing them. The Base Standards and Definitions are required to be adopted. The Optional Standards are not required to be adopted, but represent the most restrictive land use regulations that jurisdictions may adopt (if they choose to) for the topics addressed, which are common topics that jurisdictions may want to regulate for EV Charging. The standards and definitions are meant to provide predictable parameters to guide the permitting of EV charging projects, including:

- Defining EV charging projects as a land use
- The land use contexts where EV charging projects are allowed by right, allowed conditionally, or prohibited
- The land use permitting processes applicable to proposed EV charging projects
- Siting and design considerations like parking, setbacks, screening, landscaping, signage, lighting, and weather protection

Base Definitions & Standards Summary

13 Definitions and 12 Standards that jurisdictions must include in their land use codes, either as new code language or by referencing existing code language.

- Jurisdictions may only require land use permits for DCFC EV charging (Definitions 5-7 + Standard 1)
- Jurisdictions must allow EV charging as a use by-right reviewed through an Administrative Approval process in most zoning districts (Standards 2 + 5)
- Jurisdictions may not require conformance updates for existing Primary Uses on a property where Accessory Use EV Charging is proposed (Standard 3)
- Jurisdictions may regulate Primary Use EV charging differently from Accessory Use EV charging, and may apply standards from other reasonably similar land uses to Primary Use EV charging (Standard 4)
- Jurisdictions must count EV charging parking spaces towards minimum parking requirements and ensure that EV charging projects comply with accessibility guidelines (Standards 6-8)
- Jurisdictions may limit Accessory Use EV charging stations and equipment within setbacks, but are encouraged to allow stations and equipment in setbacks when appropriate (Standard 9)
- Jurisdictions have some ability to regulate the dimensions, appearance, of materials of EV charging infrastructure (Standard 10)
- Jurisdictions may require limited screening for EV charging equipment, but are encouraged to not require any screening (Standard 11)
- Jurisdictions may not require screening or landscaping that conflicts with national electrical safety and access standards (Standard 12)

Optional Standards Summary

6 Standards that jurisdictions are not required to adopt but may choose to if they would like to regulate one or more of the specific topics addressed. While not required, these represent the most restrictive standards allowable within each topic.

- Jurisdictions may require that EV charging stations be well-lit (Standard 13)
- Jurisdictions may apply pavement striping and marking standards to EV charging (Standard 14)
- Jurisdictions may apply sight visibility standards to EV charging (Standard 15)
- Jurisdictions may require that existing landscaping removed during EV charging installation be replaced (Standard 16)
- Jurisdictions may apply signage standards to EV charging, but cannot require or prohibit signage (Standard 17)
- Jurisdictions may apply dimensional and design standards for EV charging weather canopies, but cannot require or prohibit them (Standard 18)

Permitting Processes

Chapter 5 provides requirements and recommended options for land use application and review processes that build on the Model Code definitions and standards. Local governments can implement these requirements and recommendations through Permitting Processes

Chapter 5 provides requirements and recommended options for land use application and review processes that build on the Model Code definitions and standards. Local governments can implement these requirements and recommendations through changes to internal permitting processes and by developing public facing permitting materials. The requirements and recommendations are meant to provide more information about the application and review processes to EV charging developers, and a more transparent and predictable process for both local government staff and developers. Similar to the Definitions and Standards, there are two categories for the Model Code's permitting process elements:

Required Permitting Process Summary

4 process requirements that jurisdictions must follow for the permitting of EV charging projects to comply with the Model Code.

- Provide accessible, user-friendly, and transparent online information for EV charging permitting, including permit requirements and information, application forms and checklists, applicable land use standards, estimated processing timelines, permit fee schedules, and contact information for reviewing departments.
- Allow for digital application submissions (electronic system or via email)
- May not require in-person application submissions
- May not require applications to use specific types of paper, include wet signatures, or be notarized.

Recommended (Optional) Permitting Process Summary

7 process recommendations that jurisdictions should follow, if feasible, but are not required to. See page 44 for more details.

Background

Coloradans are choosing to drive electric vehicles in record numbers, with Colorado leading the nation in EV market share in Q3 2024. EV drivers save money on fuel and maintenance, and as more makes and models come to the market, EV purchases will continue to increase. EV drivers also report that access to charging is a key concern when choosing to purchase an EV, and the State of Colorado has made major strides in providing a robust EV charging network through various funding programs and statewide planning efforts. Ensuring adequate access to EV charging can be a boon to local communities by providing critical services to their EV drivers, providing confidence to visitors and tourists that charging is available in a community, facilitating intrastate travel and tourism, and EV charging can provide local businesses or property owners with new revenue streams, access to customers visiting to charge, or a new amenity for tenants purchasing or using EVs. Moreover, in Colorado, transportation is the largest source of GHG emissions and a major contributor to other pollutants that create poor air quality and threaten community health. Vehicle electrification is one of the core strategies to reduce transportation emissions and pollution across the state, as EVs produce zero tailpipe emissions and increasingly fewer emissions from the electricity to power them as the state pursues a goal of 100% zero-emission electricity by 2040 and market dynamics deploy more clean electricity on the grid. In 2018, the State developed its first statewide EV Plan, setting ambitious goals for increasing the number of EVs on Colorado's roads to 940,000 by 2030. Subsequently, the EV Plan was updated in 2020 and 2023, with this latest adoption setting new goals to increase EV sales to at least 70% of all vehicle sales by 2030, to drastically increase the overall number of EVs for personal use and in public fleets, and to support these increases in EV use by expanding development of public EV charging infrastructure.

Colorado has also continued and expanded its light duty clean vehicle sales standards, through the Colorado Clean Cars Rule, which seeks to provide more access to EVs in the Colorado market to achieve at least 82% market share for EVs by 2032. This sales standard, coupled with local, state, utility, and federal incentives for EVs, all

contribute to increasing EV sales and more opportunities for businesses and local governments to facilitate access to EV charging through permitting frameworks like those included in this document.

2023-2024: EV Charging Permitting Study

CEO conducted an EV Charging Permitting Study to investigate the key land use permitting barriers to EV charging infrastructure development and potential solutions for reducing identified barriers, which provided a strong foundation for developing this Model Code. The study was based on input from local governments and charging developers and a review of national best practices. The results of that study indicated that land use standards and permitting processes were a significant barrier for EV charging developers in Colorado. This is largely because many jurisdictions do not yet have specific standards and processes defined for such projects, being a relatively new, albeit quickly expanding, project type. Thus, when most jurisdictions receive an application for EV charging, there are no guidelines to review and approve the project. This can result in the subjective application of existing land use standards for other uses (e.g. gas stations); overly complex permitting processes; unclear standards; and unexpected requirements. Local governments and charging developers have shared that there is a need to define and simplify the standards that apply to EV charging development, for the benefit of both local governments and EV drivers.

2024: House Bill 24-1173

The Colorado State Legislature passed House Bill 24-1173 and Governor Polis signed the bill into law on May 21, 2024. The law requires subject jurisdictions to take one of three compliance actions, including the Model Code compliance path described in this document. The law directed CEO to develop this Model Code document, to provide no-cost technical assistance to local governments to help them integrate the Model Code into their existing land use codes, and to provide staff training to local governments to help planning review staff interpret and apply land use regulations to EV charging projects. More detailed information on how to comply with the law is found in Chapter 2.

2024-2025: Development of the Model Code

The EV Charging Model Code and Guidance Document were developed over a six-month process (October 2024 to March 2025), which built upon the EV Permitting Study and incorporated voices and perspectives from Colorado counties, municipalities, electric utilities, advocates and representatives of disproportionately impacted communities, EV charging providers, and many other stakeholders. In compliance with C.R.S. 30-28-213 (3) and C.R.S. 31-23-316 (3), this process included five meetings with an Advisory Committee (comprised of representatives from local governments, EV charging developers, utility providers, local government membership organizations, and research and advocacy organizations), four focus group discussions with stakeholders and community partners, an online survey, and a public review period. The Model Code was developed by CEO and consultant partner, MIG, Inc., with strong and balanced influence from these stakeholder perspectives. An Engagement Summary document is included as Appendix C.

The primary goal of the Model Code is to support more predictable, transparent and streamlined land use permitting for EV charging development at the local level, benefitting:

- **Local Governments** - by providing a straightforward, easily adaptable regulatory tool to streamline permitting for EV charging, which helps to ensure that future EV charging development is consistent with community needs while minimizing staff resources needed to review and approve permit applications.
- **Charging Developers** - by providing more predictable standards, more timely permitting processes, and more consistency statewide.
- **Colorado Residents** - by ensuring that enough charging is built more quickly to support the growing demand from EV drivers to reach all corners of the state.

The Model Code is also meant to serve as a long-term resource for local governments, beyond supporting compliance with HB24-1173. CEO may consider updates to the Model Code in the future based on changes to the EV charging market, technology, or

feedback from local governments and charging developers. CEO does not intend to change the Model Code during the compliance period, but may do so if necessary to address any errors or other issues. However, local governments that adopt it for the purpose of compliance with HB24-1173 will not be expected to adopt any updated versions.

Chapter 2: HB24-1173 Compliance

Applicability

The law applies to counties with 20,000 and more people, and municipalities with 10,000 and more people, as of the 2020 Federal Census. Counties and municipalities subject to the law ("subject jurisdictions") are listed in Appendix A.

Compliance Options

By December 31, 2025, subject jurisdictions are required to complete one of three compliance actions.

Compliance Option 1: EV Charging Model Code Adoption

Subject jurisdictions may adopt an ordinance or resolution to incorporate the same—or "less restrictive"—standards and permitting process as those in the Model Code. The Model Code provides required and recommended standards and processes for regulating EV charging development and essential information for subject jurisdictions to implement them. The Model Code includes a broadly applicable set of objective standards and a transparent and streamlined review process, with reasonable flexibility for subject jurisdictions to adapt the standards to fit their community's priorities and to integrate with their existing land use regulations.

CEO will support subject jurisdictions with adopting and applying the EV Charging Model Code in the following ways.

- **Code Adoption Support:** CEO will provide an on-call consultant to help subject jurisdictions adopt the EV Charging Model Code, including providing:
    - Review of existing land use codes to identify appropriate locations to integrate model code standards
    - Suggested revised code language
    - Guidance on messaging for the general public, local government staff, and elected officials to support Model Code adoption
    - Attendance at local government staff and/or elected body meetings

- **Staff Training:** CEO will provide a training manual and online training to educate permit review staff on how to interpret and apply the EV Charging Model Code standards. The training materials will cover the following topics:
    - Basics of EV charging projects (where are they typically sited, typical dimensions and appearance, typical amount of users per day)
    - The types EV charging projects subject to land use permitting under the model code
    - The types of standards and processes required by the model code
    - How to apply the model code standards and processes to EV charging permit applications
    - Common permitting challenges and how to resolve them
    - Community context considerations (urban, suburban, rural)

Compliance Option 2: Statutory Code Adoption

Subject jurisdictions may adopt an ordinance or resolution that establishes a permitting process for "EV Charger Permit" applications, consistent with the permitting standards and process requirements of C.R.S. 30-28-213 (4) and (5) (counties) and in C.R.S. 31-23-316 (4) and (5) (municipalities). **Subject jurisdictions who choose this compliance path should refer to the statute to ensure they understand its requirements.** CEO-provided technical assistance and training is not available for subject jurisdictions pursuing this compliance path. Below is a summary of the law's requirements:

- Jurisdictions must establish objective standards and an administrative review process to be used in the review of EV Charger Permit applications
- Jurisdictions may not deny or place conditions on the approval of an EV Charger Permit application unless the application is in violation of the objective standards or for the purposes of reasonably protecting public health and safety
- If an application is denied, jurisdictions must notify applicants with a written explanation within three days of making the decision

- Applicants may appeal denials or conditional approvals to a city council or board of county commissioners
- Jurisdictions must provide a checklist for applicants identifying all requirements for EV charging applications
- If jurisdictions determine that an application is incomplete (per the checklist), the jurisdiction must provide written notice to the applicant within three days

Compliance Option 3: Retain Existing Permitting Process and Standards

Subject jurisdictions may adopt an ordinance or resolution stating that they do not wish to revise their land use code through either the EV Charging Model Code or the statutory code adoption compliance paths and instead choose to keep their existing EV charging permitting process and review standards.

Compliance Path Considerations

CEO has worked to develop the Model Code in a flexible way to appeal to most jurisdictions' priorities and needs and encourages jurisdictions considering compliance options 2 or 3 to contact CEO to discuss the Model Code option.

Reporting

Subject jurisdictions, regardless of which compliance path is taken, are required to submit two reports to CEO:

- **Compliance Report:** By March 1, 2026, a report that confirms the compliance action completed (i.e. which of the three compliance options outlined above the jurisdiction has implemented).
- **Outcomes Report:** By January 31, 2027, a report that outlines the permitting durations and final decision for each EV charging development application received between December 31, 2025 and December 31, 2026.

Further details to support subject jurisdiction reporting, including the reporting methods to be used, and report templates, will be available on CEO's website in advance of the reporting deadlines.

Chapter 3: Model Code Adoption Guidance

The Model Code is intended to provide clear and predictable guidelines for local government staff and EV charging developers during the permitting process. Its definitions and standards represent established best practices, aiming to reduce barriers for EV charging development and streamline the approval process.

This chapter provides guidance for subject jurisdictions that choose to adopt and implement the Model Code. **Subject jurisdictions that plan to comply with the law using a different compliance path are not subject to the requirements outlined in this and subsequent chapters.**

Definitions and Standards Structure

The Model Code includes **"base definitions and standards"** that must be adopted in land use codes, either as new code language or by referencing existing code language. The standards are presented as recommended code language or a description of the intent of the standard, followed by implementation instructions.

For some definitions and standards, the implementation instructions include flexible alternatives that local governments may adopt and still comply with the Model Code. In some cases, these alternatives are **"more restrictive options"** that are more restrictive to EV charging than the base definitions and standards, and that jurisdictions may adopt if they wish to retain more control over EV charging. In some cases, these alternatives are "**less restrictive options**" than the base standards that jurisdictions may adopt if they wish to provide greater flexibility for EV charging. These options are provided where a less restrictive approach is clearly applicable.

Local governments may choose to adapt any of the Model Code's definitions and standards to be less restrictive—i.e. place fewer requirements or parameters on EV charging development than what is outlined in the Model Code.

For all standards, the implementation instructions explain what is the maximum (i.e. most restrictive) regulation that jurisdictions can adopt and still comply with the Model Code path.

The Model Code also includes **"optional standards"** which jurisdictions may adopt if they choose to regulate a specific topic for EV Charging Projects. For each optional standard, jurisdictions may adopt a standard that is as restrictive or less restrictive as the standard provided, or adopt no standard at all.

Opportunities for Customization

Adopting Less Restrictive Standards

HB24-1173 allows subject jurisdictions to adopt "less restrictive" standards and permitting processes than those in the EV Charging Model Code. This means that subject jurisdictions may customize any part of the Model Code definitions and standards in a way that creates greater flexibility or reduces the requirements placed on EV charging development. Subject jurisdictions are encouraged to prioritize less restrictive options or provide other flexibilities to further reduce barriers to EV charging development.

Adapting Code Language

For definitions and standards with recommended code language, subject jurisdictions may adopt the code language as written. However, **jurisdictions are not required to adopt the exact code language, so long as the meaning of the language they adopt is similar.** Jurisdictions may develop their own language or may adapt the recommended language to be consistent with their existing land use codes, to use locally relevant terminology, or to cross reference their existing land use code.

Terms or phrases where it is most likely that jurisdictions will need to make these refinements are symbolized in the Model Code standards with brackets: "[…]." This symbology is used most frequently around the phrase "in this Code/in Section X," which serves as a placeholder for references to existing land use code standards.

Terms in the Model Code's recommended code language may differ from terms used in existing land use codes. For example, the term 'use by right' from the Model Code could be "by-right use," "permitted by right," "permitted use," or "administrative permit" in a jurisdiction's land use code. Jurisdictions may use terms from their existing code so long as they are similar in meaning to the Model Code terms.

Identifying Where to Integrate Definitions and Standards

Jurisdictions may determine where in their land use code to incorporate the Model Code definitions and standards, so long as readers can easily understand how they apply to the permitting of EV charging. Jurisdictions may integrate the Model Code standards into existing code sections or create a new standalone EV Charging specific section.

The benefit of integrating the Model Code standards within existing code sections is that all 'like' regulations are located in the same place (i.e. all parking standards are in one location). A challenge with this approach is that EV charging standards are dispersed and developers must know which sections to reference. Table 1 below includes typical land use code sections where the standards may be integrated.

Table 1: Typical Land Use Code Sections for Integrating EV Charging Model Code

EV Charging Model Code Section	Typical Land Use Code Sections
Definitions	Definitions; Terms
Applicability	Applicability; Procedures; Administration and Enforcement
Permitting by Zoning District	Use Standards; Use Regulations; Zoning Districts; Districts and Uses
Parking	Development Standards; Parking; Off-Street Parking
Siting and Design Standards (Setbacks, Equipment, Screening & Landscaping, Lighting, Signage, Weather Canopies)	Development; Design; Site Design; Site Development; Dimensional; Landscaping; Lighting; Sign Standards

The benefit of adopting the Model Code standards as a new standalone section is that all regulations pertaining to EV charging are conveniently referenced in one place. A challenge with this approach is that EV charging standards are in a different place than the same type of standards for other uses (i.e. parking standards for EV charging are in a different location than all other parking standards).

Conflicting Language

While potential conflicts between the Model Code standards and local land use codes were avoided as much as possible, there is a chance that a conflict may arise. If conflicting language is found, the intent is that the Model Code standards shall rule, unless the conflicting (existing) regulation is essential to protect health and safety. Language to this effect could be incorporated into the jurisdiction's land use code, if desired—most likely in the "Conflicting Provisions" section (or similar). In such instances, it is recommended that subject jurisdictions consult with CEO staff and with their Municipal Attorney to determine the most appropriate path forward.

Interaction with Other Regulations

While the scope of the Model Code is limited to land use codes, as required by HB24-1173, jurisdictions may have other codes, regulations, and requirements that are applicable to EV charging, such as Building, Electrical, and Fire codes. While not required to comply with the Model Code path, jurisdictions wishing to further streamline the permitting process are encouraged to assess if other regulations commonly present barriers to EV charging projects and consider changes to regulations to address any such barriers. Additional state legislation and rules, such as House Bill 22-1362 and the 2023 Model Solar & Electric Ready Code, should also be considered. Jurisdictions are encouraged to provide accessible, transparent, and user-friendly information about all applicable laws, regulations, and requirements applicable to EV charging development.

Integrating Graphics

Example graphics to illustrate key standards and concepts are included as part of the Model Code standards. Subject jurisdictions may choose to, but are not required to, adopt them. Jurisdictions may also choose to develop and adopt their own graphics. Please contact CEO if you would like high-resolution copies of any images in this document.

Other Potential Standards

CEO has designed the Model Code definitions and standards with the goal of addressing the most common land use regulation topics for EV charging development. However, there may be additional topics that subject jurisdictions wish to regulate, which the CEO is open to considering as part of the Model Code compliance option. See page 43 for additional instructions on how to handle such instances.

Chapter 4: Model Code Definitions and Standards

This chapter provides required land use code definitions and standards and parameters for optional standards. This chapter also provides guidance for integrating the definitions and standards into existing land use codes. **The definitions and standards are written as recommended land use code language with the exception of Standards 1-4 in the Applicability section and Standards 11 and 12 in the Screening and Landscaping Section, which are described generally rather than written as code language.**

Base Definitions (Adoption Required)

Jurisdictions must adopt these definitions to comply with the Model Code. If similar terms are already defined in the jurisdiction's existing land use code, the existing terms and definitions may be used, so long as they are similar in meaning. If there is a conflict between a recommended definition and an existing definition, jurisdictions must add a new definition or update the existing definition to align with the Model Code definition.

Definition 1

Electric Vehicle (EV): A motor vehicle which relies partially or entirely on electrical energy to power its movement, requiring periodic electrical current charging of its battery.

Definition 2

EV Charging Port: A power supply device that provides electrical current charging for EVs. One EV Charging Port provides power for one vehicle.

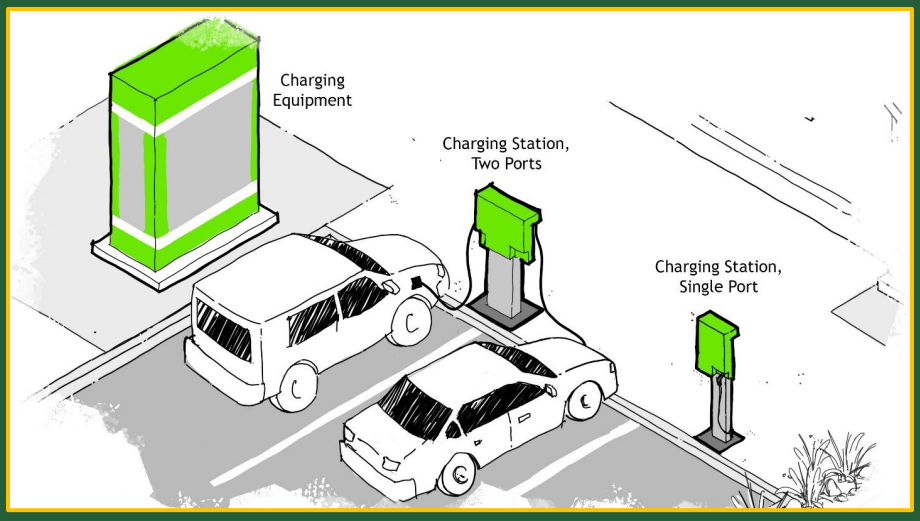
a. **"Direct Current Fast Charging (DCFC)":** High-speed charging that provides about 50-350+ kW of power per hour and uses a 480V three-phase outlet.
b. **"Level 2 Charging"**: Mid-speed charging that provides about 7-19 kW of power per hour and uses a 240V outlet.
c. **"Level 1 Charging":** Slow charging that provides about 1-2 kW of power per hour and uses a 120V outlet.

Definition 3

EV Charging Station: Equipment that includes one or more EV Charging Ports to provide charging for EVs, located adjacent to dedicated space(s) for the vehicle(s) while they charge. One EV Charging Station may provide power for one or more vehicles.

Definition 4

EV Charging Equipment: All equipment necessary to provide electrical current charging for EVs, except for EV Charging Stations. This may include power conversion equipment, electrical distribution equipment such as transformers, switchgear boxes, and distribution lines, and other supportive equipment.

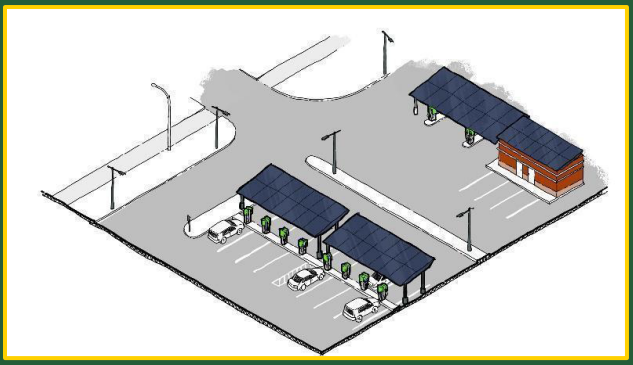


Definition 5

"EV Charging Project": A proposed development of Primary or Accessory Use EV Charging Stations and Equipment, which may include other supporting site improvements like landscaping, lighting, or weather protection.

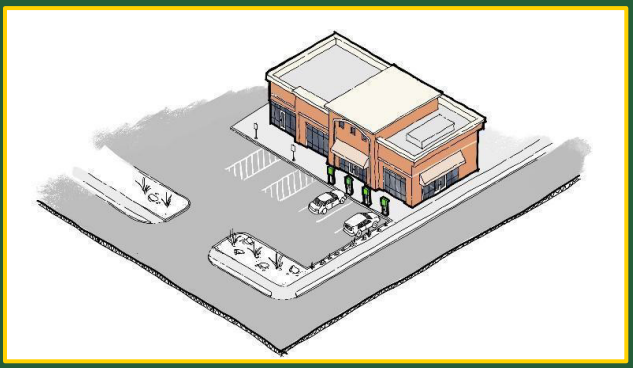
Definition 6

"Primary Use EV Charging Project": Any proposed development of DCFC EV Charging Stations and Equipment that serves as the primary function and land use on the Subject Property.



Definition 7

"Accessory Use EV Charging Project": A proposed development of DCFC Charging Stations and Equipment that are incidental and subordinate to the Primary Use on the Subject Property.



Definitions 6-7 have a noted Less Restrictive option

Implementation Instructions for Definitions 1-7

Definitions 1 through 7 are EV charging-specific terms used throughout the Model Code standards and may not already be defined in jurisdictions' existing land use codes. The definitions for Primary Use and Accessory Use EV Charging Projects work together with Standard 1 to establish the types of EV charging development subject to land use regulations and which require land use permits.

Less Restrictive Option for Definitions 6-7

Definitions 6-7 are the most restrictive definitions that jurisdictions can adopt. However, jurisdictions are encouraged to be more permissive in how they define Primary and Accessory Use EV Charging Projects. For example, jurisdictions may add a quantitative threshold for the number of EV Charging Ports in the definition of Accessory Use EV Charging Project, for example at four DCFC charging ports, or eight DCFC charging ports. Because the applicability of land use permits is based on this definition, this would effectively exempt projects smaller than the threshold from land use permitting. Alternatively, jurisdictions could choose not to require a land use permit for any Accessory Use EV Charging Project by not including any definition for Accessory Use EV Charging Projects (and removing their reference in Definition 5) and by not including them in the land use permitting table (see Standard 5).

Definition 8

Administrative Review Process: A process in which a land use permit is approved, approved with conditions, or denied by administrative staff of a local government permitting agency based solely on the application's compliance with objective standards set forth in the jurisdiction's land use code, and that does not require a public hearing, a recommendation, or a decision by an elected or appointed public body or hearing officer.

Definition 9

Conditional Review Process: A process in which a land use permit is approved, approved with conditions, or denied by a local government that may require a public hearing, a recommendation, or a decision by an elected or appointed public body or hearing officer.

Definition 10

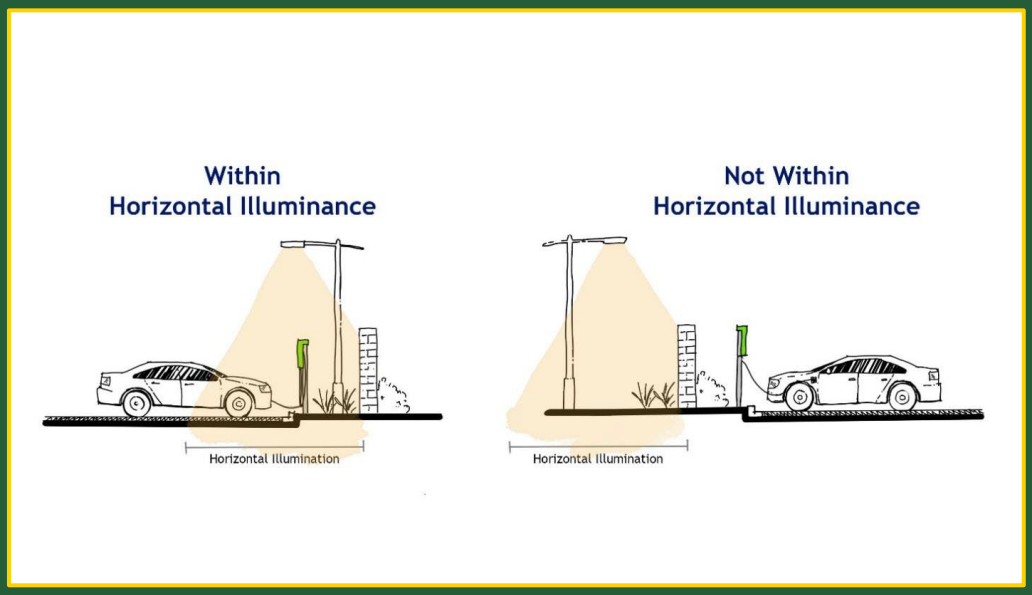
Subject Property: The property on which an EV Charging Project is proposed for development.

Definition 11

Setbacks: The required distance, as measured from the Subject Property's lot line, in which no structure or building can be built.

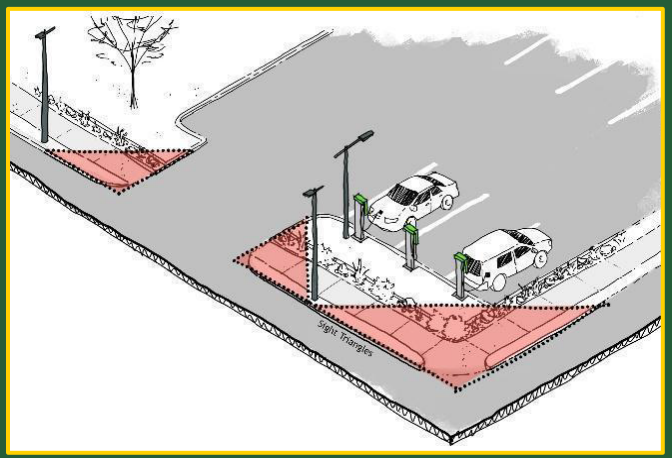
Definition 12

Horizontal Illuminance: The area on a horizontal surface in which a light fixture provides direct or high intensity illumination.



Definition 13

Sight Lines/Sight Distance Triangles: A right-triangle area at the corner of an intersection, which must be free from visibility obstructions, designated by a stopped or turning driver's eye at the edge of an intersection, the middle of the intersection, and another vehicle approaching from either direction.



Implementation Instructions for Definitions 8-13

Definitions 8-13 (or similar definitions) are likely to already be defined in jurisdictions' existing land use codes, thus jurisdictions are encouraged to use their existing terms and definitions so long as they are comparable in meaning. Jurisdictions are not required to adopt Definitions 12 (Horizontal Illuminance) and 13 (Sight Lines/Sight Distance Triangles) if they do not adopt optional Standards 13 (Lighting) or 15 (Visibility).

Base Standards (Adoption Required)

Jurisdictions' land use codes must align with the intent of the base standards by adopting new code language or referencing existing code language with a similar meaning.

Applicability Standards

The applicability standards are described generally rather than written as code language because land use codes vary substantially in how they handle the applicability of land use permits. Subject jurisdictions may revise existing language within their land use code or adopt new code language that meets the intent of these requirements.

Standard 1: Permit Applicability

Jurisdictions may only require land use permits for EV charging development that meets the definition of an "EV Charging Project" (and associated definitions for "Primary Use" and "Accessory Use" EV Charging Projects). Conversely, jurisdictions may not require a land use permit for other types of EV charging development (i.e. all Level 1 and Level 2 charging).

Standard 1 Implementation Instructions

Jurisdictions must ensure that their land use code explains which types of EV Charging development are subject to land use permitting, in alignment with the parameters outlined above. Jurisdictions are encouraged to consider Standard 1 and Definitions 6 and 7 together, as these definitions may be modified to be more permissive to EV Charging development.

This Model Code exempts Level 1 and Level 2 charging from land use permitting because they have minimal public impacts. Level 1 charging is typically located in the garage of single family residences, and has no public impacts. Level 2 charging is often for the exclusive use of residents of an apartment or employees of an office, and not by other EV drivers. Because the dwell time for Level 2 charging is lengthy (usually at least 2 hours and up to 10 or more), even public Level 2 generally does not

generate additional traffic since drivers are most often using them while doing their usual activities, such as parking at home or office. Additionally, Level 2 charging stations and associated utility infrastructure are significantly smaller and have less of a visual impact than DCFC charging facilities.

Although subject jurisdictions may not require land use permits for Level 2 charging, they may apply land use regulations to Level 2 charging by referring building permit applications to their planning departments, who may review proposed projects against applicable land use regulations. Subject jurisdictions that take this approach of applying land use regulations through the building permitting process may not apply more restrictive land use regulations to Level 2 projects than those in this Model Code. For all types of charging (Level 1, Level 2, and DCFC), subject jurisdictions must provide clear information about non- land use permitting requirements (building permits, electrical permits, etc.) that do apply to such projects. See Chapter 5 for more guidance on this topic.

Standard 2: Permit Review Process

Jurisdictions must review land use permit applications for EV Charging Projects using the applicable permitting processes from the zoning district where projects are proposed (see Standard 5). For EV Charging Projects where the approval process is 'Use by Right' or similar, the permitting process must be similar to an Administrative Review Process (Definition 8). For EV Charging Projects where the approval process is 'Conditional Use' or similar, the permitting process must be similar to a Conditional Review Process (Definition 9).

Standard 2 Implementation Instructions

Jurisdictions must ensure that their land use code explains that EV Charging Projects will be reviewed through the Administrative or Conditional Review Process (or similar), whichever is applicable in the zoning district where the project is located. Standard 2 is related to Definitions 8 and 9 and Standard 5. Jurisdictions are encouraged to consider these standards and definitions together.

It is likely that jurisdictions' existing land use codes already establish how land use applications are processed. Thus, jurisdictions are encouraged to use existing language but may need to revise and/or reference that language in relation to EV Charging Projects.

Standard 3: Existing Primary Use Conformance Updates

Jurisdictions may not require existing land uses on the same Subject Property as a proposed Accessory Use EV Charging project to make site improvements or otherwise conform with land use regulations, unless the existing land uses propose simultaneous changes to their use, structures, or site that would otherwise require such conformance.

Standard 3 Implementation Instructions

Jurisdictions must ensure that their land use code explains that developers and property owners who propose to add Accessory EV Charging to a property with existing uses will not trigger conformance updates to the existing uses. This standard is designed to reduce unnecessary barriers for Accessory Use EV Charging on developed sites.

Standard 4: Regulation of Primary Use EV Charging Stations

Jurisdictions may apply existing regulations from their land use code (or develop new regulations) for Primary Use EV Charging Projects, so long as the regulations are no more restrictive to Primary Use EV Charging than those that apply to similar land uses, such as parking or commercial uses. Whether jurisdictions apply existing regulations or develop new regulations, they must define Primary Use EV Charging Projects as a land use and clarify which regulations apply to Primary Use EV Charging Projects.

Primary Use EV Charging regulations must also align with the Model Code base standards that apply to Primary Use EV Charging, including Standards 6-7 (Parking), Standard 10 (Equipment), and Standard 12 (Electrical Equipment Safety). If jurisdictions regulate any of the topics from Model Code 'Optional Standards' for

Standard 4 Implementation Instructions

The vast majority of the existing DCFC charging projects (the types of projects regulated by this Model Code) built today are Accessory Use EV Charging Projects, not Primary Use EV Charging Projects. However, more Primary Use Projects may be developed in the future, and CEO recommends that jurisdictions anticipate this by adopting land use regulations applicable to Primary Use EV Charging Projects.

Jurisdictions may apply existing standards used for gasoline or fueling stations ("gas stations") to Primary Use EV Charging Projects, so long as the standards correspond to the likely community impacts of Primary Use EV Charging Projects, and do not regulate impacts specific to the sale of gasoline, diesel, or other fossil fuels. Standards that address traffic access and flow, lighting, visual impacts, parking demand, or the need for weather protection canopies may be applied similarly between Primary Use EV Charging Projects and gas stations. Other impacts that are specific to gas stations and not relevant to EV Charging Stations (e.g. combustion risk and environmental hazards of fossil fuels) may not be applied to Primary Use EV Charging Projects. Examples include minimum distances between gas stations or from sensitive land uses or environmentally sensitive areas.

Regardless of their approach to regulation, jurisdictions must ensure that their land use codes explain which regulations apply to Primary Use EV Charging Projects by referring to applicable existing standards or to new standards developed specifically for Primary Use EV Charging Projects.

Permitting by Zoning District

Standard 5

Primary Use EV Charging Projects and Accessory Use EV Charging projects shall be permitted as a use by right in all land use contexts, except for low-density housing land use contexts where they shall be permitted as a conditional use.

Standard 5 has a more restrictive option

Implementation Instructions for Standard 5

This standard, together with Standard 2, establishes which zoning districts permit EV Charging Projects and how Primary and Accessory Use applications are processed within each district. This standard is designed to streamline the permitting process for EV Charging Projects by allowing them as a use by right in most zoning districts, using an Administrative Review Process that does not require public hearings or commission/council approval.

Jurisdictions may integrate this standard into their existing use table or into their zone district specific standards. This standard uses the term “low density housing land use context” because local governments have different zoning district classifications. Jurisdictions have discretion to determine which of their zoning districts they consider to be “low-density housing,” within reason. Examples of zoning districts that may be considered “low-density housing” include R-1 (Residential-1), LDR (Low Density Residential. LLR (Large Lot Residential), ER (Estate Residential), Suburban Context, and other zones that are primarily intended for single family detached homes.

Less Restrictive Option for Standard 5

Jurisdictions may be more permissive by allowing EV Charging Projects as a use by right in all land use contexts/zoning districts. Alternatively, jurisdictions may consider allowing Accessory Use EV Charging Projects as a use by right within low-density residential contexts when they are accessory to civic and government land uses that are typically integrated into neighborhoods, such as schools or libraries, or when they

are primarily used by a private vehicle fleet (e.g., Postal Service vehicles, school buses, or other corporate electric fleet charging).

More Restrictive Option for Standard 5

As written above, Standard 5 represents the best practice for widespread EV charging development. However, Table 2 below illustrates the most restrictive option that jurisdictions can adopt and still comply with the Model Code. These exceptions are designed to balance the goal of supporting widespread development of EV Charging while allowing jurisdictions to exercise more careful review over or even prohibit Primary Use EV Charging Projects in some contexts. Jurisdictions may prohibit Primary Use EV Charging Projects in low-density housing contexts, and/or require conditional use permits in the four other land use contexts listed in Table 3. Jurisdictions may not prohibit or require conditional use permits for Primary Use EV Charging Projects in land use contexts not listed in Table 2.

Table 2: Permitting by Zoning District More Restrictive Option

Land Use Context	Primary Use
Low-density housing	Prohibited
Pedestrian-oriented commercial	Prohibited
Low-density mixed-use	Permitted Conditionally
Medium-density housing	Permitted Conditionally
Recreation, open space, agriculture, or forestry	Permitted Conditionally

Guidance for Translating Land Use Contexts to Local Zoning Districts

Table 3 below illustrates an example for how land use contexts may be matched to the local zoning districts relevant to Standard 5. See Appendix B for a table that includes similar information for all major land use contexts. For jurisdictions that do not distinguish between auto-oriented or pedestrian-oriented commercial and hospitality zoning districts, the auto-oriented commercial and hospitality context should be used.

Table 3: Example Land Use Context to Zoning District Translation

Land Use Context	Example of Corresponding Zoning Districts
Low density housing	• R-1 (Single Family) • LDR (Low Density Residential)
Pedestrian-oriented commercial	• C1 (Low Density Commercial) • NC (Neighborhood Commercial)
Low density mixed use	• MU-N (Mixed Use Neighborhood) • MU-L (Mixed Use Low Density)
Medium density housing	• R-2 (Mid Density Residential) • MDR (Mid Density Residential)
Recreation, open space, agriculture, or forestry	• POS (Parks & Open Space) • Agriculture (A)/(AG)

Parking Standards

Standard 6

Any parking space served by an EV Charging Port or any parking space used to site EV Charging Stations or Equipment must be counted toward applicable parking minimums (as defined in [this Code/Section X]) as at least one standard automobile parking space.

Standard 7

Any van-accessible parking space that is designated to accommodate a person in a wheelchair, is served by an EV Charging Port, and is not designated as parking reserved for a person with a disability under C.R.S. 42-4-1208 must be counted as at least two standard automobile parking spaces towards applicable parking minimums.

Standard 8

The design of parking spaces and parking access for all EV Charging Projects shall comply with the US Access Board Design Recommendations for Accessible Electric Vehicle Charging Stations or any applicable accessibility regulations issued by the federal Department of Justice or Department of Transportation, or in state statute.

Implementation Instructions for Standards 6-8

Standards 6-7 are established by state law (C.R.S. 31-23-315 (2) and C.R.S 30-28-140 (2)), which require that local governments—when assessing a proposed development's compliance with minimum off-street parking requirements—count parking spaces supplied with EV charging (or used for EV Charging Stations and Equipment) towards these minimum parking requirements. Furthermore, the law requires that local governments count EV charging spaces designed to accommodate people with disabilities, which are not specifically reserved for people with disabilities, as two vehicle spaces towards the minimum. This last requirement is due to the fact that many EV charging providers do not want to restrict who can access and use the EV charging provided but may design at least some of the EV charging spaces to accommodate people with disabilities in compliance with ADA.

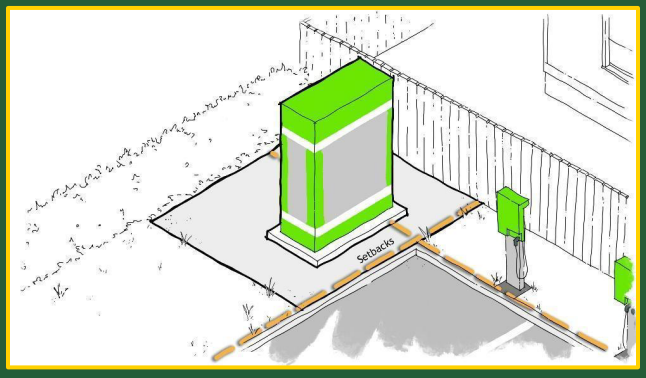
If jurisdictions do not have minimum off-street parking requirements that would apply to Accessory Use EV Charging Projects, they do not need to adopt Standards 6 or 7.

Standard 8 ensures compliance with federal accessibility standards as well as state law (C.R.S. 30-28-212(4) and C.R.S. 31-23-315(2.5))

Setback Standard

Standard 9

For Accessory Use EV Charging Projects, EV Charging Stations and Equipment, [and any required screening material], shall be permitted within designated setbacks of the Subject Property.



Standard 9 has a more restrictive option

Implementation Instructions for Standard 9

Jurisdictions must ensure that their land use code explains that – for Accessory Use EV Charging Projects only – EV Charging Stations and Equipment (see Definitions 3 and 4) may be located within setbacks. Setback restrictions can be a significant challenge and barrier for some EV Charging Projects, particularly for siting supportive equipment such as transformers. This standard is designed to reduce restrictions for Accessory Use EV Charging Projects, which are frequently an addition to already developed properties where site improvements or space limitations limit the ability to site charging stations and equipment outside of setbacks.

Additionally, when EV Charging Stations and Equipment are proposed within existing easements, jurisdictions may require developers to provide evidence of license agreements from easement holders.

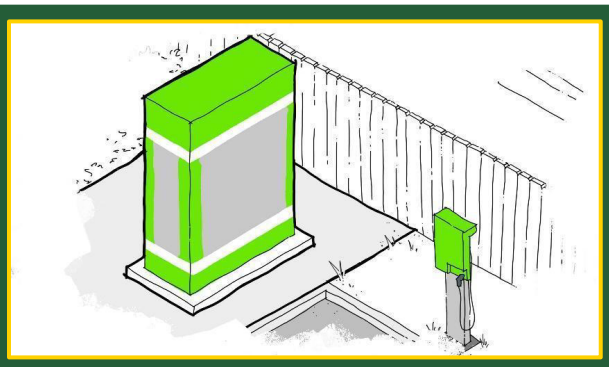
More Restrictive Option for Standard 9

Jurisdictions that want to retain more control over the siting of EV Charging Stations and Equipment may prohibit such equipment within setbacks, unless developers demonstrate in their application that siting such equipment outside of setbacks is infeasible. Jurisdictions that take this more restrictive approach must process such exception requests as part of the typical Administrative or Conditional Review process, or minor administrative exception/waiver process, if applicable, and not as a separate variance process.

Equipment Standard

Standard 10

The appearance, materials, and dimensions of EV Charging Stations and Equipment shall be determined by current EV Charging manufacturing standards and utility design standards.



Standard 10 has a more restrictive option

Implementation Instructions for Standard 10

Jurisdictions must ensure that their land use code does not require specific dimensions, materials, or appearances for EV Charging Stations and Equipment (see Definitions 3 and 4).

EV Charging Stations and Equipment are pre-manufactured and subject to stringent external safety standards, so requiring specific aesthetic, material, or dimensional standards may render a project infeasible if the pre-manufactured equipment does not conform. This standard also allows jurisdictions and developers to accommodate changing trends and standards within the industry.

Most Restrictive Option for Standard 10

Jurisdictions may regulate the materials and appearance of EV Charging Stations and Equipment for the purpose of mitigating significant impacts to non-EV users from design elements that go beyond the functional needs of EV charging. For example, jurisdictions may prohibit or limit design features such as large digital advertising screens or bright lighting that is stylistic rather than functional and may result in light pollution or nuisances to neighboring properties.

Screening and Landscaping Standards

Standards 11 and 12 are written as a general description of intent, rather than as code language, and jurisdictions do not need to adopt code language as written to comply with this standard.

Standard 11

Jurisdictions are encouraged not to require screening for Accessory Use EV Charging Projects.

Standard 11 has a more restrictive option

Implementation Instructions for Standard 11

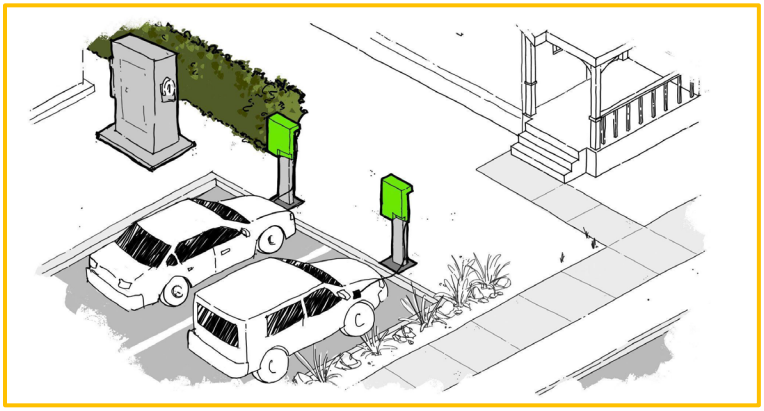
Jurisdictions are encouraged to ensure that their land use codes do not require screening for EV Charging Stations and Equipment that are part of an Accessory Use

EV Charging Project, and must exempt such projects from any other applicable screening requirements that exist within their land use code.

Most Restrictive Option for Standard 11

As written above, Standard 11 represents the State's recommended best practice for screening Accessory Use EV Charging Projects. However, some jurisdictions may wish to require screening in certain circumstances. Jurisdictions may require screening for Accessory Use EV Charging Projects, but only in accordance with the following:

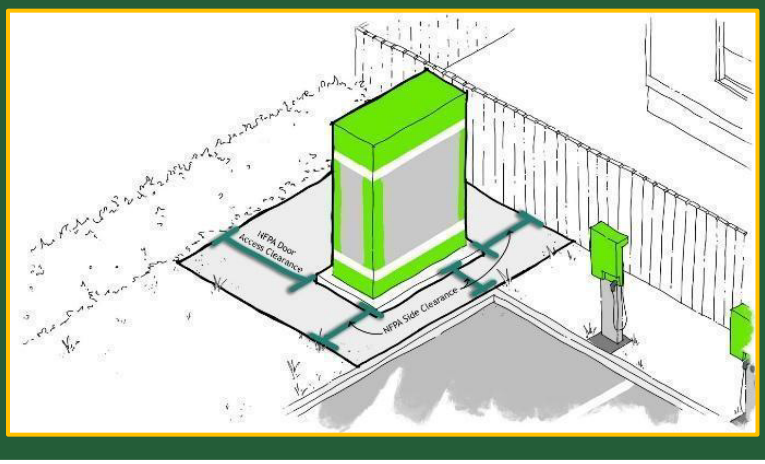
a. Screening may only be required for EV Charging Equipment, not EV Charging Stations.
b. Screening may only be required for EV Charging Equipment located along the perimeter of a Subject Property.
c. Screening may only be required along the length of the EV Charging Equipment and parallel to the property line between the EV Charging Equipment and the adjacent property (not wrapped around the entire perimeter of the Equipment).
d. The jurisdiction must provide objective standards for the dimensions of screening, and the acceptable screening materials.
e. The jurisdiction must allow at least two types of screening materials
f. Applicants must be allowed to request an exception to screening requirements by demonstrating in their application that site-specific conditions negate the need for visual separation. Requests for exceptions shall be processed as part of the typical Administrative or Conditional Review process, or minor administrative exception/waiver process, if applicable, and not as a separate variance process.



This exception to Standard 11 is designed to give local governments some control to mitigate potential conflicts and impacts to neighboring properties when Accessory Use EV Charging Stations are sited near property lines.

Standard 12

Jurisdictions may not require screening or landscaping to be located within the electrical equipment safety and access distances from national electrical safety standards, including National Fire Protection Association (NFPA) standards, the National Electric Safety Code (NESC), and other relevant national safety standards.



Implementation Instructions for Standard 12

Jurisdictions must ensure that their land use codes defer to the national electrical safety standards referenced above for the location of screening and landscaping relative to electrical equipment.

Electrical equipment is required to conform with national standards that require specific distances between electrical equipment and adjacent landscaping or screening. Landscaping and screening requirements that conflict with these standards may result in permitting delays and variance requests. This standard is designed to mitigate this conflict and ensure that electrical access and safety standards are balanced with landscaping and screening requirements.

Optional Standards

The optional standards are not required to be adopted, but represent the most restrictive land use regulations that jurisdictions may adopt (if they so choose) for the topics addressed, which are common topics that jurisdictions may want to regulate for EV Charging. These standards are designed to allow jurisdictions to regulate these topics in a way that balances the need to mitigate impacts and provide community benefits, while reasonably limiting the permitting burden placed on EV Charging Projects.

For each optional standard, jurisdictions may adopt a similar or less restrictive version of what is provided here, or jurisdictions may adopt no standard at all for any of these topics. Adopted standards should be objective and may not be overly prescriptive or place undue burden on EV Charging Projects.

Lighting

Standard 13

Charging Stations proposed as part of an EV Charging Project must be within the Horizontal Illuminance of on-site lighting, as defined in [this Code/Section X]. Lighting may be provided by existing on-site lighting and/or by new lighting fixtures integrated into EV Charging Stations or Equipment or by new separate light fixtures.

Implementation Instructions for Standard 13

This standard provides clarity for developers to understand if additional on-site lighting may be required, with the goal of ensuring that EV Charging Stations are well-lit for user safety and comfort. EV charging developers may need to submit a photometric plan with land use applications, which is a common requirement for many types of development and is justified by the need to prioritize community safety.

Jurisdictions may adopt this—or a less restrictive—standard. Adopted standards may not include additional EV charging specific lighting requirements and must comply with Standard 10 (Equipment Materials and Appearance), a related requirement.

Pavement Marking and Striping

Standard 14

Existing standards for parking pavement markings and striping established within [this Code/in Section X] apply to EV Charging Projects.

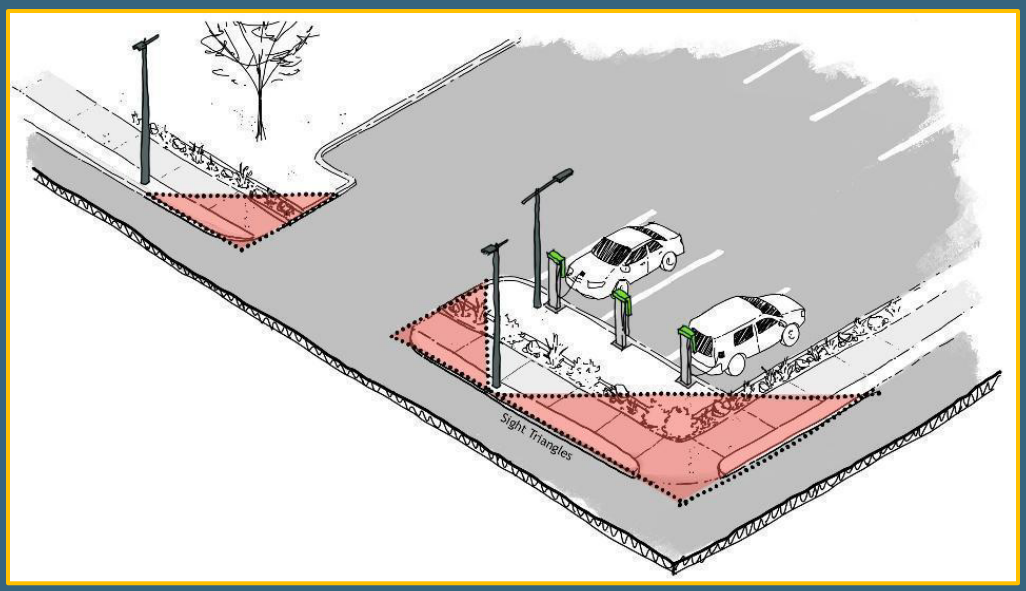
Implementation Instructions for Standard 14

This standard provides clarity for developers to understand how they are expected to update and/or add specific striping and pavement markings related to parking spaces served by EV charging. Jurisdictions may adopt this—or a less restrictive—standard. Adopted standards may not include specific pavement marking and striping requirements for Accessory Use EV Charging Projects beyond those applicable to similar land uses. Jurisdictions may want to develop new marking and striping standards for Primary Use EV Charging Projects as the needs may be unique from other uses.

Visibility

Standard 15

EV Charging Stations and EV Charging Equipment shall not obstruct [sight lines/sight distance triangles], as defined in [this Code/Section X].



Implementation Instructions for Standard 15

This standard provides clarity for developers to understand how they are expected to ensure safe visibility for drivers and pedestrians when EV Charging Stations or Equipment are sited at the perimeter of the Subject Property and adjacent to streets. In particular, this standard is important for when EV Charging Stations or Equipment are proposed within setbacks (see Standard 9) in order to protect health and safety. Jurisdictions may adopt this—or a less restrictive—standard. Adopted standards may not include site distances/triangles for EV Charging Projects that are more restrictive than those applicable to similar land uses.

Landscaping

Standard 16

When existing landscape plants on a Subject Property are removed during the installment of an Accessory Use EV Charging Project, they shall be replaced with similar plants so as to maintain the property's compliance with landscaping standards for the property's existing uses.

Implementation Instructions for Standard 16

This standard provides clarity for developers to understand jurisdictions' expectations for replacing plants removed during construction. Jurisdictions may adopt this—or a less restrictive—standard. Adopted standards may not require additional replacement plants or different plant species than removed plants. Jurisdictions may not apply other standards that require specific landscaping for Accessory Use EV Charging Projects but may choose to apply existing landscaping standards (or a new set of standards) to Primary Use EV Charging Projects, so long as the application is equally or less restrictive and prescriptive.

Signage

Standard 17

Signage may be provided as part of an EV Charging Project to provide information about charging types, voltages, fees, wayfinding, or other information. Any signage provided is subject to the applicable standards in [this Code/Section X].

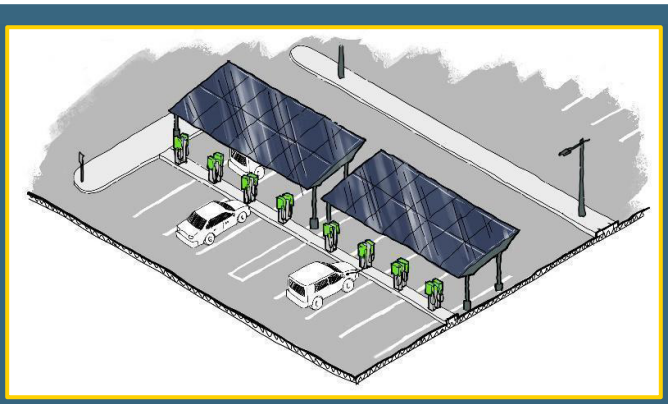
Implementation Instructions for Standard 17

This standard provides clarity for developers to understand the requirements for signage if it is voluntarily included as part of an EV Charging Project, including dimensions, placement, materials, etc. Jurisdictions may adopt this—or a less restrictive—standard. Adopted standards must allow, but not require, signage for Accessory Use EV Charging Projects. For example, developers or property owners may want to post signage prohibiting the use of charging spaces by non-EV drivers, but this cannot be required by jurisdictions.

Weather Canopies

Standard 18

If weather canopies are included as part of an EV Charging Project, they are subject to the applicable siting, dimensional, setback, appearance, materials, and other standards in [this Code/Section X].



Implementation Instructions for Standard 18

This standard provides clarity for developers to understand the requirements for weather canopies if they are voluntarily included as part of an EV Charging Project. Jurisdictions may adopt this—or a less restrictive—standard. Adopted standards must allow, but not require, weather canopies for Accessory Use EV Charging Projects, and may not include requirements for weather canopies beyond those applicable to similar uses.

Other Potential Standards

Jurisdictions may need to revise other sections in their land use code or address topics not addressed in this Model Code that relate to the regulation and efficient development of EV Charging Projects. For example, some jurisdictions may need to provide language to clarify how proposed EV Charging Projects may interact with snow removal and storage requirements. In these instances, jurisdictions are encouraged to contact CEO in advance of code adoption. CEO will provide technical assistance through a land use code writing consultant and has internal staff expertise to assist local governments with code adoption.

CEO encourages jurisdictions to include in their Compliance Report any additional language they wish to adopt and/or revise within their land use code related to EV Charging Projects. It will be up to the discretion of CEO to determine if such additions meet the intent of the Model Code.

Chapter 5: Model Code Application & Review Process Requirements

As revealed through the 2023 Colorado Electric Vehicle Charging Permitting Study, and confirmed through the process of developing the EV Charging Model Code, many jurisdictions do not have a clear system for reviewing applications for EV charging, nor do they provide enough information for EV charging developers to predict what the permitting process will be. These factors can lead to extra local government staff time, delays, public hearings and council review for small, lower impact projects, and/or the subjective application of existing land use standards, including the need for variance approvals.

This chapter provides guidance for jurisdictions to develop materials and for implementing internal processes to support staff and developer interpretation of the EV Charging Model Code standards and for ensuring a more predictable and transparent permit review processes. It includes:

- Four process requirements that jurisdictions must follow for the permitting of EV charging projects to comply with the Model Code option.
- Seven process recommendations that jurisdictions should follow, if feasible, but are not required to.

Permitting Process Requirements

To comply with the Model Code, jurisdictions are required to do the following to support the EV Charging Project application and permitting process:

1. Provide at least the following information on their website, in a format and location that is easily accessible and user-friendly:
    a. Identification of required permits - since the Model Code only applies land use permitting to specific types of EV charging development (see Definitions 5-7), this should be clearly explained and jurisdictions should provide sufficient information for prospective developers to understand what permitting is required (e.g. electrical or building permits) if they are pursuing an EV charging development that does not meet the Model Code's definition of an "EV Charging Project."
    b. Application forms for all required permits, including a checklist listing all items that must be submitted with the application form.
    c. Identification of (and links to) all applicable land use standards
    d. Estimated timelines for each step in the permitting process, from pre-application (if applicable) through to final decision
    e. Permit fee schedule
    f. Identification of all departments involved in review, and contact information for the lead department
2. Allow for applications to be submitted digitally (via email or through an online submission system)
3. May not require applications to be submitted in person, although mailed paper copies may be required in addition to a digital submission.
4. May not require that applications use specific paper types, wet signatures, notaries, or other prescriptive requirements that add unnecessary cost and complexity for applicants.

Permitting Process Recommendations

While not required, the following are recommended to make the application process as efficient and easy to navigate as possible for EV charging developers:

1. Implement a new application form and land use permit type specific to EV charging development to make the process simple, clear, and easy for prospective applicants.
2. Use an all-online application system, if feasible, where application materials can be accessed and submitted, review status can be tracked, and approval can be received.
3. Hold pre-application meetings to discuss application requirements, standards, process, etc.
4. Assign a single staff point of contact to applications.
5. Use parallel department review that includes the consolidation of comments by the assigned staff contact.
6. Use parallel review for all permits required for EV Charging projects (e.g. electrical permit, building permit, etc.).
7. Conduct internal training for all department staff involved in the review of EV Charging applications to ensure consistent interpretation and review outcomes.

Templates

CEO has prepared two templates that local governments can download as word documents to support their EV charging permitting process. These documents are meant as starting points for local governments to customize to suit their needs.

- An application form with submittal requirements checklist
- An EV charging permitting fact sheet with information on required land use, building, and electrical permits, estimated permitting durations, applicable review standards, fees, and contact information

Appendix A - Subject Jurisdictions

County[1]	Population	Municipality[2]	Population	Municipality	Population
Adams	519,572	Arvada	124,402	Grand Junction	65,560
Arapahoe	655,070	Aurora	386,261	Greeley	108,795
Boulder	330,758	Berthoud	10,332	Greenwood Village	15,691
Broomfield	74,112	Boulder	108,250	Johnstown	17,303
Delta	31,196	Brighton	40,083	Lafayette	30,411
Denver	715,522	Broomfield	74,112	Lakewood	155,984
Douglas	357,978	Cañon City	17,141	Littleton	45,652
Eagle	55,731	Castle Pines	11,036	Lone Tree	14,253
Elbert	26,062	Castle Rock	73,158	Longmont	98,885
El Paso	730,395	Centennial	108,418	Louisville	21,226
Fremont	48,939	Colorado Springs	478,961	Loveland	76,378
Garfield	61,685	Commerce City	62,418	Montrose	20,291
Jefferson	582,910	Denver	715,522	Monument	10,399
La Plata	55,638	Durango	19,071	Northglenn	38,131
Larimer	359,066	Englewood	33,659	Parker	58,512
Logan	21,528	Erie	30,038	Pueblo	111,876
Mesa	155,703	Evans	22,165	Rifle	10,437
Montezuma	25,849	Federal Heights	14,382	Steamboat Springs	13,224
Montrose	42,679	Firestone	16,381	Sterling	13,735
Morgan	29,111	Fort Collins	169,810	Superior	13,094
Pueblo	168,162	Fort Morgan	11,597	Thornton	141,867
Routt	24,829	Fountain	29,802	Wellington	11,047
Summit	31,055	Frederick	14,513	Westminster	116,317
Teller	24,710	Fruita	13,395	Wheat Ridge	32,398
Weld	328,981	Golden	20,399	Windsor	32,716

[1] United States Census Bureau, 2020 Decennial US Census, County Total Population
[2] United States Census Bureau, 2020 Decennial US Census, Places Total Population

Appendix B – Example Land Use Context to Zoning District Translation Table

Land Use Context	Example of Corresponding Zoning Districts
Low density housing	• R-1 (Single Family) • LDR (Low Density Residential) • LR (Large Lot Residential)
Medium density housing	• R-2 (Mid Density Residential) • MDR (Mid Density Residential)
High density housing	• R-MF (Multifamily Residential) • R-3 (Multifamily Residential) • HDR (High Density Residential)
Low density mixed use	• MU-N (Mixed Use Neighborhood) • MU-L (Mixed Use Low Density) • Suburban/neighborhood context)
High density mixed use	• MU-C/MU-U (mixed use core/urban) • CBD (central business) • Urban/TOD context
Pedestrian-oriented commercial	• C1 (Low Density Commercial) • NC (Neighborhood Commercial) • LC (Limited Commercial)
Auto-oriented commercial	• CA (Auto-Oriented Commercial) • CS (Service Commercial) • Suburban context
Office	• CBD (Commercial Business District) • CS (Service Commercial
Civic & Education	• CAMP (campus) • CS (service commercial)
Recreation, open space, agriculture, or forestry	• POS (Parks & Open Space) • R (Reserve/Recreation) • Agriculture (A)/(AG)
Industrial	• LI (industrial) • IE (industrial employment) • IMU (industrial mixed use)

An Act

HOUSE BILL 24-1304

BY REPRESENTATIVE(S) Vigil and Woodrow, Bacon, Boesenecker, deGruy Kennedy, Epps, Froelich, Hernandez, Herod, Jodeh, Joseph, Kipp, Mabrey, Rutinel, Sirota, Lindsay, Mauro, Parenti, Weissman, Willford, McCluskie;
also SENATOR(S) Priola and Hinrichsen, Cutter, Gonzales, Jaquez Lewis.

CONCERNING PARKING REQUIREMENTS WITHIN METROPOLITAN PLANNING ORGANIZATIONS.

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

SECTION 1. In Colorado Revised Statutes, **add** article 36 to title 29 as follows:

ARTICLE 36
Strategic Growth

29-36-101. Legislative declaration. (1) THE GENERAL ASSEMBLY FINDS, DETERMINES, AND DECLARES THAT:

(a) THERE IS AN EXTRATERRITORIAL IMPACT WHEN LOCAL GOVERNMENTS ENACT LAND USE DECISIONS THAT REQUIRE A MINIMUM

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

AMOUNT OF PARKING SPACES;

(b) RESIDENTIAL DEVELOPMENTS FREQUENTLY HAVE MORE PARKING THAN IS UTILIZED, WHICH ADDS TO HOUSING COSTS AND ENCOURAGES ADDITIONAL VEHICLE OWNERSHIP AND VEHICLE MILES TRAVELED. ACCORDING TO THE REGIONAL TRANSPORTATION DISTRICT STUDY TITLED "RESIDENTIAL PARKING IN STATION AREAS: A STUDY OF METRO DENVER", UNSUBSIDIZED HOUSING DEVELOPMENTS NEAR REGIONAL TRANSPORTATION DISTRICT STATIONS PROVIDE FORTY PERCENT MORE PARKING THAN RESIDENTS UTILIZE AT PEAK TIMES, AND INCOME-RESTRICTED HOUSING DEVELOPMENTS PROVIDE FIFTY PERCENT MORE PARKING THAN IS USED.

(c) THE 2021 STUDY "PARKING & AFFORDABLE HOUSING" OF PARKING UTILIZATION AT AFFORDABLE HOUSING DEVELOPMENTS ALONG THE FRONT RANGE FOUND THAT HALF OF PARKING SPACES BUILT ON AVERAGE GO UNUSED, AND THAT REQUIREMENTS CAN BE UP TO FIVE TIMES THE NEED ESPECIALLY FOR BUILDINGS SERVING LOWER AREA MEDIAN INCOMES;

(d) LOCAL GOVERNMENT LAND USE DECISIONS THAT REQUIRE A MINIMUM AMOUNT OF PARKING SPACES BEYOND WHAT IS NECESSARY TO MEET MARKET DEMAND INCREASE VEHICLE MILES TRAVELED AND ASSOCIATED GREENHOUSE GAS EMISSIONS. ACCORDING TO A UNIVERSITY OF CALIFORNIA INSTITUTE OF TRANSPORTATION STUDIES ARTICLE TITLED "WHAT DO RESIDENTIAL LOTTERIES SHOW US ABOUT TRANSPORTATION CHOICES?", HIGHER AMOUNTS OF FREE PARKING PROVIDED IN RESIDENTIAL DEVELOPMENTS CAUSE HIGHER RATES OF VEHICLE OWNERSHIP, HIGHER RATES OF VEHICLE MILES TRAVELED, AND LESS FREQUENT TRANSIT USE.

(e) ACCORDING TO THE STUDY "EFFECTS OF PARKING PROVISION ON AUTOMOBILE USE IN U.S. CITIES: INFERRING CAUSALITY" IN THE JOURNAL TRANSPORTATION RESEARCH RECORD, AN INCREASE IN PARKING PROVISIONS FROM ONE-TENTH TO ONE-HALF PARKING SPACE PER PERSON IS ASSOCIATED WITH AN INCREASE IN AUTOMOBILE MODE SHARE OF ROUGHLY THIRTY PERCENT;

(f) ACCORDING TO THE ARTICLE "HOUSEHOLDS WITH CONSTRAINED OFF-STREET PARKING DRIVE FEWER MILES" IN THE JOURNAL TRANSPORTATION, VEHICLE OWNERSHIP RATES ARE FOURTEEN PERCENT HIGHER FOR HOUSEHOLDS WITH MORE THAN ONE AVAILABLE PARKING SPACE PER UNIT COMPARED TO THOSE WITH ONE OR FEWER, AND FOR EVERY

ADDITIONAL VEHICLE PER HOUSEHOLD, THE HOUSEHOLD TRAVELS ON AVERAGE SEVENTEEN MORE MILES OF TOTAL VEHICLE MILES TRAVELED PER DAY;

(g) COLORADANS DRIVE MORE MILES PER PERSON THAN THEY USED TO, WHICH PUTS STRESS ON TRANSPORTATION INFRASTRUCTURE AND INCREASING HOUSEHOLD COSTS. SINCE 1981, PER CAPITA VEHICLE MILES TRAVELED IN COLORADO HAVE RISEN BY OVER TWENTY PERCENT ACCORDING TO DATA FROM THE FEDERAL HIGHWAY ADMINISTRATION.

(h) INCREASED VEHICLE OWNERSHIP AND THE RESULTING VEHICLE MILES TRAVELED IMPACT NEIGHBORING JURISDICTIONS BY INCREASING CONGESTION, ROADWAY INFRASTRUCTURE MAINTENANCE COSTS, AIR POLLUTION, NOISE, AND GREENHOUSE GAS EMISSIONS;

(i) GIVEN THE CLOSE PROXIMITY AND INTERCONNECTED NATURE OF JURISDICTIONS WITHIN COLORADO'S METROPOLITAN REGIONS, MANY RESIDENTS TRAVEL FREQUENTLY BETWEEN JURISDICTIONS FOR WORK, SHOPPING, RECREATION, AND OTHER TRIPS;

(j) IN COLORADO'S MAJOR CITIES, A SIGNIFICANT SHARE OF EMPLOYEES COMMUTE TO JOBS IN THE CITY BUT LIVE ELSEWHERE, INCLUDING SEVENTY PERCENT OF EMPLOYEES IN DENVER, FORTY-FIVE PERCENT IN COLORADO SPRINGS, SIXTY PERCENT IN FORT COLLINS, FIFTY PERCENT IN PUEBLO, AND SIXTY-FIVE PERCENT IN GRAND JUNCTION, ACCORDING TO 2021 DATA FROM THE FEDERAL CENSUS;

(k) EXCESSIVE PARKING REQUIREMENTS LIMIT COMPACT, WALKABLE DEVELOPMENT BY MANDATING ADDITIONAL SPACE BETWEEN USES, WHICH THEN NECESSITATES DRIVING TO REACH MOST DESTINATIONS;

(l) LOWER DENSITY DEVELOPMENT HAS LOWERED REVENUE AND INCREASED CAPITAL AND MAINTENANCE COSTS COMPARED TO MORE COMPACT DEVELOPMENT. NATIONAL STUDIES, SUCH AS THE ARTICLE "RELATIONSHIPS BETWEEN DENSITY AND PER CAPITA MUNICIPAL SPENDING IN THE UNITED STATES", PUBLISHED IN URBAN SCIENCE, HAVE FOUND THAT LOWER DENSITY COMMUNITIES HAVE HIGHER GOVERNMENT CAPITAL AND MAINTENANCE COSTS FOR WATER, SEWER, AND TRANSPORTATION INFRASTRUCTURE AND LOWER PROPERTY AND SALES TAX REVENUE. THESE INCREASED COSTS ARE OFTEN BORNE BY BOTH STATE AND LOCAL

GOVERNMENTS.

(m) VEHICLE TRAFFIC, WHICH INCREASES WHEN LAND USE PATTERNS ARE MORE DISPERSED, CONTRIBUTES TWENTY PERCENT OF NITROGEN OXIDE EMISSIONS, A KEY OZONE PRECURSOR, ACCORDING TO THE EXECUTIVE SUMMARY OF THE MODERATE AREA OZONE STATE IMPLEMENTATION PLAN FOR THE 2015 OZONE NATIONAL AMBIENT AIR QUALITY STANDARDS BY THE REGIONAL AIR QUALITY COUNCIL;

(n) THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY HAS CLASSIFIED THE DENVER METRO AREA AND THE NORTH FRONT RANGE AREA AS BEING IN SEVERE NONATTAINMENT FOR OZONE AND GROUND LEVEL OZONE, WHICH HAS SERIOUS IMPACTS ON HUMAN HEALTH, PARTICULARLY FOR VULNERABLE POPULATIONS;

(o) ACCORDING TO THE GREENHOUSE GAS POLLUTION REDUCTION ROADMAP, PUBLISHED BY THE COLORADO ENERGY OFFICE AND DATED JANUARY 14, 2021, THE TRANSPORTATION SECTOR IS THE SINGLE LARGEST SOURCE OF GREENHOUSE GAS POLLUTION IN COLORADO;

(p) NEARLY SIXTY PERCENT OF THE GREENHOUSE GAS EMISSIONS FROM THE TRANSPORTATION SECTOR COME FROM LIGHT-DUTY VEHICLES, THE MAJORITY OF CARS AND TRUCKS THAT COLORADANS DRIVE EVERY DAY;

(q) SECTION 43-1-128 (3) DIRECTS THE DEPARTMENT OF TRANSPORTATION TO ESTABLISH GREENHOUSE GAS REDUCTION TARGETS, GUIDELINES, AND PROCEDURES FOR STATE AND REGIONAL TRANSPORTATION PLANS, AND THE RESULTING GREENHOUSE GAS PLANNING RULE AND ASSOCIATED MITIGATION POLICY DIRECTIVES INCLUDE A LIST OF GREENHOUSE GAS MITIGATION MEASURES TO ACHIEVE THOSE TARGETS, INCLUDING THE ELIMINATION OF MINIMUM PARKING REQUIREMENTS AND OTHER PARKING MANAGEMENT STRATEGIES;

(r) LOCAL GOVERNMENT LAND USE DECISIONS THAT REQUIRE A MINIMUM AMOUNT OF PARKING SPACES INCREASE THE COST OF NEW RESIDENTIAL PROJECTS, WHICH INCREASES HOUSING COSTS. ACCORDING TO THE REGIONAL TRANSPORTATION DISTRICT STUDY TITLED "RESIDENTIAL PARKING IN STATION AREAS: A STUDY OF METRO DENVER", STRUCTURED PARKING SPACES IN THE DENVER METROPOLITAN AREA COST TWENTY-FIVE THOUSAND DOLLARS EACH TO BUILD IN 2020 AND USE SPACE THAT WOULD

OTHERWISE BE USED FOR REVENUE GENERATING RESIDENTIAL UNITS, DECREASING THE PROFITABILITY OF RESIDENTIAL DEVELOPMENT. AS A RESULT, PARKING REQUIREMENTS THAT NECESSITATE THE CONSTRUCTION OF STRUCTURED PARKING SPACES MAY DISCOURAGE DEVELOPERS FROM BUILDING NEW RESIDENTIAL PROJECTS, OR, IF THEY DO MOVE FORWARD WITH PROJECTS, FORCE THEM TO RECOUP THE COSTS OF BUILDING EXCESSIVE PARKING BY INCREASING HOUSING PRICES.

(s) OFF-STREET SURFACE PARKING COSTS UP TO TEN THOUSAND DOLLARS PER SPACE, AND EACH SPACE REQUIRES UP TO TWO AND ONE-HALF TIMES ITS SQUARE FOOTAGE TO ACCOMMODATE. AS A RESULT, OFF-STREET SURFACE PARKING REQUIREMENTS ALSO MAY DISCOURAGE DEVELOPERS FROM BUILDING NEW RESIDENTIAL PROJECTS, OR, IF THEY DO MOVE FORWARD WITH PROJECTS, FORCE THEM TO BUILD FEWER UNITS THAN THEY OTHERWISE COULD AND RECOUP THE EXCESSIVE COST BY INCREASING HOME PRICES AND RENTS. AN ANALYSIS CONDUCTED BY THE PARKING REFORM NETWORK FOUND THAT AN OFF-STREET PARKING SPACE CAN ADD BETWEEN TWO HUNDRED AND FIVE HUNDRED DOLLARS PER MONTH IN RENT. WHETHER THESE COSTS ARE NECESSARY VARIES FROM ONE BUILDING PROJECT TO THE NEXT, AND THOSE VARIABLES ARE NOT ACCOUNTED FOR IN MANDATED PARKING MINIMUMS.

(t) MINIMUM PARKING REQUIREMENTS PUT SMALL BUSINESSES AT A DISADVANTAGE RELATIVE TO LARGE CORPORATIONS. LARGE CORPORATIONS HAVE MORE CAPITAL AT THEIR DISPOSAL TO FULFILL COSTLY PARKING REQUIREMENTS AND ARE LESS RELIANT ON FOOT TRAFFIC, HUMAN-SCALE VISIBILITY, AND A SENSE OF PLACE TO ATTRACT CUSTOMERS.

(u) IMPERVIOUS SURFACES SUCH AS THOSE BUILT FOR VEHICLE PARKING CREATE AN URBAN HEAT ISLAND EFFECT, CONTRIBUTING TO RISING TEMPERATURES, INCREASING ENERGY COSTS FOR AIR CONDITIONING, AND WORSENING GROUND LEVEL AIR QUALITY. EXCESSIVE LAND COVERAGE OF THIS KIND MAKES STORMWATER MANAGEMENT DIFFICULT AND EXPENSIVE, AND CONTRIBUTES TO FLASH FLOODING AND EROSION, CAUSING INTERJURISDICTIONAL CONFLICTS AND LEGAL DISPUTES.

(2) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT THE REQUIRED MINIMUM AMOUNT OF PARKING SPACES FOR A REAL PROPERTY IS A MATTER OF MIXED STATEWIDE AND LOCAL CONCERN.

29-36-102. Definitions. AS USED IN THIS ARTICLE 36, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "ADAPTIVE REUSE" MEANS THE CONVERSION OF AN EXISTING STRUCTURE FROM THE USE FOR WHICH IT WAS CONSTRUCTED TO A NEW USE BY MAINTAINING ELEMENTS OF THE STRUCTURE AND ADAPTING SUCH ELEMENTS TO A NEW USE.

(2) "APPLICABLE TRANSIT PLAN" MEANS A PLAN OF A TRANSIT AGENCY WHOSE SERVICE TERRITORY IS WITHIN A METROPOLITAN PLANNING ORGANIZATION, INCLUDING A SYSTEM OPTIMIZATION PLAN OR A TRANSIT MASTER PLAN THAT:

(a) HAS BEEN APPROVED BY THE GOVERNING BODY OF A TRANSIT AGENCY ON OR AFTER JANUARY 1, 2019, AND ON OR BEFORE JANUARY 1, 2024;

(b) IDENTIFIES THE PLANNED FREQUENCY AND SPAN OF SERVICE FOR TRANSIT SERVICE OR SPECIFIC TRANSIT ROUTES; AND

(c) IDENTIFIES SPECIFIC TRANSIT ROUTES FOR SHORT-TERM IMPLEMENTATION ACCORDING TO THAT PLAN, OR IMPLEMENTATION BEFORE JANUARY 1, 2027.

(3) "APPLICABLE TRANSIT SERVICE AREA" MEANS AN AREA DESIGNATED BY THE MAP CREATED IN SECTION 29-36-106.

(4) "BUS RAPID TRANSIT SERVICE" MEANS A TRANSIT SERVICE THAT:

(a) IS IDENTIFIED AS BUS RAPID TRANSIT BY A TRANSIT AGENCY, IN A METROPOLITAN PLANNING ORGANIZATION'S FISCALLY CONSTRAINED LONG RANGE TRANSPORTATION PLAN OR IN AN APPLICABLE TRANSIT PLAN; AND

(b) INCLUDES ANY NUMBER OF THE FOLLOWING:

(I) SERVICE THAT IS SCHEDULED TO RUN EVERY FIFTEEN MINUTES OR LESS FOR FOUR HOURS OR MORE ON WEEKDAYS, EXCLUDING SEASONAL SERVICE;

(II) DEDICATED LANES OR BUSWAYS;

(III) TRAFFIC SIGNAL PRIORITY;

(IV) OFF-BOARD FARE COLLECTION;

(V) ELEVATED PLATFORMS; OR

(VI) ENHANCED STATIONS.

(5) "COMMUNITY-BASED ORGANIZATION" MEANS A COLORADO-BASED NONPROFIT ENTITY THAT:

(a) HAS A MISSION TO IMPROVE THE ENVIRONMENTAL, ECONOMIC, SOCIAL, CULTURAL, OR QUALITY OF LIFE CONDITIONS OF A COMMON COMMUNITY OF INTEREST;

(b) IS ACCESSIBLE FOR RESIDENTS OF ALL AGES, INCOMES, LANGUAGES, AND ABILITIES; OR

(c) ADDRESSES THE NEEDS OF DISPROPORTIONATELY IMPACTED AND MARGINALIZED COMMUNITIES IN THE REGION AND CENTERS VOICES OF MARGINALIZED COMMUNITIES IN TRANSPORTATION PLANNING, BOTH IN THEIR COMMUNITY AND AROUND THE REGION.

(6) "COMMUTER BUS RAPID TRANSIT SERVICE" MEANS A BUS RAPID TRANSIT SERVICE THAT OPERATES FOR A MAJORITY OF ITS ROUTE ON A FREEWAY WITH ACCESS THAT IS LIMITED TO GRADE-SEPARATED INTERCHANGES.

(7) "COUNTY" MEANS A COUNTY, INCLUDING A HOME RULE COUNTY BUT EXCLUDING A CITY AND COUNTY.

(8) "LAND USE APPROVAL" MEANS ANY FINAL ACTION OF A LOCAL GOVERNMENT THAT HAS THE EFFECT OF AUTHORIZING THE USE OR DEVELOPMENT OF A PARTICULAR PARCEL OF REAL PROPERTY.

(9) "LOADING SPACE" MEANS AN OFF-STREET SPACE OR BERTH THAT:

(a) IS ON THE SAME SITE WITH A BUILDING OR CONTIGUOUS TO A GROUP OF BUILDINGS;

(b) IS DESIGNATED FOR THE TEMPORARY PARKING OF EITHER:

(I) A COMMERCIAL VEHICLE WHILE MATERIALS ARE LOADED IN OR UNLOADED FROM THE VEHICLE; OR

(II) A VEHICLE WHILE PASSENGERS BOARD OR DISEMBARK FROM THE VEHICLE; AND

(c) ABUTS UPON A STREET, ALLEY, OR OTHER MEANS OF ACCESS.

(10) "LOCAL GOVERNMENT" MEANS A MUNICIPALITY THAT IS WITHIN A METROPOLITAN PLANNING ORGANIZATION OR A COUNTY THAT HAS UNINCORPORATED AREAS WITHIN A METROPOLITAN PLANNING ORGANIZATION.

(11) "LOCAL LAW" MEANS ANY CODE, LAW, ORDINANCE, POLICY, REGULATION, OR RULE ENACTED BY A LOCAL GOVERNMENT THAT GOVERNS THE DEVELOPMENT AND USE OF LAND, INCLUDING LAND USE CODES, ZONING CODES, AND SUBDIVISION CODES.

(12) "MAXIMUM PARKING REQUIREMENT" MEANS A REQUIREMENT ESTABLISHED IN LOCAL LAW THAT LIMITS THE NUMBER OF PARKING SPACES THAT MAY BE MADE AVAILABLE IN CONNECTION WITH A REAL PROPERTY.

(13) "METROPOLITAN PLANNING ORGANIZATION" MEANS A METROPOLITAN PLANNING ORGANIZATION UNDER THE "FEDERAL TRANSIT ACT OF 1998", 49 U.S.C. SEC. 5301 ET SEQ., AS AMENDED.

(14) "MINIMUM PARKING REQUIREMENT" MEANS A REQUIREMENT ESTABLISHED IN LOCAL LAW THAT A NUMBER OF PARKING SPACES BE MADE AVAILABLE IN CONNECTION WITH A REAL PROPERTY.

(15) "MUNICIPALITY" MEANS A HOME RULE OR STATUTORY CITY OR TOWN, TERRITORIAL CHARTER CITY OR TOWN, OR CITY AND COUNTY.

(16) "PARKING SPACE" MEANS AN OFF-STREET SPACE DESIGNATED FOR MOTOR VEHICLE PARKING. A PARKING SPACE DOES NOT INCLUDE A LOADING SPACE.

(17) "REGULATED AFFORDABLE HOUSING" MEANS AFFORDABLE

HOUSING THAT:

(a) HAS RECEIVED LOANS, GRANTS, EQUITY, BONDS, OR TAX CREDITS FROM ANY SOURCE TO SUPPORT THE CREATION, PRESERVATION, OR REHABILITATION OF AFFORDABLE HOUSING THAT, AS A CONDITION OF FUNDING, ENCUMBERS THE PROPERTY WITH A RESTRICTED USE COVENANT OR SIMILAR RECORDED AGREEMENT TO ENSURE AFFORDABILITY, OR HAS BEEN INCOME-RESTRICTED UNDER A LOCAL INCLUSIONARY ZONING ORDINANCE OR OTHER REGULATION OR PROGRAM;

(b) RESTRICTS OR LIMITS MAXIMUM RENTAL OR SALE PRICE FOR HOUSEHOLDS OF A GIVEN SIZE AT A GIVEN AREA MEDIAN INCOME, AS ESTABLISHED ANNUALLY BY THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT; AND

(c) ENSURES OCCUPANCY BY LOW- TO MODERATE-INCOME HOUSEHOLDS FOR A SPECIFIED PERIOD DETAILED IN A RESTRICTIVE USE COVENANT OR SIMILAR RECORDED AGREEMENT.

29-36-103. Limitations on minimum parking requirements. (1) ON OR AFTER JUNE 30, 2025, A MUNICIPALITY SHALL NEITHER ENACT NOR ENFORCE LOCAL LAWS THAT ESTABLISH A MINIMUM PARKING REQUIREMENT THAT APPLIES TO A LAND USE APPROVAL FOR A MULTIFAMILY RESIDENTIAL DEVELOPMENT, ADAPTIVE RE-USE FOR RESIDENTIAL PURPOSES, OR ADAPTIVE RE-USE MIXED-USE PURPOSES WHICH INCLUDE AT LEAST FIFTY PERCENT OF USE FOR RESIDENTIAL PURPOSES THAT IS WITHIN THE MUNICIPALITY, A METROPOLITAN PLANNING ORGANIZATION, AND AT LEAST PARTIALLY WITHIN AN APPLICABLE TRANSIT SERVICE AREA.

(2) ON OR AFTER JUNE 30, 2025, A COUNTY SHALL NEITHER ENACT NOR ENFORCE LOCAL LAWS THAT ESTABLISH A MINIMUM PARKING REQUIREMENT THAT APPLIES TO A LAND USE APPROVAL FOR A MULTIFAMILY RESIDENTIAL DEVELOPMENT, ADAPTIVE RE-USE FOR RESIDENTIAL PURPOSES, OR ADAPTIVE RE-USE MIXED-USE PURPOSES WHICH INCLUDE AT LEAST FIFTY PERCENT OF USE FOR RESIDENTIAL PURPOSES THAT IS WITHIN THE UNINCORPORATED AREA OF THE COUNTY, A METROPOLITAN PLANNING ORGANIZATION, AND AT LEAST PARTIALLY WITHIN AN APPLICABLE TRANSIT SERVICE AREA.

(3) NOTHING IN THIS SECTION:

(a) LOWERS THE PROTECTIONS PROVIDED FOR PERSONS WITH DISABILITIES, INCLUDING THE NUMBER OF PARKING SPACES FOR PERSONS WHO ARE MOBILITY IMPAIRED, UNDER THE FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC. 12101 ET SEQ., AND PARTS 6 AND 8 OF ARTICLE 34 OF TITLE 24;

(b) PREVENTS A LOCAL GOVERNMENT FROM ENACTING OR ENFORCING LOCAL LAWS THAT ESTABLISH A MAXIMUM PARKING REQUIREMENT;

(c) PREVENTS A LOCAL GOVERNMENT OR A DEVELOPER FROM BEING AWARDED FUNDING FOR AFFORDABLE HOUSING THAT REQUIRES A RATIO OF A CERTAIN NUMBER OF PARKING SPACES;

(d) AFFECTS THE ABILITY OF A LOCAL GOVERNMENT TO ENFORCE ANY AGREEMENT MADE IN CONNECTION WITH A LAND USE APPROVAL PRIOR TO THE EFFECTIVE DATE OF HOUSE BILL 24-1304, ENACTED IN 2024, TO PROVIDE REGULATED AFFORDABLE HOUSING IN EXCHANGE FOR REDUCING MINIMUM PARKING REQUIREMENTS;

(e) PREVENTS A LOCAL GOVERNMENT FROM ENACTING OR ENFORCING LOCAL LAWS THAT ESTABLISH A MINIMUM REQUIREMENT FOR BICYCLE PARKING; OR

(f) PREVENTS A LOCAL GOVERNMENT FROM IMPOSING THE FOLLOWING REQUIREMENTS ON A PARKING SPACE THAT IS VOLUNTARILY PROVIDED IN CONNECTION WITH A LAND USE APPROVAL:

(I) THAT THE OWNERS OF SUCH A PARKING SPACE CHARGE FOR THE USE OF THE SPACE;

(II) THAT THE OWNER OF A SUCH A PARKING SPACE CONTRIBUTE TO A PARKING ENTERPRISE, PERMITTING SYSTEM, OR SHARED PARKING PLAN; AND

(III) THAT SUCH A PARKING SPACE ALLOWS FOR ELECTRIC VEHICLE CHARGING STATIONS IN ACCORDANCE WITH EXISTING LAW.

29-36-104. Limitations on minimum parking requirements. (1) NOTWITHSTANDING SECTION 29-36-103, A LOCAL GOVERNMENT MAY

IMPOSE OR ENFORCE A MINIMUM PARKING REQUIREMENT IN CONNECTION WITH A HOUSING DEVELOPMENT PROJECT THAT IS INTENDED TO CONTAIN TWENTY UNITS OR MORE OR CONTAIN REGULATED AFFORDABLE HOUSING BY REQUIRING NO MORE THAN ONE PARKING SPACE PER DWELLING UNIT IN THE HOUSING DEVELOPMENT.

(2) (a) IN ORDER TO IMPOSE A MINIMUM PARKING REQUIREMENT PURSUANT TO SUBSECTION (1) OF THIS SECTION IN CONNECTION WITH A HOUSING DEVELOPMENT PROJECT, A LOCAL GOVERNMENT MUST, NO LATER THAN NINETY DAYS AFTER RECEIVING A COMPLETED APPLICATION FOR THE HOUSING DEVELOPMENT PROJECT, PUBLICLY PUBLISH WRITTEN FINDINGS THAT FIND THAT NOT IMPOSING OR ENFORCING A MINIMUM PARKING REQUIREMENT IN CONNECTION WITH THE HOUSING DEVELOPMENT PROJECT WOULD HAVE A SUBSTANTIAL NEGATIVE IMPACT.

(b) A LOCAL GOVERNMENT'S WRITTEN FINDINGS PUBLISHED PURSUANT TO SUBSECTION (2)(a) MUST:

(I) BE SUPPORTED BY SUBSTANTIAL EVIDENCE THAT SUPPORTS THE FINDING OF A SUBSTANTIAL NEGATIVE IMPACT ON:

(A) SAFE PEDESTRIAN, BICYCLE, OR EMERGENCY ACCESS TO THE HOUSING DEVELOPMENT PROJECT; OR

(B) EXISTING ON- OR OFF-STREET PARKING SPACES WITHIN ONE EIGHTH-MILE OF THE HOUSING DEVELOPMENT PROJECT;

(II) BE REVIEWED AND APPROVED BY A PROFESSIONAL ENGINEER, AS DEFINED IN SECTION 12-120-202 (7).

(III) INCLUDE PARKING UTILIZATION DATA COLLECTED FROM THE AREA WITHIN ONE EIGHTH-MILE OF THE HOUSING DEVELOPMENT PROJECT; AND

(IV) DEMONSTRATE THAT THE LOCAL GOVERNMENT IMPLEMENTATION OF STRATEGIES TO MANAGE DEMAND FOR ON-STREET PARKING FOR THE AREA WITHIN ONE EIGHTH-MILE OF THE HOUSING DEVELOPMENT PROJECT WOULD NOT BE EFFECTIVE TO MITIGATE A SUBSTANTIAL NEGATIVE IMPACT FOUND PURSUANT TO THIS SECTION.

(3) ON OR BEFORE DECEMBER 31, 2026, AND EVERY DECEMBER 31ST THEREAFTER, IF APPLICABLE, A LOCAL GOVERNMENT SHALL, IN A FORM AND MANNER DETERMINED BY THE DEPARTMENT OF LOCAL AFFAIRS, SUBMIT INFORMATION REGARDING A MINIMUM PARKING REQUIREMENT IMPOSED OR ENFORCED PURSUANT TO THIS SECTION TO THE DEPARTMENT OF LOCAL AFFAIRS.

(4) THE DEPARTMENT OF LOCAL AFFAIRS MAY ISSUE POLICIES AND PROCEDURES AS NECESSARY TO IMPLEMENT THIS SECTION.

29-36-105. Parking management technical assistance. (1) (a) ON OR BEFORE DECEMBER 31, 2024, THE DEPARTMENT OF LOCAL AFFAIRS, IN CONSULTATION WITH THE DEPARTMENT OF TRANSPORTATION, AND THE COLORADO ENERGY OFFICE, SHALL, WITHIN EXISTING RESOURCES, TO THE EXTENT FEASIBLE, DEVELOP AND PUBLISH BEST PRACTICES AND TECHNICAL ASSISTANCE MATERIALS CONCERNING OPTIMIZING PARKING SUPPLY AND MANAGING PARKING IN WAYS THAT INCREASE THE PRODUCTION OF AFFORDABLE HOUSING AND HOUSING SUPPLY. THESE BEST PRACTICES AND TECHNICAL ASSISTANCE MATERIALS MUST INCLUDE, BUT ARE NOT LIMITED TO, ELEMENTS RELATED TO:

(I) THE IMPLEMENTATION OF LOCAL PARKING MAXIMUMS;

(II) SAMPLE LANGUAGE TO REPLACE EXISTING LOCAL PARKING CODES WITH OTHER INCENTIVES FOR THE PRODUCTION OF AFFORDABLE HOUSING, TRANSPORTATION DEMAND MANAGEMENT STRATEGIES, AND OTHER DESIRED OUTCOMES;

(III) THE DESIGN AND IMPLEMENTATION OF PARKING BENEFIT DISTRICTS AND ON-STREET PARKING MANAGEMENT;

(IV) STRATEGIES FOR DEVELOPERS TO MANAGE THE SUPPLY AND PRICE OF PARKING SPACES TO MINIMIZE PARKING DEMAND BASED ON DIFFERENT LOCATION AND LAND USE CHARACTERISTICS AND TAKING INTO CONSIDERATION THE NUMBER OF RESIDENTS WHO NEED ACCESS TO PARKING AND ACCESS TO MASS TRANSIT;

(V) STRATEGIES THAT PRIORITIZE THE TRANSPORTATION NEEDS OF RESIDENTS OF REGULATED AFFORDABLE HOUSING, LOW-INCOME COMMUNITIES, AND COMMUNITIES WITH LOW RATES OF CAR OWNERSHIP;

(VI) STRATEGIES TO OPTIMIZE THE USE OF EXISTING PARKING THROUGH SHARED PARKING AGREEMENTS AND OTHER STRATEGIES; AND

(VII) INFORMATION FROM AFFORDABLE HOUSING PROVIDERS AND EXISTING STUDIES ON PARKING NEEDS FOR RESIDENTS OF REGULATED AFFORDABLE HOUSING BASED ON DIFFERENT LOCATION AND LAND USE CHARACTERISTICS.

(b) (I) IN DEVELOPING THE MATERIALS AND BEST PRACTICES DESCRIBED IN SUBSECTION (1)(a) OF THIS SECTION, THE DEPARTMENT OF LOCAL AFFAIRS SHALL CONSULT WITH VARIOUS STAKEHOLDERS, INCLUDING LOCAL GOVERNMENTS, METROPOLITAN PLANNING ORGANIZATIONS, DISPROPORTIONATELY IMPACTED COMMUNITIES, COMMUNITY-BASED ORGANIZATIONS, AFFORDABLE HOUSING PROVIDERS, TRANSIT AGENCIES, AND ACTIVE TRANSPORTATION ORGANIZATIONS. IN CONSULTING WITH THESE STAKEHOLDERS, THE DEPARTMENT OF LOCAL AFFAIRS MAY COLLECT THIS FEEDBACK THROUGH MULTIPLE MEANS, INCLUDING ONLINE OR IN-PERSON SURVEYS OR PUBLIC FEEDBACK SESSIONS.

(2) DURING THE FIRST REGULAR SESSION OF THE SEVENTY-FIFTH GENERAL ASSEMBLY, THE DEPARTMENT OF LOCAL AFFAIRS SHALL PRESENT THE MATERIALS AND BEST PRACTICES DESCRIBED IN SUBSECTION (1)(a) OF THIS SECTION TO THE LOCAL GOVERNMENT AND HOUSING COMMITTEE OF THE SENATE AND THE TRANSPORTATION, HOUSING AND LOCAL GOVERNMENT COMMITTEE OF THE HOUSE OF REPRESENTATIVES OR THEIR SUCCESSOR COMMITTEES.

29-36-106. Applicable transit service areas map. (1) ON OR BEFORE SEPTEMBER 30, 2024, THE DEPARTMENT OF LOCAL AFFAIRS, IN CONSULTATION WITH THE DEPARTMENT OF TRANSPORTATION, COLORADO ENERGY OFFICE, METROPOLITAN PLANNING ORGANIZATIONS, AND TRANSIT AGENCIES THAT OPERATE WITHIN METROPOLITAN PLANNING ORGANIZATIONS, SHALL PUBLISH A MAP THAT DESIGNATES APPLICABLE TRANSIT SERVICE AREAS TO BE USED BY LOCAL GOVERNMENTS IN COMPLYING WITH THIS PART 1.

(2) IN PUBLISHING THE MAP DESCRIBED IN SUBSECTION (1) OF THIS SECTION, THE DEPARTMENT OF LOCAL AFFAIRS SHALL DESIGNATE APPLICABLE TRANSIT SERVICE AREAS AS AREAS THAT ARE WITHIN:

(a) ONE-QUARTER MILE OF EXISTING STATIONS SERVED BY ROUTES IDENTIFIED IN AN APPLICABLE TRANSIT PLAN FOR:

(I) COMMUTER BUS RAPID TRANSIT;

(II) COMMUTER RAIL WITH PLANNED OR SCHEDULED SERVICE THAT IS SCHEDULED TO RUN EVERY THIRTY MINUTES OR MORE FREQUENT BETWEEN SEVEN A.M. AND TEN A.M. AND BETWEEN FOUR P.M. AND SEVEN P.M.;

(III) LIGHT RAIL WITH PLANNED OR SCHEDULED SERVICE THAT IS SCHEDULED TO RUN EVERY THIRTY MINUTES OR MORE FREQUENT BETWEEN SEVEN A.M. AND TEN A.M. AND BETWEEN FOUR P.M. AND SEVEN P.M.; AND

(IV) A PUBLIC BUS ROUTE THAT HAS A PLANNED OR SCHEDULED FREQUENCY OF EVERY THIRTY MINUTES OR MORE FREQUENT FOR FOUR HOURS OR MORE ON WEEKDAYS, EXCLUDING SEASONAL SERVICE;

(b) ONE-QUARTER MILE OF CURRENTLY PLANNED OR EXISTING STATIONS AND STOPS SERVED BY PUBLIC BUS ROUTES THAT:

(I) HAVE A PLANNED OR SCHEDULED FREQUENCY OF EVERY THIRTY MINUTES OR MORE FREQUENT FOR FOUR HOURS OR MORE ON WEEKDAYS, EXCLUDING SEASONAL SERVICE; AND

(II) ARE IDENTIFIED WITHIN AN APPLICABLE TRANSIT PLAN FOR SHORT-TERM IMPLEMENTATION OR IMPLEMENTATION BEFORE JANUARY 1, 2030, ACCORDING TO THAT PLAN; OR

(c) FOR TRANSIT AGENCIES WITHIN METROPOLITAN PLANNING ORGANIZATIONS THAT DO NOT HAVE APPLICABLE TRANSIT PLANS, ONE-QUARTER MILE OF PUBLIC BUS ROUTES WITH EXISTING TRANSIT SERVICE LEVELS AS OF JANUARY 1, 2024, WITH A SCHEDULED FREQUENCY OF EVERY THIRTY MINUTES OR MORE FREQUENT DURING THE FOUR HOURS OR MORE ON WEEKDAYS, EXCLUDING SEASONAL SERVICE.

SECTION 2. In Colorado Revised Statutes, 29-20-104, **amend** (1) introductory portion as follows:

29-20-104. Powers of local governments - definition. (1) Except

as expressly provided in section 29-20-104.2, ~~or~~ SECTION 29-20-104.5, AND ARTICLE 36 OF THIS TITLE 29, the power and authority granted by this section does not limit any power or authority presently exercised or previously granted. Except as provided in section 29-20-104.2, each local government within its respective jurisdiction has the authority to plan for and regulate the use of land by:

SECTION 3. In Colorado Revised Statutes, 30-15-401, **amend** (1)(h)(I)(B) as follows:

30-15-401. General regulations - definitions. (1) In addition to those powers granted by sections 30-11-101 and 30-11-107 and by parts 1, 2, and 3 of this article 15, the board of county commissioners may adopt ordinances for control or licensing of those matters of purely local concern that are described in the following enumerated powers:

(h) (I) To control and regulate the movement and parking of vehicles and motor vehicles on public property; except that:

(B) For the purposes of any minimum parking requirement a board of county commissioners imposes, the board of county commissioners is subject to ~~section 30-28-140~~ ARTICLE 36 OF TITLE 29 AND SECTION 30-28-140; and

SECTION 4. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in

November 2024 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Steve Fenberg
PRESIDENT OF
THE SENATE

Robin Jones
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED Friday May 10th 2024 at 12:15pm
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO

An Act

HOUSE BILL 24-1152

BY REPRESENTATIVE(S) Amabile and Weinberg, Bacon, Boesenecker, Epps, Froelich, Garcia, Jodeh, Kipp, Lindsay, Lindstedt, Mabrey, McCormick, Ortiz, Ricks, Rutinel, Sirota, Story, Valdez, Vigil, Willford, Woodrow, McCluskie, English, Herod, Martinez, McLachlan, Parenti, Weissman;
also SENATOR(S) Mullica and Exum, Cutter, Hinrichsen, Priola, Roberts, Winter F.

CONCERNING INCREASING THE NUMBER OF ACCESSORY DWELLING UNITS, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

SECTION 1. In Colorado Revised Statutes, **add** article 35 to title 29 as follows:

ARTICLE 35
State Land Use Criteria For Strategic Growth
PART 1
ACCESSORY DWELLING UNITS

29-35-101. Legislative declaration. (1) (a) THE GENERAL ASSEMBLY HEREBY FINDS, DETERMINES, AND DECLARES THAT:

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

(I) ACCESSORY DWELLING UNITS OFFER A WAY TO PROVIDE COMPACT, RELATIVELY AFFORDABLE HOUSING IN ESTABLISHED NEIGHBORHOODS WITH MINIMAL IMPACTS TO INFRASTRUCTURE AND TO SUPPLY NEW HOUSING OPPORTUNITIES WITHOUT ADDED DISPERSED LOW-DENSITY HOUSING;

(II) ACCESSORY DWELLING UNITS GENERATE RENTAL INCOME TO HELP HOMEOWNERS COVER MORTGAGE PAYMENTS OR OTHER COSTS, WHICH CAN BE IMPORTANT FOR A VARIETY OF RESIDENTS, SUCH AS OLDER HOMEOWNERS ON FIXED INCOMES AND LOW- AND MODERATE-INCOME HOMEOWNERS;

(III) ACCESSORY DWELLING UNITS PROVIDE FAMILIES WITH OPTIONS FOR INTERGENERATIONAL LIVING ARRANGEMENTS THAT ENABLE CHILD OR ELDER CARE AND AGING IN PLACE, AND A 2021 SURVEY BY THE AARP FOUND THAT APPROXIMATELY SEVENTY-FIVE PERCENT OF PEOPLE FIFTY YEARS OF AGE OR OLDER WANT TO STAY IN THEIR HOMES OR COMMUNITIES FOR AS LONG AS THEY CAN. ACCORDING TO A 2018 STUDY BY THE CENTER FOR AMERICAN PROGRESS, FIFTY-ONE PERCENT OF COLORADANS LIVE IN A CHILD CARE DESERT-A COMMUNITY WHERE THERE ARE NO CHILD CARE PROVIDERS OR SO FEW OPTIONS THAT THERE ARE MORE THAN THREE TIMES AS MANY CHILDREN AS THERE ARE LICENSED CHILD CARE SLOTS. THESE CHILD CARE DESERTS ARE SITUATED WITHIN RURAL, SUBURBAN, AND URBAN COMMUNITIES AND ARE A MAJOR REASON FOR WORKING PARENTS TO LEAVE THE WORKFORCE.

(IV) ACCESSORY DWELLING UNITS ARE OFTEN OCCUPIED AT LOW TO NO RENT BY FAMILY MEMBERS, AND IF THEY ARE RENTED PRIVATELY, THEIR RENTS ARE RELATIVELY AFFORDABLE BECAUSE OF THEIR SMALL SIZE;

(V) AS COLORADO'S POPULATION AGES AND TYPICAL HOUSEHOLD SIZE CONTINUES TO DECREASE, ACCESSORY DWELLING UNITS OFFER MORE COMPACT HOUSING OPTIONS THAT ALIGN WITH THE STATE'S CHANGING DEMOGRAPHICS, AND COLORADANS OVER SIXTY-FIVE YEARS OF AGE ARE THE FASTEST-GROWING AGE COHORT IN COLORADO ACCORDING TO THE STATE DEMOGRAPHY OFFICE;

(VI) ACCESSORY DWELLING UNITS ENABLE SENIORS TO DOWNSIZE, MOVE INTO ACCESSIBLE UNITS, OR LIVE WITH FAMILY OR A CAREGIVER WHILE

REMAINING IN THEIR COMMUNITIES. A 2018 AARP SURVEY FOUND THAT SIXTY-SEVEN PERCENT OF ADULTS WOULD CONSIDER LIVING IN AN ACCESSORY DWELLING UNIT TO BE CLOSE TO SOMEONE BUT STILL HAVE A SEPARATE SPACE. MOST SENIORS DO NOT LIVE IN HOMES THAT ARE ACCESSIBLE, EVEN THOUGH DISABILITY IS PREVALENT AMONG THE SENIOR POPULATION AND INCREASES WITH AGE. LESS THAN FOUR PERCENT OF EXISTING HOUSING UNITS IN THE UNITED STATES ARE ESTIMATED TO BE LIVABLE FOR PEOPLE WITH MODERATE MOBILITY DIFFICULTIES, ACCORDING TO "HOUSING FOR AN AGING POPULATION" IN THE JOURNAL HOUSING POLICY DEBATE.

(VII) RELATIVE TO DISPERSED, LOW-DENSITY DEVELOPMENT, COMPACT INFILL DEVELOPMENT, INCLUDING ACCESSORY DWELLING UNIT DEVELOPMENT, REDUCES WATER USE, GREENHOUSE GAS EMISSIONS, INFRASTRUCTURE COSTS, AND HOUSEHOLD ENERGY AND TRANSPORTATION COSTS;

(VIII) ACCESSORY DWELLING UNITS USE SIGNIFICANTLY LESS ENERGY FOR HEATING AND COOLING THAN SINGLE-UNIT DETACHED DWELLINGS BECAUSE OF THEIR SMALLER SIZE, WHICH REDUCES HOUSEHOLD ENERGY COSTS AND GREENHOUSE GAS EMISSIONS. ACCESSORY DWELLING UNITS CAN REDUCE LIFETIME CARBON DIOXIDE EMISSIONS BY FORTY PERCENT COMPARED TO MEDIUM-SIZED SINGLE-FAMILY HOMES, ACCORDING TO A REPORT FROM THE OREGON DEPARTMENT OF ENVIRONMENTAL QUALITY. REDUCING EMISSIONS FROM THE HOUSING SECTOR IS CRITICAL FOR MEETING THE STATE'S GREENHOUSE GAS EMISSIONS TARGETS ESTABLISHED IN SECTION 25-7-102. ACCORDING TO "THE CARBON FOOTPRINT OF HOUSEHOLD ENERGY USE IN THE UNITED STATES" IN THE PROCEEDINGS OF THE NATIONAL ACADEMY OF SCIENCES, REDUCING FLOOR SPACE PER CAPITA IS A CRITICAL STRATEGY TO REACHING MID-CENTURY CLIMATE GOALS.

(IX) COMPACT INFILL DEVELOPMENT REDUCES WATER DEMAND AND INFRASTRUCTURE COSTS BY USING LESS PIPING, WHICH REDUCES WATER LOSS; INCLUDES LESS LANDSCAPED SPACE PER UNIT; AND MAKES BETTER USE OF EXISTING INFRASTRUCTURE.

(X) ACCESSORY DWELLING UNITS REDUCE GOVERNMENT CAPITAL AND MAINTENANCE COSTS FOR INFRASTRUCTURE SINCE ACCESSORY DWELLING UNITS ARE BUILT IN EXISTING NEIGHBORHOODS AND HAVE A RELATIVELY SMALL IMPACT ON EXISTING INFRASTRUCTURE. NATIONAL

STUDIES SUCH AS "RELATIONSHIPS BETWEEN DENSITY AND PER CAPITA MUNICIPAL SPENDING IN THE UNITED STATES", PUBLISHED IN URBAN SCIENCE, HAVE FOUND THAT LOWER DENSITY COMMUNITIES HAVE HIGHER GOVERNMENT CAPITAL AND MAINTENANCE COSTS FOR WATER, SEWER, AND TRANSPORTATION INFRASTRUCTURE AND LOWER PROPERTY AND SALES TAX REVENUE. THESE INCREASED COSTS ARE OFTEN BORNE BY BOTH STATE AND LOCAL GOVERNMENTS.

(XI) A NUMBER OF LOCAL LAND USE LAWS PROHIBIT HOMEOWNERS FROM BUILDING AN ACCESSORY DWELLING UNIT, OR APPLY REGULATIONS TO ACCESSORY DWELLING UNITS THAT SIGNIFICANTLY LIMIT THEIR CONSTRUCTION;

(XII) A NUMBER OF MUNICIPALITIES HAVE REMOVED BARRIERS TO ACCESSORY DWELLING UNIT CONSTRUCTION SUCH AS PARKING REQUIREMENTS, OWNER OCCUPANCY REQUIREMENTS, AND RESTRICTIVE SIZE AND DESIGN LIMITATIONS, WHICH HAS RESULTED IN ACCESSORY DWELLING UNIT PERMITS INCREASING TO TEN TO TWENTY PERCENT OF TOTAL NEW HOUSING PERMITS AND AN OVERALL INCREASE IN THE TOTAL HOUSING SUPPLY. SINCE CALIFORNIA IMPLEMENTED VARIOUS REFORMS TO ENCOURAGE ACCESSORY DWELLING UNIT CONSTRUCTION, INCLUDING REQUIRING CITIES TO ALLOW ACCESSORY DWELLING UNITS AS A USE BY RIGHT, PREVENTING THE IMPOSITION OF PARKING REQUIREMENTS, AND PREVENTING OWNER OCCUPANCY REQUIREMENTS, ACCESSORY DWELLING UNIT CONSTRUCTION HAS INCREASED SIGNIFICANTLY IN CALIFORNIA. FOLLOWING REFORMS TO CALIFORNIA'S ACCESSORY DWELLING UNIT LAW IN 2016, ACCESSORY DWELLING UNIT DEVELOPMENT HAS INCREASED RAPIDLY FROM AROUND ONE THOUSAND ACCESSORY DWELLING UNITS PERMITTED IN 2016 TO OVER TWENTY-FOUR THOUSAND IN 2022, OR ABOUT TWENTY PERCENT OF NEW HOUSING PERMITS STATEWIDE, ACCORDING TO DATA FROM THE CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT AND ANALYSIS BY THE BIPARTISAN POLICY CENTER.

(XIII) HOUSING SUPPLY IMPACTS HOUSING AFFORDABILITY, AND HOUSING PRICES ARE TYPICALLY HIGHER WHEN HOUSING SUPPLY IS RESTRICTED BY LOCAL LAND USE REGULATIONS IN A METROPOLITAN REGION, ACCORDING TO THE NATIONAL BUREAU OF ECONOMIC RESEARCH IN WORKING PAPERS SUCH AS "REGULATION AND HOUSING SUPPLY", "THE IMPACT OF ZONING ON HOUSING AFFORDABILITY", AND "THE IMPACT OF LOCAL RESIDENTIAL LAND USE RESTRICTIONS ON LAND VALUES ACROSS

AND WITHIN SINGLE FAMILY HOUSING MARKETS";

(XIV) INCREASING HOUSING SUPPLY MODERATES PRICE INCREASES AND IMPROVES HOUSING AFFORDABILITY ACROSS ALL INCOMES, ACCORDING TO STUDIES SUCH AS "THE ECONOMIC IMPLICATIONS OF HOUSING SUPPLY" IN THE JOURNAL OF ECONOMIC PERSPECTIVES AND "SUPPLY SKEPTICISM: HOUSING SUPPLY AND AFFORDABILITY" IN THE JOURNAL HOUSING POLICY DEBATE;

(XV) ACADEMIC RESEARCH SUCH AS "THE IMPACT OF BUILDING RESTRICTIONS ON HOUSING AFFORDABILITY" IN THE FEDERAL RESERVE BANK OF NEW YORK ECONOMIC POLICY REVIEW HAS IDENTIFIED ZONING AND OTHER LAND USE CONTROLS AS A PRIMARY DRIVER OF RISING HOUSING COSTS IN THE MOST EXPENSIVE HOUSING MARKETS;

(XVI) ACCESSORY DWELLING UNITS OFFER AFFORDABLE AND ATTAINABLE OPTIONS TO LIVE IN HIGH-OPPORTUNITY NEIGHBORHOODS, WHICH CAN HELP IMPROVE EQUITY OUTCOMES REGIONALLY AND STATEWIDE. AN ANALYSIS OF ACCESSORY DWELLING UNIT PERMITTING IN CALIFORNIA FOUND THAT ACCESSORY DWELLING UNITS ARE TYPICALLY PERMITTED ON PARCELS WITH RELATIVELY GOOD ACCESS TO JOBS COMPARED TO SURROUNDING AREAS, ACCORDING TO "WHERE WILL ACCESSORY DWELLING UNITS SPROUT UP WHEN A STATE LETS THEM GROW? EVIDENCE FROM CALIFORNIA" IN CITYSCAPE: A JOURNAL OF POLICY DEVELOPMENT AND RESEARCH.

(XVII) LOCAL GOVERNMENT REGULATION OF ACCESSORY DWELLING UNITS VARIES SIGNIFICANTLY WITHIN REGIONS AND STATEWIDE IN COLORADO IN TERMS OF WHERE THEY ARE ALLOWED, THE DIMENSIONAL AND DESIGN RESTRICTIONS APPLIED, AND OTHER REQUIREMENTS. THIS INCONSISTENCY INHIBITS THE DEVELOPMENT OF A ROBUST MARKET OF ACCESSORY DWELLING UNIT DEVELOPERS, MODULAR ACCESSORY DWELLING UNIT DESIGNS, AND ASSOCIATED COST REDUCTIONS. COLORADO IS SIMILAR TO MOST STATES IN THIS REGARD, AND, ACCORDING TO "ZONING BY A THOUSAND CUTS" IN THE PEPPERDINE LAW REVIEW, WHICH ANALYZED ACCESSORY DWELLING UNIT REGULATIONS ACROSS CONNECTICUT, "THE HIGH DEGREE OF REGULATORY VARIATION THWARTS THE DEVELOPMENT OF PROTOTYPE DESIGNS OR PREFABRICATED [ACCESSORY DWELLING UNITS] THAT COULD SATISFY DIFFERENT RULES ACROSS JURISDICTIONS".

(XVIII) MORE PERMISSIVE REGULATION BY LOCAL GOVERNMENTS OF ACCESSORY DWELLING UNITS PROVIDES A REASONABLE CHANCE FOR HOMEOWNERS TO CONSTRUCT OR CONVERT AN ACCESSORY DWELLING UNIT AND THEREBY INCREASE HOUSING SUPPLY, STABILIZE HOUSING COSTS, AND CONTRIBUTE TO AFFORDABLE AND EQUITABLE HOME OWNERSHIP TO ADEQUATELY MEET THE HOUSING NEEDS OF A GROWING COLORADO POPULATION.

(b) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT INCREASING THE HOUSING SUPPLY THROUGH THE CONSTRUCTION OR CONVERSION OF ACCESSORY DWELLING UNITS IS A MATTER OF MIXED STATEWIDE AND LOCAL CONCERN.

29-35-102. Definitions. AS USED IN THIS PART 1, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "ACCESSIBLE UNIT" MEANS A HOUSING UNIT THAT:

(a) SATISFIES THE REQUIREMENTS OF THE FEDERAL "FAIR HOUSING ACT", 42 U.S.C. SEC. 3601 ET SEQ., AS AMENDED;

(b) INCORPORATES UNIVERSAL DESIGN; OR

(c) IS EITHER A TYPE A DWELLING UNIT, AS DEFINED IN SECTION 9-5-101 (10), OR A TYPE B DWELLING UNIT, AS DEFINED IN SECTION 9-5-101 (12).

(2) "ACCESSORY DWELLING UNIT" MEANS AN INTERNAL, ATTACHED, OR DETACHED DWELLING UNIT THAT:

(a) PROVIDES COMPLETE INDEPENDENT LIVING FACILITIES FOR ONE OR MORE INDIVIDUALS;

(b) IS LOCATED ON THE SAME LOT AS A PROPOSED OR EXISTING PRIMARY RESIDENCE; AND

(c) INCLUDES FACILITIES FOR LIVING, SLEEPING, EATING, COOKING, AND SANITATION.

(3) "ACCESSORY DWELLING UNIT SUPPORTIVE JURISDICTION" MEANS

A LOCAL GOVERNMENT THAT THE DEPARTMENT HAS CERTIFIED PURSUANT TO SECTION 29-35-104 AS AN ACCESSORY DWELLING UNIT SUPPORTIVE JURISDICTION.

(4) "ACCESSORY USE" MEANS A STRUCTURE OR THE USE OF A STRUCTURE ON THE SAME LOT WITH, AND OF A NATURE CUSTOMARILY INCIDENTAL AND SUBORDINATE TO, THE PRINCIPAL STRUCTURE OR USE OF THE STRUCTURE.

(5) (a) "ADMINISTRATIVE APPROVAL PROCESS" MEANS A PROCESS IN WHICH:

(I) A DEVELOPMENT PROPOSAL FOR A SPECIFIED PROJECT IS APPROVED, APPROVED WITH CONDITIONS, OR DENIED BY LOCAL GOVERNMENT ADMINISTRATIVE STAFF BASED SOLELY ON ITS COMPLIANCE WITH OBJECTIVE STANDARDS SET FORTH IN LOCAL LAWS; AND

(II) DOES NOT REQUIRE, AND CANNOT BE ELEVATED TO REQUIRE, A PUBLIC HEARING, A RECOMMENDATION, OR A DECISION BY AN ELECTED OR APPOINTED PUBLIC BODY OR A HEARING OFFICER.

(b) NOTWITHSTANDING SUBSECTION (5)(a) OF THIS SECTION, AN ADMINISTRATIVE APPROVAL PROCESS MAY REQUIRE AN APPOINTED HISTORIC PRESERVATION COMMISSION TO MAKE A DECISION, OR TO MAKE A RECOMMENDATION TO LOCAL GOVERNMENT ADMINISTRATIVE STAFF, REGARDING A DEVELOPMENT APPLICATION INVOLVING A PROPERTY THAT THE LOCAL GOVERNMENT HAS DESIGNATED AS A HISTORIC PROPERTY, PROVIDED THAT:

(I) THE STATE HISTORIC PRESERVATION OFFICE WITHIN HISTORY COLORADO HAS DESIGNATED THE LOCAL GOVERNMENT AS A CERTIFIED LOCAL GOVERNMENT; AND

(II) THE APPOINTED HISTORIC PRESERVATION COMMISSION'S DECISION OR RECOMMENDATION IS BASED ON STANDARDS EITHER SET FORTH IN LOCAL LAW OR ESTABLISHED BY THE SECRETARY OF THE INTERIOR OF THE UNITED STATES.

(6) "COUNTY" MEANS A COUNTY, INCLUDING A HOME RULE COUNTY BUT EXCLUDING A CITY AND COUNTY.

(7) "DEPARTMENT" MEANS THE DEPARTMENT OF LOCAL AFFAIRS.

(8) "DWELLING UNIT" MEANS A SINGLE UNIT PROVIDING COMPLETE INDEPENDENT LIVING FACILITIES FOR ONE OR MORE INDIVIDUALS, INCLUDING PERMANENT FACILITIES FOR COOKING, EATING, LIVING, SANITATION, AND SLEEPING.

(9) "EXEMPT PARCEL" MEANS A PARCEL THAT IS:

(a) NOT SERVED BY A DOMESTIC WATER AND SEWAGE TREATMENT SYSTEM, AS DEFINED IN SECTION 24-65.1-104 (5), OR IS SERVED BY A WELL WITH A PERMIT THAT CANNOT SUPPLY AN ADDITIONAL DWELLING UNIT;

(b) A HISTORIC PROPERTY THAT IS NOT WITHIN A HISTORIC DISTRICT; OR

(c) IN A FLOODWAY OR IN A ONE HUNDRED YEAR FLOODPLAIN, AS IDENTIFIED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

(10) "HISTORIC DISTRICT" MEANS A DISTRICT ESTABLISHED BY LOCAL LAW THAT MEETS THE DEFINITION OF "DISTRICT" SET FORTH IN 36 CFR 60.3 (d).

(11) "HISTORIC PROPERTY" MEANS A PROPERTY LISTED:

(a) ON THE NATIONAL REGISTER OF HISTORIC PLACES;

(b) ON THE COLORADO STATE REGISTER OF HISTORIC PROPERTIES; OR

(c) AS A CONTRIBUTING STRUCTURE OR HISTORIC LANDMARK BY A CERTIFIED LOCAL GOVERNMENT, AS DEFINED IN SECTION 39-22-514.5 (2)(b).

(12) "LOCAL GOVERNMENT" MEANS A MUNICIPALITY, COUNTY, OR TRIBAL NATION WITH JURISDICTION IN COLORADO.

(13) "LOCAL LAW" MEANS ANY CODE, LAW, ORDINANCE, POLICY, REGULATION, OR RULE ENACTED BY A LOCAL GOVERNMENT THAT GOVERNS THE DEVELOPMENT AND USE OF LAND, INCLUDING LAND USE CODES, ZONING CODES, AND SUBDIVISION CODES.

(14) "LOW- AND MODERATE-INCOME HOUSEHOLD" MEANS A HOUSEHOLD THAT IS CONSIDERED LOW-, MODERATE-, OR MEDIUM-INCOME, AS DETERMINED BY THE FEDERAL DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

(15) "METROPOLITAN PLANNING ORGANIZATION" MEANS A METROPOLITAN PLANNING ORGANIZATION UNDER THE "FEDERAL TRANSIT ACT OF 1998", 49 U.S.C. SEC. 5301 ET SEQ., AS AMENDED.

(16) "MUNICIPALITY" MEANS A HOME RULE OR STATUTORY CITY OR TOWN, TERRITORIAL CHARTER CITY OR TOWN, OR CITY AND COUNTY.

(17) "OBJECTIVE STANDARD" MEANS A STANDARD THAT:

(a) IS A DEFINED BENCHMARK OR CRITERION THAT ALLOWS FOR DETERMINATIONS OF COMPLIANCE TO BE CONSISTENTLY DECIDED REGARDLESS OF THE DECISION MAKER; AND

(b) DOES NOT REQUIRE A SUBJECTIVE DETERMINATION CONCERNING A DEVELOPMENT PROPOSAL, INCLUDING BUT NOT LIMITED TO WHETHER THE APPLICATION FOR THE DEVELOPMENT PROPOSAL IS:

(I) CONSISTENT WITH MASTER PLANS, OR OTHER DEVELOPMENT PLANS;

(II) COMPATIBLE WITH THE LAND USE OR DEVELOPMENT OF THE AREA SURROUNDING THE AREA DESCRIBED IN THE APPLICATION; OR

(III) CONSISTENT WITH PUBLIC WELFARE, COMMUNITY CHARACTER, OR NEIGHBORHOOD CHARACTER.

(18) "RESTRICTIVE DESIGN OR DIMENSION STANDARD" MEANS A STANDARD IN A LOCAL LAW THAT:

(a) REQUIRES AN ARCHITECTURAL STYLE, BUILDING MATERIAL, OR LANDSCAPING THAT IS MORE RESTRICTIVE FOR AN ACCESSORY DWELLING UNIT THAN FOR A SINGLE-UNIT DETACHED DWELLING IN THE SAME ZONING DISTRICT;

(b) DOES NOT ALLOW FOR ACCESSORY DWELLING UNIT SIZES

BETWEEN FIVE HUNDRED AND SEVEN HUNDRED FIFTY SQUARE FEET;

(c) REQUIRES SIDE SETBACKS FOR AN ACCESSORY DWELLING UNIT THAT ARE LARGER THAN THE SIDE SETBACKS REQUIRED FOR A PRIMARY DWELLING UNIT IN THE SAME ZONING DISTRICT;

(d) REQUIRES A REAR SETBACK FOR AN ACCESSORY DWELLING UNIT THAT IS LARGER THAN THE GREATER OF:

(I) THE REAR SETBACK REQUIRED FOR OTHER ACCESSORY BUILDING TYPES IN THE SAME ZONING DISTRICT; OR

(II) FIVE FEET;

(e) IS A MORE RESTRICTIVE MINIMUM LOT SIZE STANDARD FOR AN ACCESSORY DWELLING UNIT THAN FOR A SINGLE-UNIT DETACHED DWELLING IN THE SAME ZONING DISTRICT; OR

(f) APPLIES MORE RESTRICTIVE AESTHETIC DESIGN OR DIMENSIONAL STANDARDS TO ACCESSORY DWELLING UNITS THAT ARE FACTORY-BUILT RESIDENTIAL STRUCTURES, AS DEFINED IN SECTION 24-32-3302 (10), THAN OTHER ACCESSORY DWELLING UNITS.

(19) (a) "SHORT-TERM RENTAL" MEANS THE RENTAL OF A LODGING UNIT FOR LESS THAN THIRTY DAYS. AS USED IN THIS SUBSECTION (19), "LODGING UNIT" MEANS ANY PROPERTY OR PORTION OF A PROPERTY THAT IS AVAILABLE FOR LODGING; EXCEPT THAT THE TERM EXCLUDES A HOTEL OR MOTEL UNIT.

(b) NOTWITHSTANDING SUBSECTION (19)(a) OF THIS SECTION, A LOCAL GOVERNMENT MAY APPLY ITS OWN DEFINITION OF "SHORT-TERM RENTAL" FOR PURPOSES OF THIS PART 1.

(20) "SINGLE-UNIT DETACHED DWELLING" MEANS A DETACHED BUILDING WITH A SINGLE DWELLING UNIT ON A SINGLE LOT.

(21) "SUBJECT JURISDICTION" MEANS EITHER:

(a) A MUNICIPALITY THAT BOTH HAS A POPULATION OF ONE THOUSAND OR MORE, AS REPORTED BY THE STATE DEMOGRAPHY OFFICE,

AND IS WITHIN A METROPOLITAN PLANNING ORGANIZATION; OR

(b) THE PORTION OF A COUNTY THAT IS BOTH WITHIN A CENSUS DESIGNATED PLACE WITH A POPULATION OF FORTY THOUSAND OR MORE, AS REPORTED IN THE MOST RECENT DECENNIAL CENSUS, AND WITHIN A METROPOLITAN PLANNING ORGANIZATION.

(22) "TANDEM PARKING SPACE" MEANS A PARKING SPACE THAT IS LOCATED EITHER IN FRONT OF OR BEHIND ONE OR MORE OTHER PARKING SPACES THAT SHARE THE SAME POINT OF ACCESS.

(23) "UNIVERSAL DESIGN" MEANS ANY DWELLING UNIT DESIGNED AND CONSTRUCTED TO BE SAFE AND ACCESSIBLE FOR ANY INDIVIDUAL REGARDLESS OF AGE OR ABILITIES.

(24) "VISITABLE UNIT" MEANS A DWELLING UNIT THAT A PERSON WITH A DISABILITY CAN ENTER, MOVE AROUND THE PRIMARY ENTRANCE FLOOR OF, AND USE THE BATHROOM IN.

29-35-103. Accessory dwelling unit requirements for a subject jurisdiction. (1) ON OR AFTER JUNE 30, 2025, A SUBJECT JURISDICTION SHALL ALLOW, SUBJECT TO AN ADMINISTRATIVE APPROVAL PROCESS, ONE ACCESSORY DWELLING UNIT AS AN ACCESSORY USE TO A SINGLE-UNIT DETACHED DWELLING IN ANY PART OF THE SUBJECT JURISDICTION WHERE THE JURISDICTION ALLOWS SINGLE-UNIT DETACHED DWELLINGS.

(2) ON OR AFTER JUNE 30, 2025, A SUBJECT JURISDICTION SHALL NOT:

(a) REQUIRE THE CONSTRUCTION OF A NEW OFF-STREET PARKING SPACE IN CONNECTION WITH THE CONSTRUCTION OR CONVERSION OF AN ACCESSORY DWELLING UNIT, EXCEPT AS DESCRIBED IN SUBSECTIONS (3)(a) AND (3)(b) OF THIS SECTION;

(b) REQUIRE AN ACCESSORY DWELLING UNIT, OR ANY OTHER DWELLING ON THE SAME LOT AS AN ACCESSORY DWELLING UNIT, TO BE OWNER-OCCUPIED; EXCEPT THAT A SUBJECT JURISDICTION MAY REQUIRE A PROPERTY OWNER TO DEMONSTRATE THAT THE PROPERTY OWNER RESIDES ON THE PARCEL WHEN AN APPLICATION IS SUBMITTED:

(I) TO CONSTRUCT OR CONVERT AN ACCESSORY DWELLING UNIT. THIS EXCEPTION DOES NOT APPLY FOR AN ACCESSORY DWELLING UNIT THAT IS BEING CONSTRUCTED SIMULTANEOUSLY WITH A NEW PRIMARY DWELLING UNIT.

(II) FOR A LICENSE OR PERMIT FOR A SHORT-TERM RENTAL ON THE PARCEL THROUGH A LOCAL LAW OR PROGRAM.

(c) APPLY A RESTRICTIVE DESIGN OR DIMENSION STANDARD TO AN ACCESSORY DWELLING UNIT.

(3) NOTHING IN THIS SECTION PREVENTS A SUBJECT JURISDICTION OR OTHER LOCAL GOVERNMENT FROM:

(a) REQUIRING THE DESIGNATION OF AN OFF-STREET PARKING SPACE IN CONNECTION WITH AN ACCESSORY DWELLING UNIT, SO LONG AS THERE IS AN EXISTING DRIVEWAY, GARAGE, TANDEM PARKING SPACE, OR OTHER OFF-STREET PARKING SPACE AVAILABLE FOR SUCH A DESIGNATION AT THE TIME OF THE CONSTRUCTION OR CONVERSION OF THE ACCESSORY DWELLING UNIT;

(b) REQUIRING, IN CONNECTION WITH THE CONSTRUCTION OR CONVERSION OF AN ACCESSORY DWELLING UNIT, ONE NEW PARKING SPACE ON A PARCEL THAT:

(I) DOES NOT HAVE AN EXISTING OFF-STREET PARKING SPACE, INCLUDING A DRIVEWAY, GARAGE, OR TANDEM PARKING SPACE, THAT COULD BE USED FOR AN ACCESSORY DWELLING UNIT;

(II) IS IN A ZONING DISTRICT THAT, AS OF JANUARY 1, 2024, REQUIRES ONE OR MORE PARKING SPACES FOR THE PRIMARY DWELLING UNIT; AND

(III) IS LOCATED ON A BLOCK WHERE ON-STREET PARKING IS PROHIBITED FOR ANY REASON INCLUDING ENSURING ACCESS FOR EMERGENCY SERVICES;

(c) ALLOWING THE CONSTRUCTION OR CONVERSION OF AN ACCESSORY DWELLING UNIT THAT IS SMALLER THAN FIVE HUNDRED SQUARE FEET OR GREATER THAN EIGHT HUNDRED SQUARE FEET, OR RESTRICTING THE

SIZE OF AN ACCESSORY DWELLING UNIT SO THAT IT IS NO LARGER THAN THE SIZE OF THE PRINCIPAL DWELLING UNIT ON THE SAME LOT AS THE ACCESSORY DWELLING UNIT;

(d) ALLOWING THE CONSTRUCTION OR CONVERSION OF MULTIPLE ACCESSORY DWELLING UNITS ON THE SAME LOT;

(e) APPLYING A DESIGN OR DIMENSION STANDARD TO AN ACCESSORY DWELLING UNIT THAT IS NOT A RESTRICTIVE DESIGN OR DIMENSION STANDARD;

(f) ADOPTING OR ENFORCING A GENERALLY APPLICABLE REQUIREMENT FOR:

(I) THE PAYMENT OF AN IMPACT FEE OR OTHER SIMILAR DEVELOPMENT CHARGE, PURSUANT TO SECTION 29-20-104.5; OR

(II) THE MITIGATION OF IMPACTS IN CONFORMANCE WITH THE REQUIREMENTS OF PART 2 OF ARTICLE 20 OF THIS TITLE 29;

(g) ENACTING OR APPLYING A LOCAL LAW CONCERNING THE SHORT-TERM RENTAL OF AN ACCESSORY DWELLING UNIT OR ANY OTHER DWELLING ON THE SAME LOT AS AN ACCESSORY DWELLING UNIT;

(h) APPLYING THE DESIGN STANDARDS AND PROCEDURES OF A HISTORIC DISTRICT TO A LOT ON WHICH AN ACCESSORY DWELLING UNIT IS ALLOWED IN THAT HISTORIC DISTRICT, INCLUDING A STANDARD OR PROCEDURE RELATED TO DEMOLITION;

(i) APPLYING AND ENFORCING A LOCALLY ADOPTED LIFE SAFETY CODE, INCLUDING BUT NOT LIMITED TO, A BUILDING, FIRE, UTILITY, OR STORMWATER CODE;

(j) ALLOWING THE CONSTRUCTION OF, OR ISSUING A PERMIT FOR THE CONSTRUCTION OF, A SINGLE-UNIT DETACHED DWELLING IN AN AREA ZONED FOR SINGLE-UNIT DETACHED DWELLINGS;

(k) ENCOURAGING THE CONSTRUCTION OF ACCESSORY DWELLING UNITS THAT ARE, THROUGH THE APPLICATION OF LOCAL LAWS OR PROGRAMS INCLUDING THROUGH DEED RESTRICTIONS, MADE AFFORDABLE TO

HOUSEHOLDS UNDER CERTAIN INCOME LIMITS OR USED PRIMARILY TO HOUSE THE LOCAL WORKFORCE PURSUANT TO A LOCAL, REGIONAL, OR STATE AFFORDABLE HOUSING PROGRAM;

(l) DEFINING ACCESSORY DWELLING UNIT IN LOCAL LAW AS INCLUDING OR EXCLUDING OTHER DWELLING UNIT TYPES SUCH AS A "MOTOR HOME", AS DEFINED IN SECTION 42-1-102 (57), A "MULTIPURPOSE TRAILER", AS DEFINED IN SECTION 42-1-102 (60.3), AND A "RECREATIONAL VEHICLE", AS DEFINED IN SECTION 24-32-902 (9); OR

(m) REQUIRING A STATEMENT BY A WATER OR WASTEWATER SERVICE PROVIDER REGARDING ITS CAPACITY TO SERVICE THE PROPERTY AS A CONDITION OF PERMITTING AN ACCESSORY DWELLING UNIT.

(4) THIS SECTION ONLY APPLIES TO A PARCEL IN A SUBJECT JURISDICTION THAT IS NOT AN EXEMPT PARCEL.

29-35-104. Accessory dwelling unit supportive jurisdiction report - certification of a jurisdiction as an accessory dwelling unit supportive jurisdiction. (1) (a) IN ORDER TO BE CERTIFIED AS AN ACCESSORY DWELLING UNIT SUPPORTIVE JURISDICTION BY THE DEPARTMENT, A LOCAL GOVERNMENT MUST SUBMIT TO THE DEPARTMENT, IN A FORM AND MANNER DETERMINED BY THE DEPARTMENT, A REPORT DEMONSTRATING EVIDENCE OF THE LOCAL GOVERNMENT:

(I) COMPLYING WITH SECTION 29-35-103 AS A SUBJECT JURISDICTION OR, IF THE LOCAL GOVERNMENT IS NOT A SUBJECT JURISDICTION, AS IF THE LOCAL GOVERNMENT WERE A SUBJECT JURISDICTION FOR PURPOSES OF SECTION 29-35-103; AND

(II) IMPLEMENTING ONE OR MORE OF THE FOLLOWING STRATEGIES:

(A) WAIVING, REDUCING, OR PROVIDING FINANCIAL ASSISTANCE FOR ACCESSORY DWELLING UNIT-RELATED FEES THAT ARE INCURRED BY LOW- AND MODERATE-INCOME HOUSEHOLDS;

(B) ENACTING LOCAL LAWS OR PROGRAMS THAT INCENTIVIZE THE AFFORDABILITY OF CERTAIN ACCESSORY DWELLING UNITS INCLUDING ACCESSORY DWELLING UNITS USED PRIMARILY TO HOUSE THE LOCAL WORKFORCE;

(C) PROVIDING PRE-APPROVED PLANS FOR THE CONSTRUCTION OF ACCESSORY DWELLING UNITS;

(D) IMPLEMENTING A PROGRAM TO PROVIDE EDUCATION AND TECHNICAL ASSISTANCE TO HOMEOWNERS TO CONSTRUCT OR CONVERT AN ACCESSORY DWELLING UNIT;

(E) IMPLEMENTING A PROGRAM TO REGULATE THE USE OF ACCESSORY DWELLING UNITS FOR SHORT-TERM RENTALS;

(F) ENACTING LOCAL LAWS THAT INCENTIVIZE THE CONSTRUCTION AND CONVERSION OF ACCESSIBLE AND VISITABLE ACCESSORY DWELLING UNITS;

(G) ASSISTING PROPERTY OWNERS WITH ENSURING THAT PRE-EXISTING ACCESSORY DWELLING UNITS COMPLY WITH LOCAL LAWS;

(H) ENABLING A PATHWAY FOR THE SEPARATE SALE OF AN ACCESSORY DWELLING UNIT;

(I) ENACTING LOCAL LAWS THAT ENCOURAGE THE CONSTRUCTION OF ACCESSORY DWELLING UNITS THAT ARE FACTORY-BUILT RESIDENTIAL STRUCTURES, AS DEFINED IN SECTION 24-32-3302 (10); OR

(J) ANY OTHER STRATEGY THAT IS APPROVED BY THE DEPARTMENT AND THAT ENCOURAGES THE CONSTRUCTION, CONVERSION, OR USE OF ACCESSORY DWELLING UNITS.

(b) (I) ON OR BEFORE JUNE 30, 2025, A SUBJECT JURISDICTION SHALL SUBMIT THE REPORT DESCRIBED IN SUBSECTION (1)(a) OF THIS SECTION.

(II) NOTWITHSTANDING SUBSECTION (1)(b)(I) OF THIS SECTION, THE DEPARTMENT MAY ALLOW A SUBJECT JURISDICTION TO SUBMIT THE REPORT DESCRIBED IN SUBSECTION (1)(a) OF THIS SECTION NO MORE THAN SIX MONTHS AFTER THE DEADLINE DESCRIBED IN SUBSECTION (1)(b)(I) OF THIS SECTION IF THE SUBJECT JURISDICTION DEMONSTRATES, IN A FORM AND MANNER DETERMINED BY THE DEPARTMENT, THAT THE SUBJECT JURISDICTION HAS:

(A) INITIATED A PROCESS TO UPDATE ITS LOCAL LAWS AS NECESSARY

TO COMPLY WITH THE REQUIREMENTS OF THE REPORT DESCRIBED IN SUBSECTION (1)(a) OF THIS SECTION;

(B) A PLAN AND TIMELINE TO UPDATE ITS LOCAL LAWS AS NECESSARY TO COMPLY WITH THE REQUIREMENTS OF THE REPORT DESCRIBED IN SUBSECTION (1)(a) OF THIS SECTION; AND

(C) PROVIDED AN EXPLANATION FOR NOT BEING ABLE TO MEET THE DEADLINE DESCRIBED IN SUBSECTION (1)(b)(I) OF THIS SECTION.

(c) IF A LOCAL GOVERNMENT THAT IS NOT A SUBJECT JURISDICTION SUBMITS A REPORT PURSUANT TO SUBSECTION (1)(a) OF THIS SECTION, THAT LOCAL GOVERNMENT SHALL, AS PART OF THE REPORT, SUBMIT EVIDENCE OF COMPLYING WITH THE REQUIREMENTS FOR A SUBJECT JURISDICTION DESCRIBED IN SECTION 29-35-103.

(2) (a) WITHIN NINETY DAYS OF RECEIVING A LOCAL GOVERNMENT'S REPORT SUBMITTED PURSUANT TO SUBSECTION (1)(a) OF THIS SECTION, THE DEPARTMENT SHALL REVIEW THE REPORT, EITHER APPROVE OR REJECT THE REPORT, AND PROVIDE FEEDBACK TO THE LOCAL GOVERNMENT ON THE REPORT.

(b) IF THE DEPARTMENT APPROVES A LOCAL GOVERNMENT'S REPORT SUBMITTED PURSUANT TO SUBSECTION (1)(a) OF THIS SECTION, THE DEPARTMENT SHALL ISSUE TO THAT LOCAL GOVERNMENT A CERTIFICATE INDICATING THAT THE LOCAL GOVERNMENT QUALIFIES AS AN ACCESSORY DWELLING UNIT SUPPORTIVE JURISDICTION. THE DEPARTMENT MAY REVOKE SUCH A CERTIFICATE IF A LOCAL GOVERNMENT DOES NOT SATISFY THE REQUIREMENTS OF SUBSECTION (1)(a) OF THIS SECTION.

(c) IF THE DEPARTMENT REJECTS A LOCAL GOVERNMENT'S REPORT SUBMITTED PURSUANT TO SUBSECTION (1)(a) OF THIS SECTION, THE DEPARTMENT MAY GRANT THE LOCAL GOVERNMENT AN ADDITIONAL ONE HUNDRED TWENTY DAYS TO CORRECT ANY DEFICIENCIES IDENTIFIED IN THE REPORT AND RESUBMIT AN AMENDED REPORT. WITHIN NINETY DAYS OF RECEIVING AN AMENDED REPORT, THE DEPARTMENT SHALL REVIEW THE AMENDED REPORT, EITHER APPROVE OR REJECT THE AMENDED REPORT, AND PROVIDE FEEDBACK ON THE AMENDED REPORT.

(3) THE DEPARTMENT, IN CONSULTATION WITH THE DEPARTMENT OF

TRANSPORTATION, THE COLORADO ENERGY OFFICE, AND THE COLORADO OFFICE OF ECONOMIC DEVELOPMENT, MAY DEVELOP POLICIES AND PROCEDURES AS NECESSARY TO IMPLEMENT THIS SECTION.

29-35-105. Accessory dwelling unit fee reduction and encouragement grant program - created - application - criteria - awards - fund - reporting requirements - rules - definitions - repeal. (1) THE ACCESSORY DWELLING UNIT FEE REDUCTION AND ENCOURAGEMENT GRANT PROGRAM IS CREATED IN THE DEPARTMENT TO PROVIDE GRANTS TO ACCESSORY DWELLING UNIT SUPPORTIVE JURISDICTIONS FOR ACTIVITIES THAT PROMOTE THE CONSTRUCTION OF ACCESSORY DWELLING UNITS, INCLUDING BUT NOT LIMITED TO, OFFSETTING COSTS INCURRED IN CONNECTION WITH DEVELOPING PRE-APPROVED ACCESSORY DWELLING UNIT PLANS, PROVIDING TECHNICAL ASSISTANCE TO PERSONS CONVERTING OR CONSTRUCTING ACCESSORY DWELLING UNITS, OR WAIVING, REDUCING, OR PROVIDING FINANCIAL ASSISTANCE FOR ACCESSORY DWELLING UNIT ASSOCIATED FEES AND OTHER REQUIRED COSTS.

(2) GRANT RECIPIENTS MAY USE THE MONEY RECEIVED THROUGH THE GRANT PROGRAM TO OFFSET BOTH ELIGIBLE COSTS AND THE COST OF WAIVING, REDUCING, OR PROVIDING FINANCIAL ASSISTANCE FOR REASONABLE AND NECESSARY ACCESSORY DWELLING UNIT FEES AND OTHER REQUIRED COSTS FOR:

(a) LOW- AND MODERATE-INCOME HOUSEHOLDS;

(b) AFFORDABLE ACCESSORY DWELLING UNITS;

(c) ACCESSIBLE OR VISITABLE ACCESSORY DWELLING UNITS;

(d) ACCESSORY DWELLING UNITS USED AS LONG-TERM RENTALS FOR MEMBERS OF THE LOCAL WORKFORCE; OR

(e) ACCESSORY DWELLING UNITS USED TO SUPPORT OTHER DEMONSTRATED HOUSING NEEDS IN THE COMMUNITY.

(3) THE DEPARTMENT SHALL ADMINISTER THE GRANT PROGRAM AND, SUBJECT TO AVAILABLE APPROPRIATIONS, PROVIDE TECHNICAL ASSISTANCE, DEVELOP A TOOLKIT TO SUPPORT LOCAL GOVERNMENTS IN ENCOURAGING ACCESSORY DWELLING UNIT CONSTRUCTION, RECEIVE GRANT APPLICATIONS

AND AWARD GRANTS AS PROVIDED IN THIS SECTION.

(4) TO RECEIVE A GRANT, AN ACCESSORY DWELLING UNIT SUPPORTIVE JURISDICTION MUST SUBMIT AN APPLICATION TO THE DEPARTMENT IN ACCORDANCE WITH THE POLICIES AND PROCEDURES DEVELOPED BY THE DEPARTMENT PURSUANT TO SUBSECTION (9) OF THIS SECTION. AT A MINIMUM, THE APPLICATION MUST INCLUDE THE FOLLOWING:

(a) A COPY OF THE CERTIFICATE ISSUED BY THE DEPARTMENT PURSUANT TO SECTION 29-35-104 CERTIFYING THAT THE LOCAL GOVERNMENT IS AN ACCESSORY DWELLING UNIT SUPPORTIVE JURISDICTION;

(b) THE NUMBER OF ACCESSORY DWELLING UNITS THAT THE LOCAL GOVERNMENT HAS PERMITTED AND WHEN THE LOCAL GOVERNMENT PERMITTED THOSE ACCESSORY DWELLING UNITS;

(c) THE TYPE AND COSTS OF FEES AND OTHER ELIGIBLE COSTS THAT THE LOCAL GOVERNMENT IS PROPOSING TO USE A GRANT AWARD TO PAY FOR;

(d) THE NUMBER OF ACCESSORY DWELLING UNITS THAT THE LOCAL GOVERNMENT EXPECTS TO SUPPORT WITH A GRANT AWARD AND THE PERIOD FOR WHICH THE LOCAL GOVERNMENT INTENDS TO SUPPORT THOSE ACCESSORY DWELLING UNITS; AND

(e) INFORMATION ABOUT THE TYPES OF HOUSEHOLDS AND ACCESSORY DWELLING UNITS THAT THE LOCAL GOVERNMENT INTENDS TO SUPPORT WITH A GRANT AWARD, SUCH AS WHETHER THE LOCAL GOVERNMENT INTENDS TO SUPPORT LOW- AND MODERATE-INCOME HOUSEHOLDS, AFFORDABLE ACCESSORY DWELLING UNITS, ACCESSIBLE OR VISITABLE ACCESSORY DWELLING UNITS, ACCESSORY DWELLING UNITS FOR HOUSING THE LOCAL WORKFORCE, OR ACCESSORY DWELLING UNITS SUPPORTING OTHER DEMONSTRATED HOUSING NEEDS IN THE COMMUNITY.

(5) THE DEPARTMENT SHALL REVIEW THE APPLICATIONS RECEIVED PURSUANT TO SUBSECTION (4) OF THIS SECTION. IN AWARDING GRANTS, THE DEPARTMENT SHALL GIVE PRIORITY TO LOCAL GOVERNMENTS THAT:

(a) IMPOSE ACCESSORY DWELLING UNIT FEES AND COSTS THAT ARE REASONABLE AND NECESSARY;

(b) HAVE DEMONSTRATED A SIGNIFICANT COMMITMENT TO FURTHER CONSTRUCTION AND CONVERSION OF ACCESSORY DWELLING UNITS THROUGH THE ADOPTION OF STRATEGIES DESCRIBED IN SECTION 29-35-104 (1)(a)(II); AND

(c) PROVIDE OFFSETS FOR, OR WAIVE A GREATER NUMBER OF ACCESSORY DWELLING UNIT FEES FOR:

(I) LOW- AND MODERATE-INCOME HOUSEHOLDS; OR

(II) ACCESSORY DWELLING UNITS THAT ARE RENTED TO LOW- AND MODERATE-INCOME HOUSEHOLDS.

(6) IN AWARDING A GRANT, THE DEPARTMENT SHALL AWARD A LOCAL GOVERNMENT AN AMOUNT EQUAL TO NO MORE THAN FIFTEEN THOUSAND DOLLARS PER ACCESSORY DWELLING UNIT PERMITTED BY THE LOCAL GOVERNMENT, TO BE REIMBURSED BASED ON THE NUMBER OF PERMITTED ACCESSORY DWELLING UNITS.

(7) (a) THE ACCESSORY DWELLING UNIT FEE REDUCTION AND ENCOURAGEMENT GRANT PROGRAM FUND IS CREATED IN THE STATE TREASURY. THE FUND CONSISTS OF ANY MONEY THAT THE GENERAL ASSEMBLY MAY TRANSFER OR APPROPRIATE TO THE FUND AND GIFTS, GRANTS, OR DONATIONS CREDITED TO THE FUND. THE STATE TREASURER SHALL CREDIT ALL INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE FUND TO THE FUND.

(b) SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY, THE DEPARTMENT MAY EXPEND MONEY FROM THE FUND FOR THE PURPOSE OF IMPLEMENTING AND ADMINISTERING THE GRANT PROGRAM.

(c) ON OR BEFORE JUNE 30, 2024, THE STATE TREASURER SHALL TRANSFER FIVE MILLION DOLLARS FROM THE GENERAL FUND TO THE FUND.

(8) IN ACCORDANCE WITH THE POLICIES AND PROCEDURES DEVELOPED BY THE DEPARTMENT PURSUANT TO SUBSECTION (9) OF THIS SECTION, EACH LOCAL GOVERNMENT THAT RECEIVES A GRANT THROUGH THE GRANT PROGRAM SHALL SUBMIT A REPORT TO THE DEPARTMENT. AT A MINIMUM, THE REPORT MUST INCLUDE THE FOLLOWING INFORMATION:

(a) THE NUMBER OF ACCESSORY DWELLING UNITS WITH ACCESSORY DWELLING UNIT FEES OR COSTS THAT LOCAL GOVERNMENTS WAIVED, REDUCED, OR PROVIDED FINANCIAL ASSISTANCE FOR IN THE PAST YEAR;

(b) THE TOTAL AMOUNT OF ELIGIBLE COSTS THAT LOCAL GOVERNMENTS INCURRED AND WERE REIMBURSED FOR THROUGH THE GRANT PROGRAM IN THE PAST YEAR IN CONNECTION WITH THE GRANT PROGRAM;

(c) THE NUMBER OF THE ACCESSORY DWELLING UNITS DESCRIBED IN SUBSECTION (8)(a) OF THIS SECTION THAT WERE BUILT IN THE PAST YEAR THAT WERE BUILT BY LOW- AND MODERATE-INCOME HOUSEHOLDS, THAT ARE AFFORDABLE ACCESSORY DWELLING UNITS, AND THAT ARE VISITABLE OR ACCESSIBLE ACCESSORY DWELLING UNITS;

(d) THE NUMBER OF ACCESSORY DWELLING UNITS THAT ARE FACTORY-BUILT RESIDENTIAL STRUCTURES, AS DEFINED IN SECTION 24-32-3302 (10); AND

(e) THE NUMBER OF ACCESSORY DWELLING UNIT PERMITS AWARDED, DENIED, OR IN PROGRESS IN THE LOCAL GOVERNMENT'S JURISDICTION.

(9) THE DEPARTMENT SHALL IMPLEMENT THE GRANT PROGRAM IN ACCORDANCE WITH THIS SECTION. THE DEPARTMENT SHALL DEVELOP, IN CONSULTATION WITH THE DEPARTMENT OF TRANSPORTATION, THE COLORADO ENERGY OFFICE, AND THE COLORADO OFFICE OF ECONOMIC DEVELOPMENT, POLICIES AND PROCEDURES BOTH AS REQUIRED IN THIS SECTION AND AS MAY BE NECESSARY TO IMPLEMENT THE GRANT PROGRAM.

(10) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "ACCESSORY DWELLING UNIT FEE" MEANS A REASONABLE AND NECESSARY FEE COLLECTED OR REQUIRED BY A LOCAL GOVERNMENT IN CONNECTION WITH THE CONSTRUCTION OR CONVERSION OF AN ACCESSORY DWELLING UNIT. SUCH A FEE MAY INCLUDE IMPACT FEES.

(b) (I) "ELIGIBLE COSTS" MEANS COSTS INCURRED BY A LOCAL GOVERNMENT AND DETERMINED BY THE DEPARTMENT TO BE INCURRED IN CONNECTION WITH DEVELOPING PRE-APPROVED ACCESSORY DWELLING UNIT PLANS, PROVIDING TECHNICAL ASSISTANCE TO PERSONS CONVERTING OR

CONSTRUCTING ACCESSORY DWELLING UNITS, OR OTHER REASONABLE AND NECESSARY FEES LEVIED BY OR COSTS BORNE BY THE LOCAL GOVERNMENT FOR THE CONSTRUCTION OR CONVERSION OF AN ACCESSORY DWELLING UNIT.

(II) NOTWITHSTANDING SUBSECTION (10)(b)(I) OF THIS SECTION, IN ORDER FOR COSTS INCURRED BY A LOCAL GOVERNMENT IN CONNECTION WITH DEVELOPING PRE-APPROVED ACCESSORY DWELLING UNIT PLANS TO QUALIFY AS ELIGIBLE COSTS, AT LEAST ONE SUCH PRE-APPROVED ACCESSORY DWELLING UNIT PLAN MUST BE FOR AN ACCESSIBLE OR VISITABLE ACCESSORY DWELLING UNIT.

(c) "FUND" MEANS THE ACCESSORY DWELLING UNIT FEE REDUCTION AND ENCOURAGEMENT GRANT PROGRAM FUND CREATED IN SUBSECTION (7) OF THIS SECTION.

(d) "GRANT PROGRAM" MEANS THE ACCESSORY DWELLING UNIT FEE REDUCTION AND ENCOURAGEMENT GRANT PROGRAM CREATED IN THIS SECTION.

(11) THIS SECTION IS REPEALED, EFFECTIVE DECEMBER 31, 2030.

SECTION 2. In Colorado Revised Statutes, 24-32-3305, **add** (3.3) as follows:

24-32-3305. Rules - advisory committee - enforcement. (3.3) THE DEPARTMENT SHALL CREATE FOR FACTORY-BUILT STRUCTURES, INCLUDING THOSE THAT WOULD BE CONSIDERED ACCESSORY DWELLING UNITS, MODEL PUBLIC SAFETY CODE REQUIREMENTS RELATED TO GEOGRAPHIC OR CLIMATIC CONDITIONS, SUCH AS WEIGHT RESTRICTIONS FOR ROOF SNOW LOADS, WIND SHEAR FACTORS, OR WILDFIRE RISK, FOR LOCAL GOVERNMENTS TO CONSIDER AND ADOPT PURSUANT TO SECTION 24-32-3318 (2)(a).

SECTION 3. In Colorado Revised Statutes, 24-46-104, **add** (1)(q) as follows:

24-46-104. Powers and duties of commission - repeal. (1) The commission has the following powers and duties:

(q) (I) TO EXPEND EIGHT MILLION DOLLARS TO CONTRACT WITH THE COLORADO HOUSING AND FINANCE AUTHORITY, CREATED IN PART 7 OF

ARTICLE 4 OF TITLE 29, FOR THE CREATION AND OPERATION OF ONE OR MORE OF THE FOLLOWING PROGRAMS TO BENEFIT LOW- TO MODERATE-INCOME RESIDENTS IN LOCAL GOVERNMENTS THAT HAVE BEEN CERTIFIED AS ACCESSORY DWELLING UNIT SUPPORTIVE JURISDICTIONS BY THE DEPARTMENT OF LOCAL AFFAIRS:

(A) AN ACCESSORY DWELLING UNIT CREDIT ENHANCEMENT PROGRAM THAT SUPPORTS LENDERS OFFERING AFFORDABLE LOANS TO ELIGIBLE LOW- AND MODERATE-INCOME BORROWERS FOR THE CONSTRUCTION OR CONVERSION OF ACCESSORY DWELLING UNITS;

(B) A PROGRAM THAT ALLOWS FOR THE BUYING DOWN OF INTEREST RATES ON LOANS MADE TO ELIGIBLE LOW- AND MODERATE-INCOME BORROWERS IN CONNECTION WITH THE CONSTRUCTION OR CONVERSION OF ACCESSORY DWELLING UNITS;

(C) A PROGRAM THAT OFFERS DOWN PAYMENT ASSISTANCE IN CONNECTION WITH ACCESSORY DWELLING UNITS, PRINCIPAL REDUCTION ON LOANS TO ELIGIBLE LOW- AND MODERATE-INCOME BORROWERS MADE IN CONNECTION WITH ACCESSORY DWELLING UNITS, OR BOTH; OR

(D) A PROGRAM IN WHICH THE COLORADO HOUSING AND FINANCE AUTHORITY OFFERS LOANS, REVOLVING LINES OF CREDIT, OR GRANTS TO ELIGIBLE NON-PROFITS, PUBLIC HOUSING AUTHORITIES, AND COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS TO MAKE DIRECT LOANS OR GRANTS TO SUPPORT THE CONSTRUCTION OR CONVERSION OF ACCESSORY DWELLING UNITS FOR LOW- AND MODERATE-INCOME BORROWERS OR TENANTS.

(II) ANY CONTRACT MADE BY THE COMMISSION WITH THE COLORADO HOUSING AND FINANCE AUTHORITY PURSUANT TO THIS SUBSECTION (1)(q) MAY INCLUDE NORMAL AND CUSTOMARY FEES AND EXPENSES FOR ADMINISTRATING THE PROGRAMS DESCRIBED IN THIS SUBSECTION (1)(q).

SECTION 4. In Colorado Revised Statutes, 24-46-105, **add** (1)(c) as follows:

24-46-105. Colorado economic development fund - creation - report - repeal. (1) (c) (I) ON JULY 1, 2024, THE STATE TREASURER SHALL TRANSFER EIGHT MILLION DOLLARS FROM THE GENERAL FUND TO THE FUND.

THE COMMISSION SHALL USE THE FUNDS TRANSFERRED PURSUANT TO THIS SUBSECTION (1)(c)(I) TO CONTRACT WITH THE COLORADO HOUSING AND FINANCE AUTHORITY, CREATED IN PART 7 OF ARTICLE 4 OF TITLE 29, FOR THE PURPOSES DESCRIBED IN SECTION 24-46-104 (1)(q).

(II) THIS SUBSECTION (1)(c) IS REPEALED, EFFECTIVE JULY 1, 2025.

SECTION 5. In Colorado Revised Statutes, 24-67-105, **add** (5.3) as follows:

24-67-105. Standards and conditions for planned unit development - definitions. (5.3) (a) IN A SUBJECT JURISDICTION, ANY PLANNED UNIT DEVELOPMENT RESOLUTION OR ORDINANCE THAT IS ADOPTED OR APPROVED ON OR AFTER THE EFFECTIVE DATE OF THIS SUBSECTION (5.3), AND THAT ALLOWS THE CONSTRUCTION OF ONE OR MORE SINGLE-UNIT DETACHED DWELLINGS, MUST NOT RESTRICT THE CREATION OF AN ACCESSORY DWELLING UNIT AS AN ACCESSORY USE TO ANY SINGLE-UNIT DETACHED DWELLING MORE THAN THE LOCAL LAW THAT APPLIES TO ACCESSORY DWELLING UNIT DEVELOPMENT OUTSIDE OF A PLANNED UNIT DEVELOPMENT OR IN ANY WAY THAT IS PROHIBITED BY SECTION 29-35-103.

(b) IN A SUBJECT JURISDICTION, ANY PLANNED UNIT DEVELOPMENT RESOLUTION OR ORDINANCE THAT WAS ADOPTED OR APPROVED BEFORE THE EFFECTIVE DATE OF THIS SUBSECTION (5.3), THAT ALLOWS THE CONSTRUCTION OF ONE OR MORE SINGLE-UNIT DETACHED DWELLINGS, AND THAT RESTRICTS THE CONSTRUCTION OF AN ACCESSORY DWELLING UNIT AS AN ACCESSORY USE TO ANY SINGLE-UNIT DETACHED DWELLING MORE THAN THE LOCAL LAW THAT APPLIES TO ACCESSORY DWELLING UNIT DEVELOPMENT OUTSIDE OF A PLANNED UNIT DEVELOPMENT:

(I) SHALL NOT BE INTERPRETED OR ENFORCED TO RESTRICT THE CREATION OF AN ACCESSORY DWELLING UNIT AS AN ACCESSORY USE TO ANY SINGLE-UNIT DETACHED DWELLING UNIT IN ANY WAY THAT IS PROHIBITED BY SECTION 29-35-103; AND

(II) MAY BE SUPERSEDED BY THE ADOPTION OF A LOCAL LAW PURSUANT TO SECTION 29-35-103.

(c) NOTWITHSTANDING SUBSECTION (5.3)(b) OF THIS SECTION, A LOCAL GOVERNMENT MAY ADOPT CONFORMING AMENDMENTS TO ANY SUCH

PLANNED UNIT DEVELOPMENT.

(d) AS USED IN THIS SUBSECTION (5.3), UNLESS THE CONTEXT OTHERWISE REQUIRES:

(I) "ACCESSORY DWELLING UNIT" HAS THE SAME MEANING AS SET FORTH IN SECTION 29-35-102 (2).

(II) "LOCAL LAW" HAS THE SAME MEANING AS SET FORTH IN SECTION 29-35-102 (13).

(III) "SUBJECT JURISDICTION" HAS THE SAME MEANING AS SET FORTH IN SECTION 29-35-102 (21).

SECTION 6. In Colorado Revised Statutes, 38-33.3-106.5, **add** (4) as follows:

38-33.3-106.5. Prohibitions contrary to public policy - patriotic, political, or religious expression - public rights-of-way - fire prevention - renewable energy generation devices - affordable housing - drought prevention measures - child care - definitions. (4) (a) IN A SUBJECT JURISDICTION OR AN ACCESSORY DWELLING UNIT SUPPORTIVE JURISDICTION, NO PROVISION OF A DECLARATION, BYLAW, OR RULE OF AN ASSOCIATION THAT IS ADOPTED ON OR AFTER THE EFFECTIVE DATE OF THIS SUBSECTION (4) MAY RESTRICT THE CREATION OF AN ACCESSORY DWELLING UNIT AS AN ACCESSORY USE TO ANY SINGLE-UNIT DETACHED DWELLING IN ANY WAY THAT IS PROHIBITED BY SECTION 29-35-103, AND ANY PROVISION OF A DECLARATION, BYLAW, OR RULE THAT INCLUDES SUCH A RESTRICTION IS VOID AS A MATTER OF PUBLIC POLICY.

(b) IN A SUBJECT JURISDICTION OR AN ACCESSORY DWELLING UNIT SUPPORTIVE JURISDICTION, NO PROVISION OF A DECLARATION, BYLAW, OR RULE OF AN ASSOCIATION THAT IS ADOPTED BEFORE THE EFFECTIVE DATE OF THIS SUBSECTION (4) MAY RESTRICT THE CREATION OF AN ACCESSORY DWELLING UNIT AS AN ACCESSORY USE TO ANY SINGLE-UNIT DETACHED DWELLING IN ANY WAY THAT IS PROHIBITED BY SECTION 29-35-103, AND ANY PROVISION OF A DECLARATION, BYLAW, OR RULE THAT INCLUDES SUCH A RESTRICTION IS VOID AS A MATTER OF PUBLIC POLICY.

(c) SUBSECTIONS (4)(a) AND (4)(b) OF THIS SECTION DO NOT APPLY

TO REASONABLE RESTRICTIONS ON ACCESSORY DWELLING UNITS. AS USED IN THIS SUBSECTION (4)(c), "REASONABLE RESTRICTION" MEANS A SUBSTANTIVE CONDITION OR REQUIREMENT THAT DOES NOT UNREASONABLY INCREASE THE COST TO CONSTRUCT, EFFECTIVELY PROHIBIT THE CONSTRUCTION OF, OR EXTINGUISH THE ABILITY TO OTHERWISE CONSTRUCT, AN ACCESSORY DWELLING UNIT CONSISTENT WITH PART 1 OF ARTICLE 35 OF TITLE 29.

(d) AS USED IN THIS SUBSECTION (4), UNLESS THE CONTEXT OTHERWISE REQUIRES:

(I) "ACCESSORY DWELLING UNIT" HAS THE SAME MEANING AS SET FORTH IN SECTION 29-35-102 (2).

(II) "ACCESSORY DWELLING UNIT SUPPORTIVE JURISDICTION" HAS THE SAME MEANING AS SET FORTH IN SECTION 29-35-102 (3).

(III) "SUBJECT JURISDICTION" HAS THE SAME MEANING AS SET FORTH IN SECTION 29-35-102 (21).

SECTION 7. Appropriation. (1) For the 2024-25 state fiscal year, $537,246 is appropriated to the department of local affairs. This appropriation is from the accessory dwelling unit fee reduction and encouragement grant program fund created in section 29-35-105 (7)(a), C.R.S. To implement this act, the department may use this appropriation as follows:

(a) $467,246 for use by division of local government for accessory dwelling unit fee reduction and encouragement grant program related to local government services, which amount is based on an assumption that the division will require an additional 4.9 FTE; and

(b) $70,000 for the purchase of information technology services.

(2) For the 2024-25 state fiscal year, $70,000 is appropriated to the office of the governor for use by the office of information technology. This appropriation is from reappropriated funds received from the department of local affairs under subsection (1)(b) of this section. To implement this act, the office may use this appropriation to provide information technology services for the department of local affairs.

SECTION 8. Safety clause. The general assembly finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety or for appropriations for the support and maintenance of the departments of the state and state institutions.

Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Steve Fenberg
PRESIDENT OF
THE SENATE

Robin Jones
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED Monday, May 13th, 2024 at 12:45 pm
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO

An Act

HOUSE BILL 24-1173

BY REPRESENTATIVE(S) Valdez, Amabile, Brown, deGruy Kennedy, Epps, Froelich, Garcia, Hernandez, Herod, Jodeh, Joseph, Lieder, Lindsay, Mabrey, Mauro, Ortiz, Parenti, Rutinel, Story, Woodrow, Boesenecker, Kipp, McLachlan, Ricks, Sirota, Young, McCluskie;
also SENATOR(S) Priola and Jaquez Lewis, Cutter, Fields, Hansen, Michaelson Jenet, Sullivan.

CONCERNING STREAMLINING THE PROCESS FOR PERMITTING ELECTRIC MOTOR VEHICLE CHARGING SYSTEMS.

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

SECTION 1. Legislative declaration. (1) The general assembly finds and declares that:

(a) The transportation sector is a leading source of greenhouse gas emissions and pollution, and vehicle electrification is a key component in reducing greenhouse gas emissions in the transportation sector;

(b) According to the United States department of energy, an electric vehicle produces an average of less than one-fourth of the average emissions of a motor vehicle powered by an internal combustion engine

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

over its lifetime;

(c) To further promote the adoption of electric vehicles, the state needs to encourage the rapid development of a network of electric vehicle charging systems and other infrastructure to support those electric vehicles;

(d) As of January 2024, there are more than 108,000 electric vehicles on the road in Colorado but less than 5,000 Level 2 and only 980 DC fast charging electric vehicle charging ports available for public use;

(e) The "2023 Colorado EV Plan" calls for at least 5,800 Level 2 and 1,700 DC fast charging electric vehicle charging ports available for public use by 2025; and

(f) The promotion of electric vehicles and the development of electric vehicle charging systems is a matter of mixed state and local concern.

(2) The general assembly further declares that it is in the best interest of Coloradans and a matter of mixed state and local concern to facilitate the permitting of electric vehicle charging systems by streamlining the process for local governments to approve permits for developing electric vehicle charging infrastructure.

SECTION 2. In Colorado Revised Statutes, **add** 30-28-213 as follows:

30-28-213. Electric motor vehicle charging systems - county permitting procedures - permit application - approval process - definitions. (1) **Definitions.** AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "ADMINISTRATIVE REVIEW PROCESS" MEANS A PROCESS:

(I) IN WHICH AN EV CHARGER PERMIT IS APPROVED, APPROVED WITH CONDITIONS, OR DENIED BY ADMINISTRATIVE STAFF OF A COUNTY PERMITTING AGENCY BASED SOLELY ON THE APPLICATION'S COMPLIANCE WITH OBJECTIVE STANDARDS SET FORTH IN COUNTY ZONING LAWS OR OTHER COUNTY LAWS; AND

(II) THAT DOES NOT REQUIRE A PUBLIC HEARING, A RECOMMENDATION, OR A DECISION BY AN ELECTED OR APPOINTED PUBLIC BODY OR HEARING OFFICER EXCEPT AS PROVIDED IN SUBSECTION (4)(d) OF THIS SECTION.

(b) "COLORADO ENERGY OFFICE" MEANS THE COLORADO ENERGY OFFICE CREATED IN SECTION 24-38.5-101.

(c) (I) "COUNTY PERMITTING AGENCY" MEANS THE ENTITY OR ENTITIES FOR A COUNTY THAT ARE RESPONSIBLE FOR ISSUING AN EV CHARGER PERMIT FOR THE CONSTRUCTION OF AN ELECTRIC MOTOR VEHICLE CHARGING SYSTEM.

(II) "COUNTY PERMITTING AGENCY" MAY INCLUDE:

(A) A COUNTY BUILDING DEPARTMENT OR AGENCY;

(B) A COUNTY PLANNING DEPARTMENT OR AGENCY; OR

(C) A COUNTY PUBLIC WORKS OR ROAD AND BRIDGE DEPARTMENT OR AGENCY.

(d) "DISPROPORTIONATELY IMPACTED COMMUNITY" HAS THE MEANING SET FORTH IN SECTION 24-4-109 (2)(b)(II).

(e) "ELECTRIC MOTOR VEHICLE CHARGING SYSTEM" OR "CHARGING SYSTEM" HAS THE MEANING SET FORTH IN SECTION 38-12-601 (6)(a).

(f) "EV CHARGER PERMIT" MEANS THE FINAL APPROVAL OF AN APPLICATION FOR INSTALLATION OF AN ELECTRIC MOTOR VEHICLE CHARGING SYSTEM THAT A COUNTY MAY REQUIRE TO AUTHORIZE AN APPLICANT TO COMMENCE CONSTRUCTION OF THE CHARGING SYSTEM AND A PERMIT APPLICATION FOR AN ELECTRICAL PERMIT ESTABLISHED UNDER ARTICLE 115 OF TITLE 12 AND ISSUED BY THE STATE ELECTRICAL BOARD.

(g) "OBJECTIVE STANDARD" MEANS A STANDARD THAT:

(I) IS UNIFORMLY VERIFIABLE AND ASCERTAINABLE BY REFERENCE TO AN AVAILABLE EXTERNAL OR UNIFORM BENCHMARK OR CRITERION BY THE APPLICANT AND COUNTY PERMITTING AGENCY STAFF PRIOR TO THE

APPLICANT'S FILING OF AN EV CHARGER PERMIT APPLICATION; AND

(II) DOES NOT REQUIRE COUNTY PERMITTING AGENCY STAFF TO MAKE A SUBJECTIVE DETERMINATION CONCERNING AN EV CHARGER PERMIT APPLICATION.

(2) (a) ON OR BEFORE DECEMBER 31, 2025, THE BOARD OF COUNTY COMMISSIONERS OF A COUNTY WITH A POPULATION OF TWENTY THOUSAND OR MORE ACCORDING TO THE 2020 FEDERAL CENSUS SHALL DO ONE OF THE FOLLOWING:

(I) ADOPT AN ORDINANCE OR RESOLUTION TO INCORPORATE THE SAME STANDARDS AND PERMITTING PROCESS OR LESS RESTRICTIVE STANDARDS AND PERMITTING PROCESS AS THE STANDARDS AND PERMITTING PROCESS DESCRIBED IN THE EV CHARGER PERMITTING MODEL CODE DEVELOPED BY THE COLORADO ENERGY OFFICE PURSUANT TO SUBSECTION (3) OF THIS SECTION;

(II) (A) ADOPT AN ORDINANCE OR RESOLUTION THAT ESTABLISHES OBJECTIVE STANDARDS AND AN ADMINISTRATIVE REVIEW PROCESS TO BE USED BY THE COUNTY PERMITTING AGENCY DURING THE COUNTY'S REVIEW OF APPLICATIONS FOR EV CHARGER PERMITS IN ACCORDANCE WITH SUBSECTIONS (4) AND (5) OF THIS SECTION.

(B) AN ORDINANCE OR RESOLUTION ADOPTED BY THE COUNTY PURSUANT TO THIS SUBSECTION (2)(a)(II) SHALL BE DEVELOPED IN CONSULTATION WITH THE LOCAL FIRE DEPARTMENT OR FIRE DISTRICT, ANY ELECTRIC UTILITIES SERVING THE COUNTY, AND OTHER RELEVANT STAKEHOLDERS, AS DETERMINED BY THE COUNTY.

(III) ADOPT AN ORDINANCE OR RESOLUTION THAT ESTABLISHES THAT THE COUNTY DOES NOT INTEND TO ADOPT AN ORDINANCE OR RESOLUTION IN ACCORDANCE WITH SUBSECTION (2)(a)(I) OR (2)(a)(II) OF THIS SECTION AND THAT THE COUNTY PERMITTING AGENCY WILL CONTINUE TO UTILIZE THE COUNTY'S EXISTING PERMITTING REVIEW PROCESS FOR EV CHARGER PERMIT APPLICATIONS.

(b) ON OR BEFORE MARCH 1, 2026, A COUNTY THAT IS SUBJECT TO THE REQUIREMENTS OF SUBSECTION (2)(a) OF THIS SECTION SHALL SUBMIT A REPORT TO THE COLORADO ENERGY OFFICE DESCRIBING THE COUNTY'S

COMPLIANCE WITH SUBSECTION (2)(a) OF THIS SECTION.

(c) ON OR BEFORE JANUARY 31, 2027, A COUNTY SUBJECT TO THE REQUIREMENTS OF SUBSECTION (2)(a) OF THIS SECTION SHALL SUBMIT A REPORT TO THE COLORADO ENERGY OFFICE REGARDING EACH APPLICATION FOR AN EV CHARGER PERMIT THAT WAS RECEIVED BY THE COUNTY PERMITTING AGENCY BETWEEN DECEMBER 31, 2025, AND DECEMBER 1, 2026. THE REPORT MUST INCLUDE:

(I) THE FINAL DETERMINATION MADE BY THE COUNTY PERMITTING AGENCY FOR EACH EV CHARGER PERMIT APPLICATION; AND

(II) FOR EACH EV CHARGER PERMIT APPLICATION SUBMITTED TO THE COUNTY PERMITTING AGENCY, THE DURATION BETWEEN THE DATE THAT THE EV CHARGER PERMIT APPLICATION WAS DEEMED COMPLETE BY THE COUNTY PERMITTING AGENCY AND THE DATE THAT THE COUNTY PERMITTING AGENCY MADE A FINAL DETERMINATION ON THE EV CHARGER PERMIT APPLICATION.

(d) IF THE BOARD OF COUNTY COMMISSIONERS OF A COUNTY ADOPTS THE EV CHARGER PERMITTING MODEL CODE PURSUANT TO SUBSECTION (2)(a)(I) OF THIS SECTION OR ADOPTS AN ORDINANCE OR RESOLUTION IN ACCORDANCE WITH SUBSECTION (2)(a)(III) OF THIS SECTION, THE REQUIREMENTS OF SUBSECTIONS (4) AND (5) OF THIS SECTION DO NOT APPLY TO THE COUNTY.

(3) (a) ON OR BEFORE MARCH 31, 2025, THE COLORADO ENERGY OFFICE SHALL PUBLISH AN EV CHARGER PERMITTING MODEL CODE THAT CONTAINS GUIDELINES FOR THE ADOPTION OF EV CHARGER PERMIT STANDARDS AND PERMITTING PROCESSES FOR COUNTIES.

(b) THE EV CHARGER PERMITTING MODEL CODE DEVELOPED BY THE COLORADO ENERGY OFFICE PURSUANT TO SUBSECTION (3)(a) OF THIS SECTION MUST BE DEVELOPED IN CONSULTATION WITH COUNTIES, REPRESENTATIVES FROM DISPROPORTIONATELY IMPACTED COMMUNITIES, PUBLIC ELECTRIC UTILITIES, AND OTHER RELEVANT STAKEHOLDERS, AS DETERMINED BY THE COLORADO ENERGY OFFICE.

(c) THE EV CHARGER PERMITTING MODEL CODE DEVELOPED BY THE COLORADO ENERGY OFFICE IN ACCORDANCE WITH THIS SUBSECTION (3) SHALL ONLY APPLY TO A COUNTY'S LAND USE AND ZONING PERMITTING

PROCESSES AND SHALL NOT CONTRAVENE:

(I) STATE ELECTRICAL PERMITTING REQUIREMENTS OR PROCEDURES;

(II) COUNTY ELECTRICAL PERMITTING REQUIREMENTS OR PROCEDURES;

(III) STATE ELECTRICAL INSPECTION REQUIREMENTS;

(IV) COUNTY ELECTRICAL INSPECTION REQUIREMENTS; OR

(V) NATIONAL ELECTRIC CODE REQUIREMENTS OR REGULATIONS RELATED TO ELECTRIC MOTOR VEHICLE CHARGING SYSTEMS.

(d) THE EV CHARGER PERMITTING MODEL CODE DEVELOPED BY THE COLORADO ENERGY OFFICE IN ACCORDANCE WITH THIS SUBSECTION (3) SHALL NOT CONTAIN REQUIRED TIMELINES THAT A COUNTY PERMITTING AGENCY MUST COMPLY WITH FOR THE REVIEW, APPROVAL, OR DENIAL OF EV CHARGER PERMIT APPLICATIONS.

(4) (a) A COUNTY PERMITTING AGENCY SHALL APPROVE, CONDITIONALLY APPROVE, OR DENY AN APPLICATION FOR AN EV CHARGER PERMIT USING THE COUNTY'S ADMINISTRATIVE REVIEW PROCESS TO DETERMINE IF THE PROPOSED ELECTRIC MOTOR VEHICLE CHARGING SYSTEM IS IN COMPLIANCE WITH THE COUNTY'S OBJECTIVE STANDARDS.

(b) A COUNTY PERMITTING AGENCY SHALL NOT DENY OR PLACE CONDITIONS ON AN EV CHARGER PERMIT APPLICATION UNLESS THE DENIAL OR CONDITIONS ARE FOR THE PURPOSE OF REASONABLY PROTECTING PUBLIC HEALTH OR SAFETY.

(c) IF A COUNTY PERMITTING AGENCY DENIES AN APPLICATION FOR AN EV CHARGER PERMIT, THE COUNTY PERMITTING AGENCY SHALL MAKE WRITTEN FINDINGS THAT THE PROPOSED ELECTRIC MOTOR VEHICLE CHARGING SYSTEM WOULD VIOLATE THE COUNTY'S OBJECTIVE STANDARDS OR WOULD NOT BE REASONABLY PROTECTIVE OF PUBLIC HEALTH OR SAFETY AND SEND THOSE WRITTEN FINDINGS TO THE APPLICANT WITHIN THREE BUSINESS DAYS AFTER THE DATE THE COUNTY PERMITTING AGENCY DENIES THE APPLICATION.

(d) AN APPLICANT FOR AN EV CHARGER PERMIT THAT IS DENIED A PERMIT OR HAS CONDITIONS PLACED ON THE APPROVAL OF AN EV CHARGER PERMIT BY A COUNTY PERMITTING AGENCY MAY APPEAL THE COUNTY PERMITTING AGENCY'S DECISION TO THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY.

(e) THE REQUIREMENTS OF THIS SUBSECTION (4) DO NOT APPLY TO COUNTIES THAT ADOPT THE EV CHARGER PERMITTING MODEL CODE PURSUANT TO SUBSECTION (2)(a)(I) OF THIS SECTION OR ADOPT AN ORDINANCE OR RESOLUTION IN ACCORDANCE WITH SUBSECTION (2)(a)(III) OF THIS SECTION.

(5) (a) THE COUNTY PERMITTING AGENCY MUST MAKE AVAILABLE TO PROSPECTIVE APPLICANTS FOR EV CHARGER PERMITS A CHECKLIST OF ALL REQUIREMENTS THAT MUST BE INCLUDED IN AN APPLICATION FOR AN EV CHARGER PERMIT.

(b) A COUNTY PERMITTING AGENCY SHALL REVIEW AN APPLICATION FOR AN EV CHARGER PERMIT TO CONFIRM THAT THE APPLICATION SUFFICIENTLY MEETS THE REQUIREMENTS OF THE CHECKLIST DESCRIBED IN SUBSECTION (5)(a) OF THIS SECTION.

(c) A COUNTY PERMITTING AGENCY SHALL CONSIDER AN APPLICATION FOR AN EV CHARGER PERMIT THAT SATISFIES THE REQUIREMENTS OF THE CHECKLIST DESCRIBED IN SUBSECTION (5)(a) OF THIS SECTION A COMPLETE APPLICATION.

(d) IF AN APPLICANT FOR AN EV CHARGER PERMIT SUBMITS AN APPLICATION THAT DOES NOT MEET ALL THE REQUIREMENTS OF THE CHECKLIST DESCRIBED IN SUBSECTION (5)(a) OF THIS SECTION, THE COUNTY PERMITTING AGENCY SHALL, WITHIN THREE BUSINESS DAYS AFTER THE DATE THE COUNTY PERMITTING AGENCY DETERMINES THE APPLICATION IS NOT SUFFICIENT, SEND A WRITTEN NOTICE TO THE APPLICANT THAT DETAILS ALL OF THE DEFICIENCIES WITH THE APPLICATION AND ANY ADDITIONAL INFORMATION REQUIRED FOR THE APPLICATION TO BE CONSIDERED COMPLETE.

(e) THE REQUIREMENTS OF THIS SUBSECTION (5) DO NOT APPLY TO COUNTIES THAT ADOPT THE EV CHARGER PERMITTING MODEL CODE PURSUANT TO SUBSECTION (2)(a)(I) OF THIS SECTION OR ADOPT AN

ORDINANCE OR RESOLUTION IN ACCORDANCE WITH SUBSECTION (2)(a)(III) OF THIS SECTION.

(6) (a) THE COLORADO ENERGY OFFICE SHALL PROVIDE TECHNICAL ASSISTANCE TO COUNTIES TO ASSIST A COUNTY IN COMPLYING WITH THE REQUIREMENTS OF THIS SECTION, INCLUDING PROVIDING:

(I) SUPPORT FOR THE DEVELOPMENT AND ADOPTION OF COUNTY CODES; AND

(II) MATERIALS AND SUPPORT FOR TRAINING COUNTY PERMITTING AGENCY STAFF WITH INTERPRETING AND APPLYING EV CHARGER PERMIT STANDARDS AND PROCESSES.

(b) THE COLORADO ENERGY OFFICE SHALL USE MONEY IN THE ELECTRIC VEHICLE GRANT FUND, CREATED IN SECTION 24-38.5-103, TO PROVIDE TECHNICAL ASSISTANCE TO COUNTIES IN ACCORDANCE WITH THIS SUBSECTION (6).

(c) THE COLORADO ENERGY OFFICE SHALL PRIORITIZE PROVIDING TECHNICAL ASSISTANCE TO COUNTIES THAT HAVE A SIGNIFICANT NUMBER OF DISPROPORTIONATELY IMPACTED COMMUNITIES.

(7) REGARDLESS OF THE ORDINANCE OR RESOLUTION ADOPTED BY A BOARD OF COUNTY COMMISSIONERS IN ACCORDANCE WITH SUBSECTION (2)(a) OF THIS SECTION, A COUNTY PERMITTING AGENCY SHALL, WITHIN THREE BUSINESS DAYS AFTER THE DATE THE COUNTY PERMITTING AGENCY MAKES THE DETERMINATION TO APPROVE, CONDITIONALLY APPROVE, OR DENY AN APPLICATION, SEND NOTICE TO AN APPLICANT FOR AN EV CHARGER PERMIT THAT STATES THE COUNTY PERMITTING AGENCY'S DETERMINATION ON THE APPLICANT'S EV CHARGER PERMIT APPLICATION.

SECTION 3. In Colorado Revised Statutes, **add** 31-23-316 as follows:

31-23-316. Electric motor vehicle charging systems - municipal permitting procedures - permit application - approval process - definitions. (1) **Definitions.** AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "ADMINISTRATIVE REVIEW PROCESS" MEANS A PROCESS:

(I) IN WHICH AN EV CHARGER PERMIT IS APPROVED, APPROVED WITH CONDITIONS, OR DENIED BY ADMINISTRATIVE STAFF OF A MUNICIPAL PERMITTING AGENCY BASED SOLELY ON THE APPLICATION'S COMPLIANCE WITH OBJECTIVE STANDARDS SET FORTH IN MUNICIPAL ZONING LAWS OR OTHER MUNICIPAL LAWS; AND

(II) THAT DOES NOT REQUIRE A PUBLIC HEARING, A RECOMMENDATION, OR A DECISION BY AN ELECTED OR APPOINTED PUBLIC BODY OR HEARING OFFICER EXCEPT AS PROVIDED IN SUBSECTION (4)(d) OF THIS SECTION.

(b) "COLORADO ENERGY OFFICE" MEANS THE COLORADO ENERGY OFFICE CREATED IN SECTION 24-38.5-101.

(c) "DISPROPORTIONATELY IMPACTED COMMUNITY" HAS THE MEANING SET FORTH IN SECTION 24-4-109 (2)(b)(II).

(d) "ELECTRIC MOTOR VEHICLE CHARGING SYSTEM" OR "CHARGING SYSTEM" HAS THE MEANING SET FORTH IN SECTION 38-12-601 (6)(a).

(e) "EV CHARGER PERMIT" MEANS THE FINAL APPROVAL OF AN APPLICATION FOR INSTALLATION OF AN ELECTRIC MOTOR VEHICLE CHARGING SYSTEM THAT A MUNICIPALITY MAY REQUIRE TO AUTHORIZE AN APPLICANT TO COMMENCE CONSTRUCTION OF THE CHARGING SYSTEM AND A PERMIT APPLICATION FOR AN ELECTRICAL PERMIT ESTABLISHED UNDER ARTICLE 115 OF TITLE 12 AND ISSUED BY THE STATE ELECTRICAL BOARD.

(f) (I) "MUNICIPAL PERMITTING AGENCY" MEANS THE ENTITY OR ENTITIES FOR A MUNICIPALITY THAT ARE RESPONSIBLE FOR ISSUING AN EV CHARGER PERMIT FOR THE CONSTRUCTION OF AN ELECTRIC MOTOR VEHICLE CHARGING SYSTEM.

(II) "MUNICIPAL PERMITTING AGENCY" MAY INCLUDE:

(A) A MUNICIPAL BUILDING DEPARTMENT OR AGENCY;

(B) A MUNICIPAL PLANNING DEPARTMENT OR AGENCY; OR

(C) A MUNICIPAL PUBLIC WORKS OR ROAD AND BRIDGE DEPARTMENT OR AGENCY.

(g) "OBJECTIVE STANDARD" MEANS A STANDARD THAT:

(I) IS UNIFORMLY VERIFIABLE AND ASCERTAINABLE BY REFERENCE TO AN AVAILABLE EXTERNAL OR UNIFORM BENCHMARK OR CRITERION BY THE APPLICANT AND MUNICIPAL PERMITTING AGENCY STAFF PRIOR TO THE APPLICANT'S FILING OF AN EV CHARGER PERMIT APPLICATION; AND

(II) DOES NOT REQUIRE MUNICIPAL PERMITTING AGENCY STAFF TO MAKE A SUBJECTIVE DETERMINATION CONCERNING AN EV CHARGER PERMIT APPLICATION.

(2) (a) ON OR BEFORE DECEMBER 31, 2025, THE GOVERNING BODY OF A MUNICIPALITY WITH A POPULATION OF TEN THOUSAND OR MORE ACCORDING TO THE 2020 FEDERAL CENSUS SHALL DO ONE OF THE FOLLOWING:

(I) ADOPT AN ORDINANCE OR RESOLUTION TO INCORPORATE THE SAME STANDARDS AND PERMITTING PROCESS OR LESS RESTRICTIVE STANDARDS AND PERMITTING PROCESS AS THE STANDARDS AND PERMITTING PROCESS DESCRIBED IN THE EV CHARGER PERMITTING MODEL CODE DEVELOPED BY THE COLORADO ENERGY OFFICE PURSUANT TO SUBSECTION (3) OF THIS SECTION;

(II) (A) ADOPT AN ORDINANCE OR RESOLUTION THAT ESTABLISHES OBJECTIVE STANDARDS AND AN ADMINISTRATIVE REVIEW PROCESS TO BE USED BY THE MUNICIPAL PERMITTING AGENCY DURING THE MUNICIPALITY'S REVIEW OF APPLICATIONS FOR EV CHARGER PERMITS IN ACCORDANCE WITH SUBSECTIONS (4) AND (5) OF THIS SECTION.

(B) AN ORDINANCE OR RESOLUTION ADOPTED BY THE MUNICIPALITY PURSUANT TO THIS SUBSECTION (2)(a)(II) SHALL BE DEVELOPED IN CONSULTATION WITH THE LOCAL FIRE DEPARTMENT OR FIRE DISTRICT, ANY ELECTRIC UTILITIES SERVING THE MUNICIPALITY, AND OTHER RELEVANT STAKEHOLDERS, AS DETERMINED BY THE MUNICIPALITY.

(III) ADOPT AN ORDINANCE OR RESOLUTION THAT ESTABLISHES THAT THE MUNICIPALITY DOES NOT INTEND TO ADOPT AN ORDINANCE OR

RESOLUTION IN ACCORDANCE WITH SUBSECTION (2)(a)(I) OR (2)(a)(II) OF THIS SECTION AND THAT THE MUNICIPAL PERMITTING AGENCY WILL CONTINUE TO UTILIZE THE MUNICIPALITY'S EXISTING PERMITTING REVIEW PROCESS FOR EV CHARGER PERMIT APPLICATIONS.

(b) ON OR BEFORE MARCH 1, 2026, A MUNICIPALITY THAT IS SUBJECT TO THE REQUIREMENTS OF SUBSECTION (2)(a) OF THIS SECTION SHALL SUBMIT A REPORT TO THE COLORADO ENERGY OFFICE DESCRIBING THE MUNICIPALITY'S COMPLIANCE WITH SUBSECTION (2)(a) OF THIS SECTION.

(c) ON OR BEFORE JANUARY 31, 2027, A MUNICIPALITY SUBJECT TO THE REQUIREMENTS OF SUBSECTION (2)(a) OF THIS SECTION SHALL SUBMIT A REPORT TO THE COLORADO ENERGY OFFICE REGARDING EACH APPLICATION FOR AN EV CHARGER PERMIT THAT WAS RECEIVED BY THE MUNICIPAL PERMITTING AGENCY BETWEEN DECEMBER 31, 2025, AND DECEMBER 1, 2026. THE REPORT MUST INCLUDE:

(I) THE FINAL DETERMINATION MADE BY THE MUNICIPAL PERMITTING AGENCY FOR EACH EV CHARGER PERMIT APPLICATION; AND

(II) FOR EACH EV CHARGER PERMIT APPLICATION SUBMITTED TO THE MUNICIPAL PERMITTING AGENCY, THE DURATION BETWEEN THE DATE THAT THE EV CHARGER PERMIT APPLICATION WAS DEEMED COMPLETE BY THE MUNICIPAL PERMITTING AGENCY AND THE DATE THAT THE MUNICIPAL PERMITTING AGENCY MADE A FINAL DETERMINATION ON THE EV CHARGER PERMIT APPLICATION.

(d) IF THE GOVERNING BODY OF A MUNICIPALITY ADOPTS THE EV CHARGER PERMITTING MODEL CODE PURSUANT TO SUBSECTION (2)(a)(I) OF THIS SECTION OR ADOPTS AN ORDINANCE OR RESOLUTION IN ACCORDANCE WITH SUBSECTION (2)(a)(III) OF THIS SECTION, THE REQUIREMENTS OF SUBSECTIONS (4) AND (5) OF THIS SECTION DO NOT APPLY TO THE MUNICIPALITY.

(3) (a) ON OR BEFORE MARCH 31, 2025, THE COLORADO ENERGY OFFICE SHALL PUBLISH AN EV CHARGER PERMITTING MODEL CODE THAT CONTAINS GUIDELINES FOR THE ADOPTION OF EV CHARGER PERMIT STANDARDS AND PERMITTING PROCESSES FOR MUNICIPALITIES.

(b) THE EV CHARGER PERMITTING MODEL CODE DEVELOPED BY THE

COLORADO ENERGY OFFICE PURSUANT TO SUBSECTION (3)(a) OF THIS SECTION MUST BE DEVELOPED IN CONSULTATION WITH MUNICIPALITIES, REPRESENTATIVES FROM DISPROPORTIONATELY IMPACTED COMMUNITIES, PUBLIC ELECTRIC UTILITIES, AND OTHER RELEVANT STAKEHOLDERS, AS DETERMINED BY THE COLORADO ENERGY OFFICE.

(c) THE EV CHARGER PERMITTING MODEL CODE DEVELOPED BY THE COLORADO ENERGY OFFICE IN ACCORDANCE WITH THIS SUBSECTION (3) SHALL ONLY APPLY TO A MUNICIPALITY'S LAND USE AND ZONING PERMITTING PROCESSES AND SHALL NOT CONTRAVENE:

(I) STATE ELECTRICAL PERMITTING REQUIREMENTS OR PROCEDURES;

(II) MUNICIPAL ELECTRICAL PERMITTING REQUIREMENTS OR PROCEDURES;

(III) STATE ELECTRICAL INSPECTION REQUIREMENTS;

(IV) MUNICIPAL ELECTRICAL INSPECTION REQUIREMENTS; OR

(V) NATIONAL ELECTRIC CODE REQUIREMENTS OR REGULATIONS RELATED TO ELECTRIC MOTOR VEHICLE CHARGING SYSTEMS.

(d) THE EV CHARGER PERMITTING MODEL CODE DEVELOPED BY THE COLORADO ENERGY OFFICE IN ACCORDANCE WITH THIS SUBSECTION (3) SHALL NOT CONTAIN REQUIRED TIMELINES THAT A MUNICIPAL PERMITTING AGENCY MUST COMPLY WITH FOR THE REVIEW, APPROVAL, OR DENIAL OF EV CHARGER PERMIT APPLICATIONS.

(4) (a) A MUNICIPAL PERMITTING AGENCY SHALL APPROVE, CONDITIONALLY APPROVE, OR DENY AN APPLICATION FOR AN EV CHARGER PERMIT USING THE MUNICIPALITY'S ADMINISTRATIVE REVIEW PROCESS TO DETERMINE IF THE PROPOSED ELECTRIC MOTOR VEHICLE CHARGING SYSTEM IS IN COMPLIANCE WITH THE MUNICIPALITY'S OBJECTIVE STANDARDS.

(b) A MUNICIPAL PERMITTING AGENCY SHALL NOT DENY OR PLACE CONDITIONS ON AN EV CHARGER PERMIT APPLICATION UNLESS THE DENIAL OR CONDITIONS ARE FOR THE PURPOSE OF REASONABLY PROTECTING PUBLIC HEALTH OR SAFETY.

(c) IF A MUNICIPAL PERMITTING AGENCY DENIES AN APPLICATION FOR AN EV CHARGER PERMIT, THE MUNICIPAL PERMITTING AGENCY SHALL MAKE WRITTEN FINDINGS THAT THE PROPOSED ELECTRIC MOTOR VEHICLE CHARGING SYSTEM WOULD VIOLATE THE MUNICIPALITY'S OBJECTIVE STANDARDS OR WOULD NOT BE REASONABLY PROTECTIVE OF PUBLIC HEALTH OR SAFETY AND PROVIDE THOSE WRITTEN FINDINGS TO THE APPLICANT WITHIN THREE BUSINESS DAYS AFTER THE DATE THE MUNICIPAL PERMITTING AGENCY DENIES THE APPLICATION.

(d) AN APPLICANT FOR AN EV CHARGER PERMIT THAT IS DENIED A PERMIT OR HAS CONDITIONS PLACED ON THE APPROVAL OF AN EV CHARGER PERMIT BY A MUNICIPAL PERMITTING AGENCY MAY APPEAL THE MUNICIPAL PERMITTING AGENCY'S DECISION TO THE GOVERNING BODY OF THE MUNICIPALITY.

(e) THE REQUIREMENTS OF THIS SUBSECTION (4) DO NOT APPLY TO MUNICIPALITIES THAT ADOPT THE EV CHARGER PERMITTING MODEL CODE PURSUANT TO SUBSECTION (2)(a)(I) OF THIS SECTION OR ADOPT AN ORDINANCE OR RESOLUTION IN ACCORDANCE WITH SUBSECTION (2)(a)(III) OF THIS SECTION.

(5) (a) THE MUNICIPAL PERMITTING AGENCY MUST MAKE AVAILABLE TO PROSPECTIVE APPLICANTS FOR EV CHARGER PERMITS A CHECKLIST OF ALL REQUIREMENTS THAT MUST BE INCLUDED IN AN APPLICATION FOR AN EV CHARGER PERMIT.

(b) A MUNICIPAL PERMITTING AGENCY SHALL REVIEW AN APPLICATION FOR AN EV CHARGER PERMIT TO CONFIRM THAT THE APPLICATION SUFFICIENTLY MEETS THE REQUIREMENTS OF THE CHECKLIST DESCRIBED IN SUBSECTION (5)(a) OF THIS SECTION.

(c) A MUNICIPAL PERMITTING AGENCY SHALL CONSIDER AN APPLICATION FOR AN EV CHARGER PERMIT THAT SATISFIES THE REQUIREMENTS OF THE CHECKLIST DESCRIBED IN SUBSECTION (5)(a) OF THIS SECTION A COMPLETE APPLICATION.

(d) IF AN APPLICANT FOR AN EV CHARGER PERMIT SUBMITS AN APPLICATION THAT DOES NOT MEET ALL THE REQUIREMENTS OF THE CHECKLIST DESCRIBED IN SUBSECTION (5)(a) OF THIS SECTION, THE MUNICIPAL PERMITTING AGENCY SHALL, WITHIN THREE BUSINESS DAYS

AFTER THE DATE THE MUNICIPAL PERMITTING AGENCY DETERMINES THE APPLICATION IS NOT SUFFICIENT, SEND A WRITTEN NOTICE TO THE APPLICANT THAT DETAILS ALL OF THE DEFICIENCIES WITH THE APPLICATION AND ANY ADDITIONAL INFORMATION REQUIRED FOR THE APPLICATION TO BE CONSIDERED COMPLETE.

(e) THE REQUIREMENTS OF THIS SUBSECTION (5) DO NOT APPLY TO MUNICIPALITIES THAT ADOPT THE EV CHARGER PERMITTING MODEL CODE PURSUANT TO SUBSECTION (2)(a)(I) OF THIS SECTION OR ADOPT AN ORDINANCE OR RESOLUTION IN ACCORDANCE WITH SUBSECTION (2)(a)(III) OF THIS SECTION.

(6) (a) THE COLORADO ENERGY OFFICE SHALL PROVIDE TECHNICAL ASSISTANCE TO MUNICIPALITIES TO ASSIST A MUNICIPALITY IN COMPLYING WITH THE REQUIREMENTS OF THIS SECTION, INCLUDING PROVIDING:

(I) SUPPORT FOR THE DEVELOPMENT AND ADOPTION OF MUNICIPAL CODES; AND

(II) MATERIALS AND SUPPORT FOR TRAINING MUNICIPAL PERMITTING AGENCY STAFF WITH INTERPRETING AND APPLYING EV CHARGER PERMIT STANDARDS AND PROCESSES.

(b) THE COLORADO ENERGY OFFICE SHALL USE MONEY IN THE ELECTRIC VEHICLE GRANT FUND, CREATED IN SECTION 24-38.5-103, TO PROVIDE TECHNICAL ASSISTANCE TO MUNICIPALITIES IN ACCORDANCE WITH THIS SUBSECTION (6).

(c) THE COLORADO ENERGY OFFICE SHALL PRIORITIZE PROVIDING TECHNICAL ASSISTANCE TO COUNTIES THAT HAVE A SIGNIFICANT NUMBER OF DISPROPORTIONATELY IMPACTED COMMUNITIES.

(7) REGARDLESS OF THE ORDINANCE OR RESOLUTION ADOPTED BY THE GOVERNING BODY OF A MUNICIPALITY IN ACCORDANCE WITH SUBSECTION (2)(a) OF THIS SECTION, A MUNICIPAL PERMITTING AGENCY SHALL, WITHIN THREE BUSINESS DAYS AFTER THE DATE THE MUNICIPAL PERMITTING AGENCY MAKES THE DETERMINATION TO APPROVE, CONDITIONALLY APPROVE, OR DENY AN APPLICATION, SEND NOTICE TO AN APPLICANT FOR AN EV CHARGER PERMIT THAT STATES THE MUNICIPAL PERMITTING AGENCY'S DETERMINATION ON THE APPLICANT'S EV CHARGER

PERMIT APPLICATION.

SECTION 4. In Colorado Revised Statutes, 24-38.5-102, **amend** (1)(l) and (1)(m); and **add** (1)(n) and (1)(o) as follows:

24-38.5-102. Colorado energy office - duties and powers - definitions. (1) The Colorado energy office shall:

(l) Develop basic consumer education or guidance about leased solar installation and purchased solar installation in consultation with industries that offer these options to consumers; ~~and~~

(m) In consultation with the appropriate industries, develop basic consumer education or guidance about purchased or, if available, leased installation of a system that uses geothermal energy for water heating or space heating or cooling in a single building or for space heating for more than one building through a pipeline network;

(n) DEVELOP AND PUBLISH AN EV CHARGER PERMITTING MODEL CODE THAT CONTAINS GUIDELINES FOR THE ADOPTION OF EV CHARGER PERMIT STANDARDS AND PERMITTING PROCESSES FOR COUNTIES AND MUNICIPALITIES IN ACCORDANCE WITH SECTIONS 30-28-213 (3) AND 31-23-316 (3); AND

(o) PROVIDE ASSISTANCE AND SUPPORT TO A BOARD OF COUNTY COMMISSIONERS OR THE GOVERNING BODY OF A MUNICIPALITY IN DEVELOPING ORDINANCES OR RESOLUTIONS FOR THE PERMITTING OF ELECTRIC MOTOR VEHICLE CHARGING SYSTEMS IN ACCORDANCE WITH SECTIONS 30-28-213 (6) AND 31-23-316 (6).

SECTION 5. In Colorado Revised Statutes, 24-38.5-103, **amend** (1)(a) as follows:

24-38.5-103. Electric vehicle grant fund - creation - administration - legislative declaration. (1) (a) (I) There is ~~hereby~~ created in the state treasury the electric vehicle grant fund, referred to in this section as the "fund". The Colorado energy office shall use the fund to:

(A) Provide grants to state agencies, public universities, public transit agencies, local governments, landlords of multifamily apartment

buildings, private nonprofit or for-profit corporations, and the unit owners' associations of common interest communities as defined in article 33.3 of title 38 to install charging stations for electric vehicles;

(B) ~~The Colorado energy office may also use the fund for~~ COVER the administrative costs of providing ~~these~~ grants PURSUANT TO SUBSECTION (1)(a)(I)(A) OF THIS SECTION; AND

(C) PROVIDE ANALYSIS AND TECHNICAL SUPPORT RELATED TO THE DEVELOPMENT, PERMITTING, AND ENERGIZATION OF ELECTRIC VEHICLE CHARGING STATIONS, INCLUDING PROVIDING TECHNICAL ASSISTANCE TO COUNTIES AND MUNICIPALITIES IN ACCORDANCE WITH SECTIONS 30-28-213 (6) AND 31-23-316 (6).

(II) The Colorado energy office shall prioritize ~~these~~ grants PROVIDED PURSUANT TO SUBSECTION (1)(a)(I) OF THIS SECTION based upon:

~~(I) Repealed.~~

~~(II)~~ (A) The extent to which the proposed recipients' charging locations are likely to effectively serve existing electric vehicles or encourage the acquisition of additional electric vehicles;

~~(III)~~ (B) The extent to which one or more charging stations would not be installed but for the financial assistance provided by a grant from the fund; and

~~(IV)~~ (C) Any other criteria defined by the Colorado energy office.

SECTION 6. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in

November 2024 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Steve Fenberg
PRESIDENT OF
THE SENATE

Robin Jones
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED Tuesday May 21st 2024 at 11:33 am
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO

City of Loveland

Public Works Department
2525 W. 1st Street | Loveland, CO 80537
970-962-2524 | TDD: 970-962-2620
publicworksinfo@cityofloveland.org

November 3, 2025

Loveland City Council
500 E 3rd Street
Loveland, CO 80537

RE: Unified Development Code (UDC) Amendment Parking Near Transit, EV Charging projects & ADUs

Dear Councilmembers,

The Transportation Advisory Board (TAB) wishes to express its support of the City of Loveland's proposed Unified Development Code Amendment changes. If approved, this update to the UDC will bring Loveland's development standards into alignment with recent state legislation and broader transportation priorities. Aligning transit-oriented development with reduced parking minimums is a proven transportation demand management (TDM) strategy. It encourages the use of public transit, reduces reliance on single-occupancy vehicles and helps reduce congestion on our streets. These changes also support Colorado's greenhouse gas reduction goals by promoting compact, walkable communities and reducing vehicle miles traveled.

Additionally, enhancing EV charging infrastructure through updated code provisions will better equip Loveland to support the growing adoption of electric vehicles. Ultimately aiding in statewide and regional goals to reduce greenhouse gases and ground level ozone, consequently improving air quality.

TAB believes these UDC amendments are a forward-thinking response to evolving state law and community needs. We urge your approval of these changes to the UDC amendment.

Sincerely,

Shain Vick
Transportation Advisory Board Chairperson
for the City of Loveland, Colorado

Cc: Jim Thompson, City Manager
Nicole Hahn, City Engineer

MEETING DATE: January 6, 2026
TO: City Council
DEPARTMENT: Loveland Utilities
DIRECTOR: Sharon Israel
PRESENTER: Melissa Morin, Civil Engineer II
STRATEGIC PLAN FOCUS AREA: Infrastructure & Transportation

AGENDA ITEM:
RESOLUTION AUTHORIZING THE CONNECTION OF WASTEWATER SERVICE OUTSIDE OF THE LOVELAND CITY LIMITS PURSUANT TO SECTION 13.08.080 OF THE LOVELAND MUNICIPAL CODE

RECOMMENDED CITY COUNCIL ACTION:
A Motion to Adopt Resolution #R-1-2026 authorizing the connection of wastewater service outside of the Loveland City Limits pursuant to Section 13.08.080 of the Loveland Municipal Code

OPTIONS:

COUNCIL ACTION OPTIONS	CONSEQUENCE
Approve the Motion	The applicant will have City Council's approval to receive City wastewater service to connect to his existing house which is currently on septic prior to annexation.
Deny the motion or take no action	The City of Loveland will not be authorized to allow wastewater service to serve the existing house until annexation has occurred.
Adopt a Modified Action	Specify in the motion.
Refer back to Staff	Staff can respond to questions or concerns of City Council.

SUMMARY:

Purpose: This proposed Resolution is associated with a wastewater service tap application to serve an existing single-family residential house in unincorporated Larimer County. The property has a failing septic system, and the property owners wish to connect to the City's sanitary sewer while concurrently seeking to annex into the City. The City's Planning Division has determined that the property meets the requirements for annexation. Because the annexation process takes some time, the City staff are seeking advanced approval from the City Council to provide the property with sanitary sewer service. City Council approval will authorize formal review of construction drawings, collection of all required fees, accept the Outside City Wastewater Service Agreement from the owner, and proceed with the requested sewer tap.

The Loveland Utilities Commission acted unanimously on November 19, 2025 to recommend approval by City Council **(Attachment 2)**.

Objective: To present for City Council's review and approval the request for a wastewater service to serve a single-family residential home outside of the Loveland city limits.

Impact: The connection of a single wastewater service for the single-family home will not have any adverse impacts on the City of Loveland's wastewater system.

Council Follow-up: None.

BUDGET IMPACT:

Budgetary Impact?	Funds Impacted: None
	Source(s) of Funding: N/A
Grant Funding?	Grantor(s) (State or Fed): N/A
	City Matching Requirement: N/A
	On-going or One-Time: N/A
	If On-going, when does the grant sunset? N/A
Additional Comments:	Owner to pay for all fees and construct wastewater service.

STRATEGIC PLAN FOCUS AREA

Focus	Infrastructure & Transportation
Strategy (if applicable)	Ensure Capacity & Readiness for Future Growth
Priority (if applicable)	Utility Plans to Meet Growth Needs
Notes	

COUNCIL OR BOARD/COMMISSION REVIEW:

Type of Meeting: Loveland Utilities Commission

Date of Meeting: November 19, 2025

Resulting Vote: Approved

Discussion: None.

BACKGROUND:

History:
The Utilities Department received a wastewater service tap application from the property owner, Andy Keirns ("Owner"), for the existing single-family residence on the property located at 5397 N Taft Avenue. The property is approximately 10.5 acres, located at the southwest corner of N. Taft Avenue and W. 57th Street. The property receives water from a private well located on the property and has a private on-site septic system. The Owner applied for the service connection because his private septic system is working at less than 50% efficiency.

The proposed service tap is to a wastewater main directly south of the property, which is owned and operated by the Utilities Department. Utilities staff verified that this property is the City's wastewater service area and that there is additional capacity in the wastewater system for the addition of this service and agree that the connection of the property to the City's wastewater system will have no adverse impact on the system.

The City of Loveland's Planning Division reviewed the tap request and found that the property is eligible for annexation due to 1) the site is located within the City's Growth Management Area (GMA), having a land use designation of Low Density Residential per the Comprehensive Plan and 2) except for a portion of N. Taft Avenue that is not within City limits, the site is surrounded by Loveland's municipal boundaries. As such, Current Planning requested the property owner seek annexation. Because the annexation process could take an extended period of time, the Owner is requesting City Council's approval to obtain a wastewater service prior to annexation so that their home can function properly and so they do not need to maintain a septic system that is operating at less than 50% efficiency.

If City Council approves, the Utilities Department will require the Owner to be responsible for the full cost of the installation of the private wastewater service line and paying all applicable fees for the connection in effect at the time of the connection. Prior to the tap the Owner will need to execute an Outside City Wastewater Service Agreement with the City. The expectation is that the Owner will petition to the City for annexation of the entire parcel within one year of the effective date of the City Council approval. The agreement will run with the land, so if the property should sell within one year, the new Owner would be required to meet the same terms for annexation.

Outreach and Notification Efforts: N/A

Conditions met/or anticipated: Once approved by City Council, the Owner will need to comply with all requirements of the City's Water and Wastewater Development Standards and pay all applicable fees and costs.

Start and End Dates (of studies, design, construction, or in service/operational):
Anticipated construction to occur over 10 days; however, timing is contingent upon City Council's approval.

ANALYSIS TABLE:

Yes: ☐ **No:** ☒

LIST OF ATTACHMENTS:

Resolution
Att 1 PowerPoint Presentation
Att 2 Loveland Utilities Commission Approval Documentation

RESOLUTION #R-1-2026

A RESOLUTION AUTHORIZING THE CONNECTION OF WASTEWATER SERVICE OUTSIDE OF THE LOVELAND CITY LIMITS PURSUANT TO SECTION 13.08.080 OF THE LOVELAND MUNICIPAL CODE

WHEREAS, Section 13.08.080 of the Loveland Municipal Code ("LMC") provides that there shall be no sewer taps made outside the City of Loveland ("City") limits unless approved by the City Council by resolution, except the City Manager is authorized to approve such sewer taps if the property to be served by the tap does not meet the City's requirements for annexation; and

WHEREAS, the City's Utilities Department received a written request from Andrew Keirns (the "Owner") for a wastewater service tap for the single-family resident on the Owner's property located at 5397 N. Taft Avenue (the "Property"), which is located outside the City in unincorporated Larimer County; and

WHEREAS, the City's Utilities Department evaluated the request and finds that the City's wastewater collection and reclamation system have adequate capacity to provide wastewater service to the Property, and therefore the wastewater service tap to serve the Property will have no adverse impact on the system; and

WHEREAS, the Property meets the City's requirements for annexation, and, therefore, the LMC Section 13.08.080 requires City Council approval by resolution to approve the sewer tap for the Property; and

WHEREAS, the City Council is willing to authorize the sewer tap to serve the Property so long as the conditions set forth in this resolution are satisfied prior to the wastewater connections being provided to the Property.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO:

Section 1. That the City Council hereby authorizes, pursuant to City Code Section 13.08.080, the wastewater service tap to provide wastewater service to the Property, provided the following applicable conditions precedent are satisfied:

A. Before wastewater service will be provided to the Property, the Owner must execute an Outside City Wastewater Service Agreement in substantially similar form and substance to the agreement attached as Exhibit A ("Agreement"); and

B. Before wastewater service will be provided to the Property, or to any portion of it, all applicable requirements and fees set forth in the City of Loveland Utility Rates, Charges, and Fees and the Loveland Municipal Code, as amended from time to time, must be satisfied and paid.

Section 2. That the Director of Utilities is hereby authorized, following consultation with the City Attorney, to modify the Agreement in form or substance as deemed necessary to effectuate the purposes of this Resolution or to protect the interests of the City.

Section 3. That the Director of Utilities is hereby authorized to execute the Agreement on behalf of the City.

Section 4. That this Resolution shall be effective as of the date of its adoption.

ADOPTED this 6th day of January 2026.

_____
Patrick McFall, Mayor

ATTEST:

_____
Ashley Macdonald, City Clerk

OUTSIDE CITY WASTEWATER SERVICE AGREEMENT

This Outside City Wastewater Service Agreement ("**Agreement**") is made and entered into this by and between the **City of Loveland, Colorado**, a home rule municipality ("**City**"), and Andrew M. & Alison M. Keirns ("**Customer**"). This Agreement is effective as of the date of the City's execution in the City's signature block below.

Whereas, the Customer is the owner of certain real property located outside the City limits located in Section 34, Township 6N, Range 69W of the 6th PM, County of Larimer, State of Colorado, legally described on **Exhibit A**, attached hereto and incorporated herein, also known as Assessor's Parcel Number **9634000009** and by the mailing address of 5397 N Taft Avenue, Loveland, Colorado 80538 ("**Property**"); and

Whereas, the Customer has applied to the City for a 4-inch City wastewater service to provide residential City wastewater service to the Property; and

Whereas, the Customer's Property, at the time of such application for City wastewater service, meets the City's requirements for annexation; and

Whereas, the City has approved the Customer's application and has agreed to supply the Property with wastewater service, subject to certain terms and conditions.

Now, therefore, in consideration of the mutual covenants and agreements contained herein, the parties agree as follows:

1. Wastewater Fees and Charges. The Customer shall pay to the City the following upon signature of this Agreement: (i) tapping charges and fees; and (ii) applicable development fees, including, without limitation, wastewater system impact fees. Such tapping charges and fees and applicable development fees that Customer is required to pay under this Agreement (i.e. fees and charges related specifically to connecting to the City's wastewater infrastructure; not monthly wastewater fees or other development fees) shall be based on the City's 2025 rates, charges, and fees, regardless of the effective date of this Agreement.

2. Location. The location of the wastewater connection shall be determined by the City in accordance with the Property's approved use and the requirements of the City's wastewater system.

3. Compliance with Laws. The Customer shall abide by all City, state, and federal laws and regulations regarding use of the wastewater connection.

4. System Capacity. Until such time as the Property is annexed to the City, wastewater service to the Property shall be limited to whatever surplus wastewater capacity the City has available. The Customer's right to receive City wastewater service shall be subject to the prior wastewater capacity requirements of the City's wastewater customers located within the City wastewater service area.

5. Improvements. All improvements placed on the Property on or after the date of this Agreement shall conform to the City's Uniform Development Code (UDC). Development plans for the proposed improvements shall be submitted to the City for review and approval. The Customer promises, for self, personal representatives, heirs, successors, and assigns, that if any improvement is placed upon the Property that is not in conformance with the UDC or the approved development plans to the extent that the City's zoning, subdivision, or building requirements are not met as if the Property were within the City limits, that the City may terminate wastewater service to the Property upon thirty (30) days' prior written notice to the Customer.

6. Consent to Annexation. Within one year of the effective date of this Agreement, Customer shall petition the City for annexation of the Property and take all actions necessary to complete the annexation of the Property (including but not limited to submission an application for annexation, including site plan, maps, other necessary plans, and all reasonable responses and adjustments to the annexation documents and timely responses to staff as needed). The Customer shall comply with all legal requirements and conditions pertaining to the annexation, including, without limitation: (i) dedication of streets and easements as the City may require; and (ii) payment of all guarantees, fees, and expenses related to the annexation, including, without limitation, payment of any additional capital expansion fees required at the time of annexation. The Customer understands that the primary consideration for the City's consent to provide wastewater service to the Property is the Customer's promise to petition for the annexation as provided for in this paragraph and the obligation to annex the Property into the City shall be binding upon the Customer, their personal representatives, heirs, successors, and assigns. In the event Customer fails to petition for and complete annexation within one year of the effective date of this Agreement, the Customer (and their heir, assigns, or successors) shall owe to the City $300 every month the Property is not annexed into the City, which penalty shall be assessed on the Customer's monthly utility bill. If the penalty is not paid when due, the City shall be entitled to file a lien against the Property for all amounts owed under this Agreement along with simple interest of 3% and any additional penalty under local law for the failure to pay utility bills on time. In addition to the penalties contemplated above, the Customer irrevocably authorizes and appoints the City Clerk of the City of Loveland, Colorado, as the Customer's lawful attorney-in-fact, to sign an annexation petition and maps that include the Property therein, thereby binding the Customer to all of the terms and provisions of said petition and maps as if the Customer had signed the petition and maps. This power of attorney shall be valid for five (5) years from the date of this Agreement, or for as long as permitted by law, whichever is greater, and shall not be affected by the disability of the Customer. This appointment is a cumulative remedy along with the penalty noted above and shall not preclude the City from taking any other action that may be necessary to enforce the provisions of this Agreement. Non-use or abandonment of wastewater service by the Customer shall not affect the Customer's obligations pursuant to this paragraph.

7. Covenant Running With the Land. All of the terms and conditions herein shall extend to and be binding upon the Customer's grantees, personal representatives, heirs, successors, and assigns and shall be considered as a covenant running with the Property. Furthermore, it is agreed that, by accepting title to the Property, any such grantee, personal representative, heir, successor, or assign expressly agrees to be bound by the terms hereof, including, without limitation, appointment of the City Clerk as attorney-in-fact for the purposes set forth herein.

8. Enforcement; Costs. The Customer promises, for self, personal representatives, heirs, successors, and assigns, that upon failure of the Customer to abide by each and every covenant contained in this Agreement and acknowledges and agrees that the City may take any action available under law or in equity to enforce the provisions hereof (including the monthly penalty for failure to timely annex into the City), in addition to any other remedy provided for herein. The Customer agrees, for self, personal representatives, heirs, successors, and assigns, that the City may recover from the then-current owners of the Property its reasonable expenses, including attorney's fees, incurred with respect to such action.

9. Recording. This Agreement shall be recorded with the Larimer County Clerk and Recorder.

10. Miscellaneous. This Agreement contains the entire agreement of the parties relating to the subject matter hereof and, except as provided herein, may not be modified or amended except by written agreement of the parties. In the event a court of competent jurisdiction holds any provision of this Agreement invalid or unenforceable, such holding shall not invalidate or render unenforceable any other provision of this Agreement.

11. Applicable Law and Venue. This Agreement shall be governed by and enforced in accordance with the laws of the State of Colorado. In addition, the parties hereto acknowledge that there are legal constraints imposed upon the City by the constitutions, statutes, and rules and regulations of the State of Colorado and of the United States, and imposed upon the City by its Charter and Code, and that, subject to such constraints, the parties intend to carry out the terms and conditions of this Agreement. Notwithstanding any other provisions of this Agreement to the contrary, in no event shall any of the parties hereto exercise any power or take any action which shall be prohibited by applicable law. Whenever possible, each provision of this Agreement shall be interpreted in such a manner so as to be effective and valid under applicable law. Venue for any judicial proceeding concerning this Agreement shall be in the District Court for Larimer County, Colorado.

12. Electronic Signature. This Agreement may be executed by electronic signature in accordance with C.R.S § 24-71.3-101 *et seq*.

Signed by the parties on the date written below.

(Signatures on the following page.)

Customer:

_____
Signature

_____
Printed Name

State of _____)
) ss
County of _____)

The foregoing instrument was acknowledged before me this ____ day of _____, 20___, by (Customer name) _____.

Witness my hand and official seal.
My commission expires: _____.

(S E A L)

_____
Notary Public

CITY OF LOVELAND
A Municipal Corporation

By: _____
Sharon Israel, Director of Utilities

APPROVED AS TO FORM:

_____
Assistant City Attorney

ATTEST:

(SEAL)

_____ _____
Assistant City Clerk Date

EXHIBIT A – LEGAL DESCRIPTION

A parcel of land located in the Northeast Quarter of Section 34, Township 6 North, Range 69 West of the 6th P.M., Larimer County, Colorado, more particularly described as follows:

Considering the East line of said Northeast Quarter as bearing N00°12'29'W and with all bearings contained herein relative thereto;

Beginning at the Northeast corner of said Northeast Quarter of Section 34; thence along said East line of the NE1/4 S00°12'29"E 1206.91 feet; thence N89°59'00'W 792.12 feet to the approximate centerline of the Louden Ditch; thence along said centerline the following 6 courses and distances:
N06°48'00"E 139.92 feet;
N29°29'40"E 584. 72 feet:
N48°48'20"E 167.34 feet;
N77°45'20"E 221.22 feet;
N37°19'50"E 99.19 feet;
N01°57'20"E 323.01 feet to the North line of the NE1/4; thence along said North line S89°58'45"E 70.00 feet to the Point of Beginning;

Together With those portions as described in Deed recorded May 14, 2004 at Reception No. 46515;
EXCEPT those portions described in Deeds recorded July 30, 1990 at Reception No. 90032915 and recorded March 1, 2000 at Reception No. 2000013120 and April 4, 2000 at Reception No. 2000021731 and April 5, 2004 at Reception No. 20040031542 and May 14, 2004 at Reception No. 20040046513;

County of Larimer, State of Colorado



City of Loveland

Outside City Wastewater Service Request

1

Why & What

Why are we here?

The Utilities Department received a tap request for a new wastewater service from the owner of 5397 Taft Avenue to serve an existing single-family residential house in Larmer County (currently served by a private septic system).

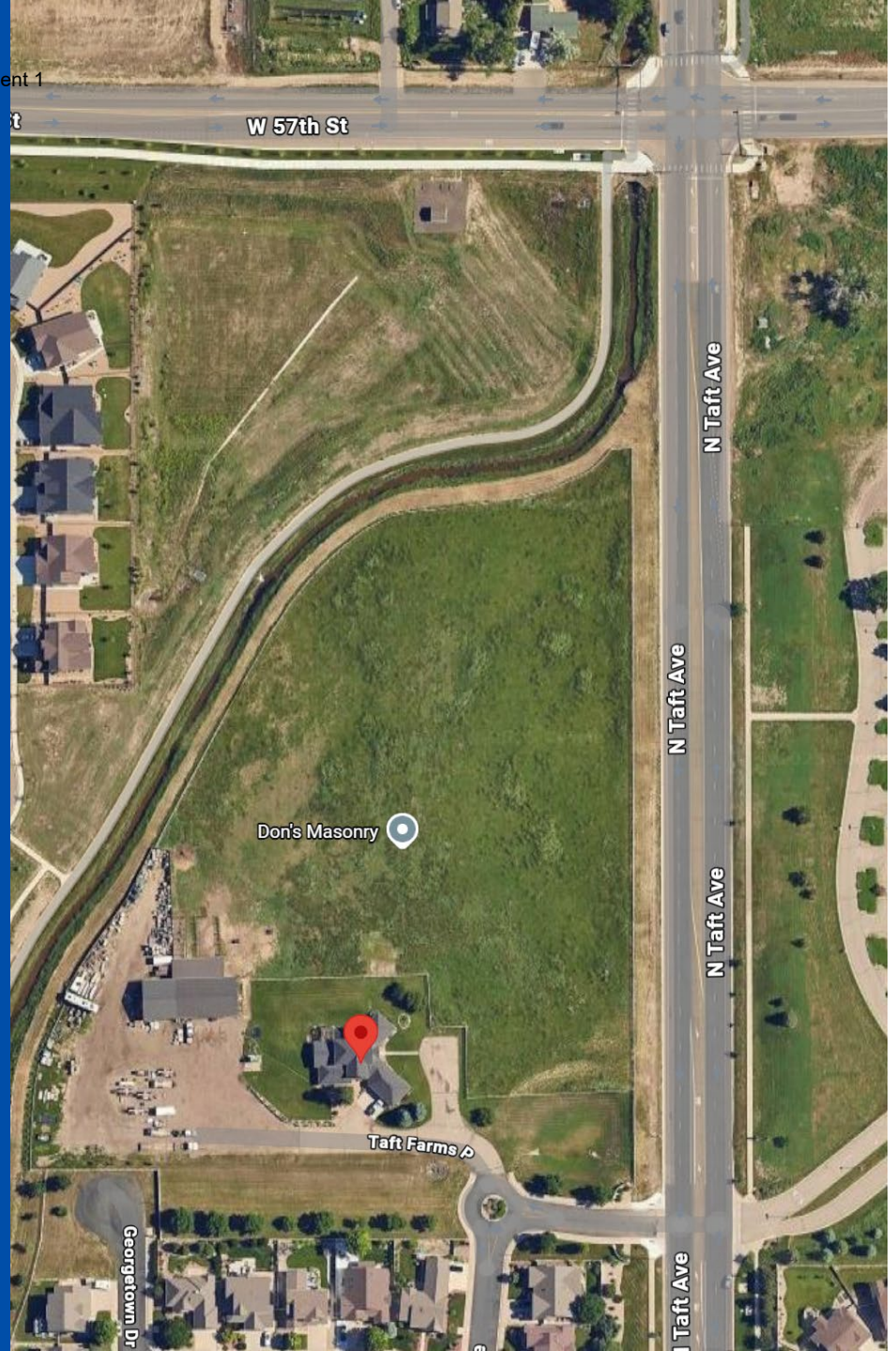
The Owner applied for the service connection because his private septic system is working at less than 50% efficiency.

What are we asking from Council?

City of Loveland

Site Location

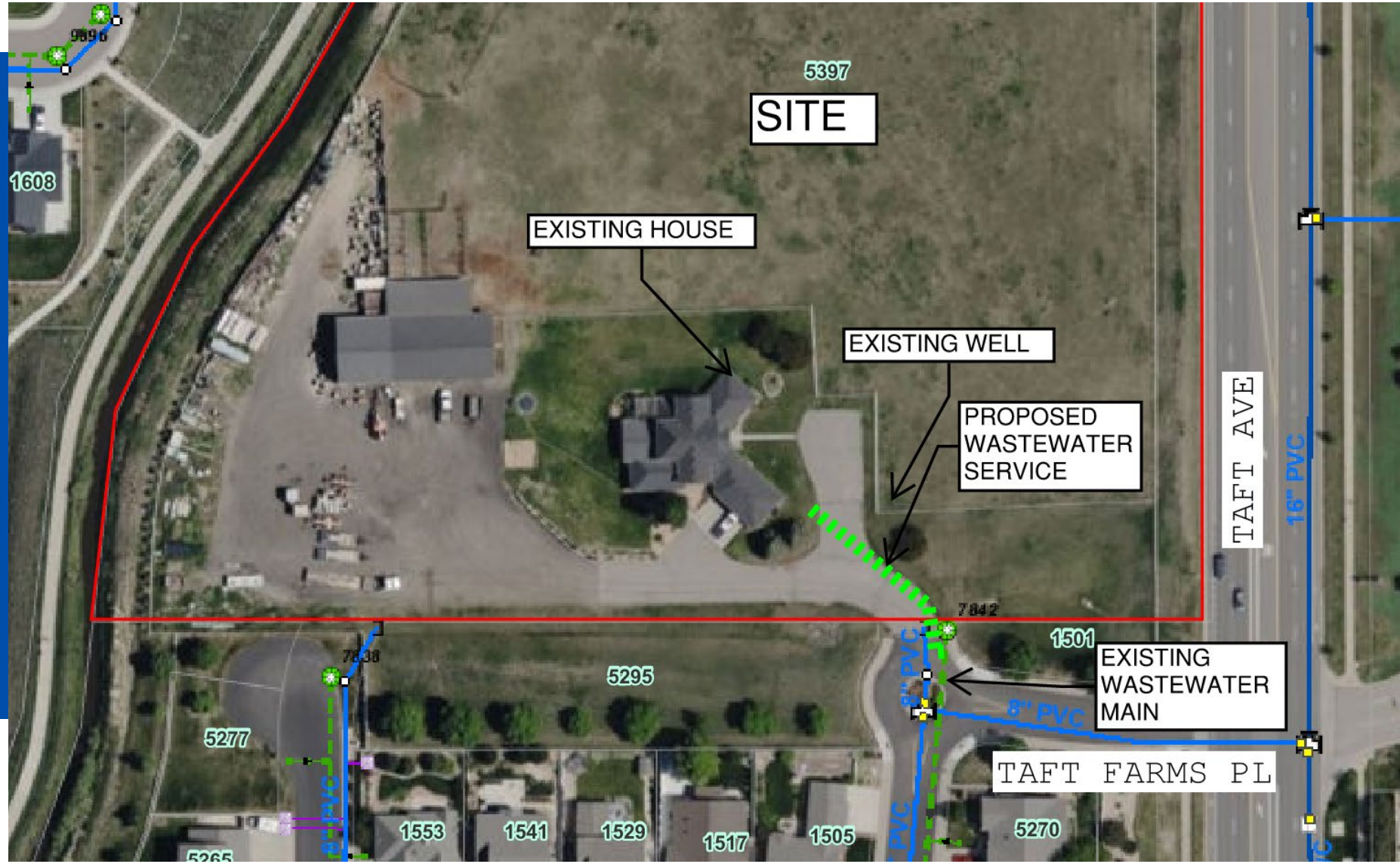
- Addressed as 5397 N Taft, approximately 10.5 acres
- Located south of W 57th Street, east of Eagle Brook Meadows Subdivision, north of Taft Farms Subdivision and west of N Taft Ave.
- The lot is accessed from Taft Farms Place
- Currently the lot receives water from a private well and has private on-site septic system.



City of Loveland

Proposal

- Install new 4” tap for wastewater service.
- Maintain existing well for water service.
- Annex at a later date.



City of Loveland

Findings

Conditions

If approved, the Owner shall:

- Submit final construction drawings
- Sign an Outside City Wastewater Agreement
- Pay all applicable fees

City of Loveland

Request

Seeking the following motion by City Council:

A Motion to Adopt a Resolution Authorizing the Connection of Wastewater Service Outside of the Loveland City Limits Pursuant to Section 13.08.080 of the Municipal Code

City of Loveland

City of Loveland

Public Comment & Council Questions

AGENDA
Loveland Utilities Commission Meeting
3:00 PM - Wednesday, November 19, 2025
Public Works Administration Building Upstairs Conference Room, 2525 W. 1st St.

Guests at the Public Works Administration Building will need to check in at the lobby and receive a guest badge to be displayed at all times in the building. The meeting will start promptly at 3:00 p.m.

Notice of Non-Discrimination
It is the policy of the City of Loveland to provide equal services, programs and activities without regard to race, color, national origin, creed, religion, sex, sexual orientation, disability, or age and without regard to the exercise of rights guaranteed by state or federal law. It is the policy of the City of Loveland to provide language access services at no charge to populations of persons with limited English proficiency (LEP) and persons with a disability who are served by the City.
For more information on non-discrimination or for translation assistance, please contact the City's Title VI Coordinator at TitleSix@cityofloveland.org or 970-962-2372. The City will make reasonable accommodations for citizens in accordance with the Americans with Disabilities Act (ADA). For more information on ADA or accommodations, please contact the City's ADA Coordinator at ADACoordinator@cityofloveland.org or 970-962-3319 .

Notificación en contra de la discriminación
La política de la Ciudad de Loveland es proveer servicios, programas y actividades iguales sin importar la raza, color, origen nacional, credo, religión, sexo, orientación sexual, discapacidad, o edad y sin importar el uso de los derechos garantizados por la ley estatal o federal. La política de la Ciudad de Loveland es proveer servicios gratis de acceso de lenguaje a la población de personas con dominio limitado del inglés (LEP, por sus iniciales en inglés) y a las personas con discapacidades quienes reciben servicios de la ciudad.
Si desea recibir más información en contra de la discriminación o si desea ayuda de traducción, por favor comuníquese con el Coordinador del Título VI de la Ciudad en TitleSix@cityofloveland.org o al 970-962-2372 . La Ciudad hará acomodaciones razonables para los ciudadanos de acuerdo con la Ley de Americanos con Disca pacidades (ADA, por sus iniciales en inglés). Si desea más información acerca de la ADA o acerca de las acomodaciones, por favor comuníquese con el Coordinador de ADA de la Ciudad en ADACoordinator@cityofloveland.org o al 970-962-3319 .

Title VI and ADA Grievance Policy and Procedures can be located on the City of Loveland website at: cityofloveland.org
Password to the public wireless network (colguest) is accesswifi

Page

1. CALL TO ORDER

2. ADOPTION OF MINUTES

2.1. Loveland Utilities Commission Meeting Minutes - October 15, 2025 4 - 10
Loveland Utilities Commission Meeting Minutes - October 15, 2025

3. CITIZENS REPORT
Procedures: Anyone in the audience may address the LUC on any topic relevant to the commission. If the topic is a Consent Agenda item, please ask for that item to be removed from the Consent Agenda; pulled items will be heard at the beginning of the Regular Agenda. If the topic is a Regular Agenda item, members of the public will be given an opportunity to speak to the item during the Regular Agenda portion of the meeting before the LUC acts upon it. If the topic is a Staff Report item, members of the public should address the LUC during this portion of the meeting. Anyone making comment during any portion of tonight's meeting should identify himself or herself and be recognized by the LUC chairman. Please do not interrupt other speakers. Side conversations should be moved outside the meeting room. Please limit comments to

no more than three minutes.

4. INFORMATIONAL ITEM/S

4.1. Water Treatment Plant Daily and Monthly Flow Report - Chad Birgenheier 11 - 12
Water Treatment Plant Daily and Monthly Flow Report
Attachment A WTP Daily Flow Report October 2025

4.2. Quarterly Electric Outage and Reliability Summary – Q3 2025 - Adam Bromley 13 - 16
Quarterly Electric Outage and Reliability Summary – Q3 2025
Attachment A 2025 Q3 Electric Reliability Dashboard

4.3. Water Supply Update - Ryan Van Pelt 17 - 21
Water Supply Update
Attachment A Colorado SNOTEL SWE Map
Attachment B Colorado SNOTEL Update Table for the South Platte and Upper Colorado River Basins
Attachment C Snow-Water Equivalent Graph at Bear Lake

4.4. Financial Report Update - Jim Lees 22 - 26
Financial Report Update
Attachment A Financial Statement-Raw Water
Attachment B Financial Statement-Water
Attachment C Financial Statement-Wastewater
Attachment D Financial Statement-Power

4.5. Utility Financial Dashboards - Aaron Rodriguez 27 - 33
Utility Financial Dashboards
Attachment A - Electric Financial Dashboard Comparison To Budget
Attachment B - Electric Financial Dashboard KPI Vs Bench
Attachment C - Water Financial Dashboard Comparison To Budget
Attachment D - Water Financial Dashboard KPI Vs Bench
Attachment E - Waste Financial Dashboard Comparision to Budget
Attachment F - Waste Financial Dashboard KPI Vs Bench

4.6. Water Law and Legislative Update - Ryan Van Pelt 34 - 36
Water Law and Legislative Update

4.7. Distributed Energy Resources (DER) Quarterly Activities Update – Q3 2025 - Adam Bromley 37 - 39
DER Quarterly Activities Update – Q3 2025

5. CONSENT AGENDA

5.1. Northern Colorado Alliance Statement of Principles - Todd Hanlin 40 - 42
Northern Colorado Alliance Statement of Principles
Attachment A Northern Colorado Alliance Statement of Principles

6. REGULAR AGENDA

6.1. Request for Wastewater Service Outside of the Loveland City Limits - Melissa Morin 43 - 54
Item 6.1 - Approved with 8-0 vote (MRR on behalf of SMI)

Request for Wastewater Service Outside of the Loveland City Limits
Attachment A Resolution
Attachment B PowerPoint Presentation

7. STAFF REPORT

7.1. Update from Platte River Power Authority on the Southwest Power Pool's Regional Transmission Organization 55 - 69
Update from PRPA on the Southwest Power Pool's Regional Transmission Organization
Attachment A PowerPoint Presentation

7.2. North Taft Avenue Water & Storm Water Improvements - John Faulkner 70 - 80
North Taft Avenue Water & Storm Water Improvements
Attachment A PowerPoint Presentation

8. COMMISSION & COUNCIL REPORTS

8.1. Commission & Council Report - Melanie Reeves 81 - 82
Commission and Council Report

9. DIRECTOR'S REPORT

9.1. Director's Report - Sharon Israel 83 - 95
Director's Report
Attachment A Memo to City Council
Attachment B Water Project Update for October
Attachment C Electric Project Updates for November
Attachment D Water and Electric Meter Sets for October

10. ADJOURN

MEETING DATE:	January 6, 2026
TO:	City Council
DEPARTMENT:	City Attorney's Office
DIRECTOR:	Vince Junglas
PRESENTER:	Vince Junglas
STRATEGIC PLAN FOCUS AREA:	Public Safety

AGENDA ITEM:
AN ORDINANCE AMENDING CHAPTERS 7.39 AND 9.47 OF THE LOVELAND MUNICIPAL CODE CONCERNING THE CIVIL ABATEMENT OF UNAUTHORIZED ENCAMPMENTS AND UNAUTHORIZED CAMPING IN PUBLIC PLACES

RECOMMENDED CITY COUNCIL ACTION:
A motion to adopt, on first reading, Ordinance No. 6806 amending chapters 7.39 and 9.47 of the Loveland Municipal Code concerning the civil abatement of unauthorized encampments and unauthorized camping in public places.

OPTIONS:

COUNCIL ACTION OPTIONS	CONSEQUENCE
Approve the Motion	If the motion is approved, the City will amend its ordinances addressing unauthorized encampments in recognition of the U.S. Supreme Court's decision in City of Grants Pass, Oregon, v. Johnson (2024).
Deny the motion or take no action	If the motion is denied or Council takes no action, the City will continue to address unauthorized encampments and related offenses pursuant to emergency ordinance 6554B.
Adopt a Modified Action	Specify in the motion.
Refer back to Staff	Staff would require direction from Council.

SUMMARY:

Purpose: The purpose of this item is to amend the Loveland Municipal Code to remove the requirements that shelter must be made available to unauthorized campers prior to issuing a citation for unauthorized camping. Additionally, this item will remove or modify requirements that the City must provide shelter to unauthorized campers and storage of said campers' possessions prior to civilly abating an unauthorized encampment.

Objective: The objective is to amend chapters 7.39 and 9.47 of the Loveland Municipal Code concerning unauthorized encampments.

Impact: There will be no impact.

Council Follow-up: The second reading of this ordinance will be on January 20, 2026.

BUDGET IMPACT:

Budgetary Impact?	Funds Impacted: N/A
	Source(s) of Funding: N/A
Grant Funding?	Grantor(s) (State or Fed): N/A
	City Matching Requirement: N/A
	On-going or One-Time: N/A
	If On-going, when does the grant sunset? N/A
Additional Comments:	N/A

STRATEGIC PLAN FOCUS AREA

Focus	Public Safety
Strategy (if applicable)	Focus on Deterrence, Prevention and Reducing Recidivism
Priority (if applicable)	Public Infrastructure Safety
Notes	

COUNCIL OR BOARD/COMMISSION REVIEW:
Type of Meeting: N/A

Resulting Vote: N/A

Discussion: N/A

BACKGROUND:

History:
In 2022, the City Council adopted Emergency Ordinance 6554B (**Attachment 1**) to address increasing numbers of individuals camping without authorization and the formation of large, unsafe, and unsanitary unauthorized encampments in the City's open spaces and public land. City Council adopted 6554B in the wake of a Ninth Circuit Court of Appeals case, Martin v. City of Boise, 920 F.3d 584 (9th Cir. 2019), which held that a jurisdiction may not penalize homeless individuals for unauthorized camping without first assuring there is alternative shelter available;

however, the U.S. Supreme Court decided City of Grants Pass, Oregon, v. Johnson, 603 U.S. 520, (2024), in which the Court overruled Martin v. Boise (**Attachment 2**). The outcome of the Supreme Court's decision was to refute the Ninth Circuit's determination that it was cruel and unusual to penalize homeless individuals for unauthorized camping offenses and to affirm local jurisdictions were not obligated to provide shelter to individuals prior to citing them for unauthorized camping. In recognition of these decisions, City Council will remove the requirements imposed by 6554B that the City ensure shelter is available before citing an individual for unauthorized camping as well as storing the possessions of occupants of unauthorized encampments prior to civilly abating said encampments. To illustrate the changes to the Loveland Municipal Code, staff has included redlines of section 7.39.020 (**Attachment 3**), section 7.39.030 (**Attachment 4**), and section 9.47.020 (**Attachment 5**).

Practical Information.

The City will not continue the temporary use permit for the Loveland Resource Center past March 15, 2026.

The City has spent a total of $8.2 million since the EO was enacted in 2022 on homelessness services (inclusive of capital, staffing, and encampment response). **(Attachment 6)**

The City will not provide direct overnight services in the future. The City will only work with non-profit organizations to run a facility, just like other municipalities in Colorado.

Outreach and Notification Efforts: N/A

Conditions met/or anticipated: N/A

Start and End Dates (of studies, design, construction, or in service/operational): N/A

ANALYSIS TABLE:

Yes: ☐ **No:** ☐

LIST OF ATTACHMENTS:

Ordinance
Att 1 Emergency Ordinance 6554B
Att 2 City of Grants Pass, Oregon, v. Johnson, 603 U.S. 520 (2024)
Att 3 Redlined Section 7.39.020
Att 4 Redlined Section 7.39.030
Att 5 Redlined Section 9.47.020
Att 6 EROC 2022-25 History 12.30.25
Att 7 Presentation

FIRST READING: January 6, 2026

SECOND READING: _____

ORDINANCE NO. 6806

AN ORDINANCE AMENDING CHAPTERS 7.39 AND 9.47 OF THE LOVELAND MUNICIPAL CODE CONCERNING THE CIVIL ABATEMENT OF UNAUTHORIZED ENCAMPMENTS AND UNAUTHORIZED CAMPING IN PUBLIC PLACES

WHEREAS, in the cases of Martin v. City of Boise, 920 F.3d 584 (9th Cir. 2019) ("Martin"), and Johnson v. City of Grants Pass, 72 F.4th 868 (9th Cir. 2023) ("Johnson"), the Ninth Circuit Court of Appeals ruled that "so long as there is a greater number of homeless individuals in a jurisdiction than the number of available beds in shelters, the jurisdiction cannot impose criminal or civil penalties against homeless individuals for" violating an ordinance prohibiting camping on public property because to do so would be a violation of those individuals' Eighth Amendment right to be free from cruel and unusual punishment; and

WHEREAS, in City and County of Denver v. Burton, 19CV34925 (Denver Dist. Ct., September 3, 2020) and People v. Wiemold, 19CV30899 (Larimer Dist. Ct., February 4, 2021), the Denver and Larimer District Courts addressed Denver's and Fort Collins' unauthorized camping ordinances, with both courts affirming Martin's holding that a jurisdiction must ensure there is shelter space available before prosecuting an individual for unauthorized camping; and

WHEREAS, the City and County of Denver faced litigation surrounding the jurisdiction's practices for the abatement of unauthorized encampments, including Lyall v. City of Denver, 319 F.R.D. 558 (D. Colo. 2017), which was resolved through a 2019 settlement agreement whereby Denver agreed to a variety of concessions, including that Denver would provide 60 days of storage for property seized during the abatement of unauthorized encampments; and

WHEREAS, the City Council of the City of Loveland ("City Council") passed Emergency Ordinance 6554 B ("6554 B") on May 17, 2022, whereby the City Council amended the Loveland Municipal Code ("Code") with the addition of chapter 7.39, concerning the civil abatement of unauthorized encampments, and chapter 9.47, concerning unauthorized encampments; and

WHEREAS, 6554 B was enacted in the wake of Martin, Burton, Lyall, and Wiemold, among others, and gives due consideration to the precedents set by those foregoing matters; and

WHEREAS, the U.S. Supreme Court, in the case of City of Grants Pass v. Johnson, 603 U.S. 520, (2024) ("Grants Pass"), overruled the Ninth Circuit's 2023 ruling in the Johnson case, which also overruled the Ninth Circuit's ruling in the Martin case, holding that the Eighth Amendment to the does not require there be available shelter space offered to an unauthorized camper prior to prosecuting that individual for unauthorized camping; and

WHEREAS, the Grants Pass ruling provides definitive guidance from the United States Supreme Court addressing unauthorized camping and allows the City of Loveland to enforce its unauthorized camping and abatement of unauthorized campsite ordinances as the City would any other ordinance, without offering shelter prior to the issuance of a summons and complaint; and

WHEREAS, the City has a legitimate governmental purpose in protecting public spaces from the environmental damage and the sanitation, health, and safety concerns inherent in the act of unauthorized camping on public property.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO ORDAINS:

Section 1. That section 7.39.020 of the Loveland Municipal Code, Civil abatement of unauthorized encampments, is amended to read as follows:

A. The City Manager is authorized to abate any unauthorized encampment from public property.

B. Unauthorized encampments that pose an immediate threat to the health or safety of the public shall receive priority abatement.

C. Unauthorized encampments, receiving priority abatement, by order of the City Manager, may be abated for any of following reasons:

1. The encampment presents an immediate threat to the health or safety of the public.

2. City staff has reasonable, articulable, detailed evidence-based facts the encampment is being used for ongoing criminal activity.

3. City staff has reasonable, articulable, detailed evidence-based facts the encampment is being used for an ongoing personal business or activity associated with the manufacturing, repair, or development of goods or services.

4. City staff has reasonable, articulable, detailed evidence-based facts the encampment has been abandoned for seven days or more.

5. There are evidence-based facts of intentional property damage caused by the occupants of the unauthorized encampment.

6. There are evidence-based facts of unauthorized use of privately-owned property or public infrastructure to physically support a structure used for human habitation, i.e., using a fence to support a lean-to structure.

7. The location of the unauthorized encampment creates any fire hazard due to proximity of the encampment to nearby grass or tree-lined areas during extreme dry conditions as determined by Loveland Fire Rescue Authority.

8. The unauthorized encampment is in a park facility, open space, natural area, or trail not specifically designated or authorized by the Director of Parks and Recreation for overnight camping.

9. The unauthorized encampment is on public property posted with "No Trespass," "No Overnight Camping," or "No Camping" signs.

10. Encampment locations that interfere with, obstruct, or prevent maintenance of public property by City employees.

D. Evidence-based facts must be in writing and must provide an explanation of the factual basis for any decision of the City Manager to issue an order to abate an unauthorized encampment.

E. The City may offer to store personal property, in a designated storage container at a designated storage location, for persons of abated encampments, subject to reasonable limitations as determined by the City Manager, for a period of up to 60 days. If said persons fail to claim personal property stored by the City the period of time set by the City that shall in no event exceed 60 days, the City may dispose of the personal property in any manner consistent with existing law.

1. Upon receipt of clear and documented consent from an occupant of an unauthorized encampment that has been or will be abated, a temporary storage area may be utilized for personal property for no more than 24 hours subsequent to abatement. Personal property placed in a temporary storage area in excess of 24 hours subsequent to abatement may be stored by the City at a designated location for a period of up to 60 days. If said persons fail to claim personal property stored by the City the period of time set by the City that shall in no event exceed 60 days, the City may dispose of the personal property in any manner consistent with existing law.

F. The City Manager may promulgate and publish reasonable rules and regulations to effectuate the intent of this Chapter. Any rule or regulation must be made available to the public and the City Clerk shall maintain a copy of said rules or regulations for public inspection.

Section 2. That section 7.39.030 of the Loveland Municipal Code, Prerequisites for civil abatement of unauthorized encampments, is amended to read as follows:

A. No civil abatement shall occur unless:

1. A law enforcement officer, or another City employee, contractor, or agent, has observed evidence of an unauthorized encampment; and

2. A law enforcement officer has issued the person in an unauthorized encampment a verbal or written order to vacate the unauthorized encampment and to remove their property.

Section 3. That section 9.47.020 of the Loveland Municipal Code, Unauthorized camping on public or private property prohibited, is amended to read as follows:

A. It shall be unlawful for any person to camp on private property without the express written consent of the property owner or the owner's agent, except in any location where camping has been expressly authorized by the City.

B. It shall be unlawful for any person to camp on any public property, except in any location where camping has been expressly authorized by the City.

C. Any person convicted of violating this section shall be subject to the penalty provisions as provided in Loveland Municipal Code Section 1.12.010.A. For a first offense, the Loveland Municipal Court Judge shall consider sentencing options focused on providing resources for the offender to find employment, housing, or other services that have a propensity to improve the life circumstances of the offender.

Section 4. That if any title, chapter, section, paragraph, sentence, clause, or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each part or parts thereof, irrespective of the fact that any one part or parts be declared invalid or unconstitutional.

Section 5. That the City Council hereby finds, determines, and declares that this ordinance is necessary for the preservation of the public health, safety, and welfare.

Section 6. That copies of this Ordinance shall be kept on file with the Loveland City Clerk and are open to public inspection.

Section 7. That as provided in City Charter Section 4-9(a)(7), this Ordinance shall be published by title only by the City Clerk after adoption on second reading unless the Ordinance has been amended since first reading in which case the Ordinance shall be published in full or the amendments shall be published in full. This Ordinance shall be in full force and effect ten days after its final publication, as provided in City Charter Section 4-8(b).

ADOPTED this ____ day of _____, 2026.

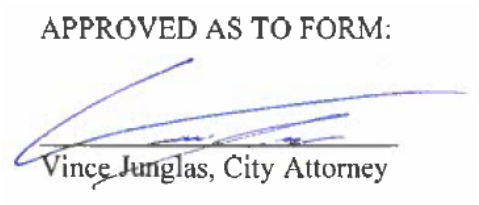
_____
Patrick McFall, Mayor

ATTEST:

_____

Ashley Macdonald, City Clerk

APPROVED AS TO FORM:



Vince Junglas, City Attorney

AN ORDINANCE AMENDING CHAPTERS 7.39 AND 9.47 OF THE LOVELAND MUNICIPAL CODE CONCERNING THE CIVIL ABATEMENT OF UNAUTHORIZED ENCAMPMENTS AND UNAUTHORIZED CAMPING IN PUBLIC PLACES

FIRST AND ONLY READING: May 17, 2022

EMERGENCY ORDINANCE NO. 6554 B

AN EMERGENCY ORDINANCE AMENDING THE LOVELAND MUNICIPAL CODE TO ADD A NEW CHAPTER 9.47 CONCERNING UNAUTHORIZED ENCAMPMENTS AND THE ADDITION OF A NEW CHAPTER 7.29 CONCERNING THE CIVIL ABATEMENT OF UNAUTHORIZED ENCAMPMENTS NECESSARY FOR THE IMMEDIATE PRESERVATION OF PUBLIC PROPERTY, PRIVATE PROPERTY, HEALTH, SAFETY, AND WELFARE TO MITIGATE THE UNREASONABLE RISK OF FIRE AND THE DETERIORATION OF CITY PROPERTY CAUSED BY THE PROPAGATION OF UNAUTHORIZED ENCAMPMENTS

WHEREAS, the act of unauthorized camping on public or private property tends to endanger the health and safety of those engaged in such camping as well as the public at large; and

WHEREAS, the unauthorized use of public or private property for camping where the property in question is neither intended nor designed as a camp site, campground, or site for temporary human habitation tends to impair, obstruct, and otherwise detract from the use of the property for its intended purpose historically consistent with Loveland Municipal Code Section 9.48.010(D); and

WHEREAS, unauthorized encampments located on the City's treasured natural areas, open lands, and trails, located in unauthorized encampment areas, left generally undisturbed since March of 2020 and the beginning of the COVID-19 global pandemic, will require significant financial resources, time, and commitment to properly restore these areas to their former condition; and

WHEREAS, since March of 2020, the City has generally managed unauthorized encampments in accordance with the United States Center for Disease Control ("CDC") guidance, providing, in relevant part, "[i]f individual housing options are not available, allow people who are living unsheltered or in encampments to remain where they are. Clearing encampments can cause people to disperse throughout the community and break connections with service providers. This increases the potential for infectious disease spread"; and

WHEREAS, the City's current approach to unauthorized encampment management involves a risk assessment of whether the encampment poses an immediate risk to public health or safety, or a substantial risk of damage to City property, or a risk to the operation or functionality of City infrastructure (e.g. blocking any right-of-way or access to public facilities), or the encampment created a circumstance or condition which may violate a statutory, contractual, or other legal obligation the City possesses if abatement does not occur (e.g. conservation easements and noxious weed ordinance); and

WHEREAS, if any of the assessment criteria is satisfied, the unauthorized encampment is deemed a "Priority One Encampment"; and

WHEREAS, Priority One Encampments are abated after providing notice to persons of unauthorized encampments, and rarely involve the complete removal of the unauthorized encampment. The City instead focuses on mitigating the risks associated with Priority One Encampments, which has the practical impact of lowering the unauthorized encampment's status to a lesser priority, allowing the City to monitor the unauthorized encampment without taking additional action; and

WHEREAS, due to logistical realities and accommodations to encampment members, parties to an encampment were provided between four (4) and ten (10) days of actual notice to either leave or address the underlying criteria for status as a Priority One Encampment, in the overwhelming majority of cases without necessitating complete removal of the unauthorized encampment; and

WHEREAS, the City has taken an approach to unauthorized encampment abatement that does not involve the criminal sanction, through utilizing the City's trespassing ordinance, Loveland Municipal Code Section 9.48.010(D), when City property usage rules or regulations are violated; and

WHEREAS, however, unauthorized encampments in the City of Loveland, under the guidance of the CDC, created the following adverse consequences: the inability to maintain public sites including weed and trash management; destruction of or damage to infrastructure, bridges, trails, fences, signage, gates, locks, trash cans and port-a-lets; reduction in the water quality of the Big Thompson River as a result of human waste, food waste, trash, and fires; permanent damage to native vegetation; destruction of hundreds of mature trees; disposal of trash and debris along Loveland's trails, parks, civic areas, and open spaces; desertion of wildlife along the Big Thompson River; chilled business operations and investment; and increased crime, drug use, and fire damage; and

WHEREAS, unauthorized encampments tend to be associated with an increased threat to public safety in terms of bodily harm, threats or attempts of bodily harm towards others, aggressive behavior, and general interference with public property in a manner inconsistent with the intended use of said public property having a deleterious impact on the ability of the public to use and enjoy public assets, individually, or for group events and social gatherings; and

WHEREAS, unauthorized encampments have created excessive trash and debris along Loveland's trails, parks, civic areas, and open spaces, which required training and certification for engaging with hazardous materials or biohazards for management of items within encampments to ensure both employee and public safety during clean-up efforts; and

WHEREAS, tents and other makeshift structures for human habitation within floodplains result in an unreasonable risk of harm to human safety and the environment because: 1) individuals put themselves at risk of serious injury and death by drowning during flooding; 2) frequent swift-water rescue attempts during times of flood put the lives of first responders at risk; 3) building

materials and furnishings of tents and makeshift structures within floodplains add to the debris load, clogging bridge and culvert openings, exacerbating flooding, and endanger the community; and 4) byproducts of human habitation of these structures (i.e. feces and refuse) pollute the floodwaters with fecal bacteria and other hazardous substances, endangering the community at large; and

WHEREAS, the City has or may have binding agreements in place with the Louden Irrigating Canal and Reservoir Company, The Greeley and Loveland Irrigation Company, The Seven Lakes Reservoir Company, and other such entities which require the City to facilitate the unobstructed conveyance of storm water runoff and seasonal water flow within the ditches; and

WHEREAS, campfires in unauthorized encampments have substantially increased the fire risk for property owners in close proximity; and

WHEREAS, fire danger in and around unauthorized encampments presents a substantial and real risk to the larger community, particularly in light of the "Marshall Fire," which started as a grass fire in Boulder County, Colorado on December 30, 2021, which, in terms of structures lost, was the most destructive fire in Colorado history; and

WHEREAS, unauthorized encampments containing flammable items are inconsistent with certain provisions of the International Fire Code and Larimer County fire restrictions, which are adopted intermittently as atmospheric conditions present above-normal temperatures with windy and dry conditions; and

WHEREAS, unauthorized encampments have resulted in a City contractor retrieving and properly disposing of more than sixty (60) propane or gas items during inspections or cleanups from 2019 to present; and

WHEREAS, in 2022 alone, unauthorized encampments have resulted in tent fires within the City's open lands, burn injuries, and hospitalizations for campers within open lands and the City parking garage, a fire in the underpass of the Highway 287 bridge, several fires at the Loveland Museum, one of which caught the building on fire, and repeated responses from the Loveland Fire Rescue Authority to encampments with bonfires; and

WHEREAS, the City Council is concerned that continuation of a City policy tolerating the risks associated with unauthorized encampments, with no direct enforcement, acting generally consistent with guidance from the CDC, may have catastrophic consequences with anticipated dry conditions in the City of Loveland, particularly for the upcoming summer months, that create a special risk of widespread fire in the community and the continued degradation of City infrastructure, natural areas, and other assets; and

WHEREAS, the City has a legitimate governmental purpose in protecting public spaces from environmental and fire damage, as well as the promotion of sanitation, public health, and safety; and

WHEREAS, the City Council finds that this emergency ordinance is necessary for the

immediate preservation of public property, private property, health, safety, and welfare to mitigate the unreasonable and special risk of a widespread fire in the community and the continued degradation of public property, infrastructure, natural areas, and other public assets caused by the propagation of unauthorized encampments.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO:

Section 1. That the City Code of the City of Loveland, Colorado, is hereby amended by adding a new Chapter 9.47 entitled "Unauthorized Encampments - Penalty" which shall read as follows:

9.47.010 - Definitions.

Camp or camping or encampment means use of property for the purpose of unauthorized overnight occupancy, or to reside or dwell in a place, on public property with shelter overnight, or the use of public property for the purpose of overnight occupancy or longer occupancy. Camping does not include napping during the day or picnicking. Camp or camping or encampment can include using a vehicle for overnight occupancy, where overnight occupancy or overnight camping violates the Loveland Municipal Code, a City rule or regulation, or is not otherwise authorized by the City.

Evidence of unauthorized camps or unauthorized encampments or unauthorized camping includes, but is not limited to:

A. Sleeping, or preparing to sleep by laying out personal belongings, bedding, bedroll(s), blanket(s), sleeping pad(s), sleeping bag(s); or

B. Erecting or occupying a tent, makeshift shelter, lean-to, tarpaulin, enclosure, other structure used for human habitation, or any form of cover or protection from the elements other than clothing; or

C. Preparing for a fire, or making fire, or an active fire (except for fires at sites specifically designated or authorized by the Loveland Fire Rescue Authority), or setting up or using a camp stove, or cooking device (inclusive of fire pits, barbeques, hibachi grills, and other similar devices).

Public property means, by way of illustration, but not limited to, a highway, highway median, any street, street median, road, road median, alley, sidewalk, strips of land between streets and sidewalks, lanes, catch basins, pedestrian or transit mall, bike path, greenway, public parking lot, or any other structure or area encompassed within the public right-of-way; any park, parkway, mountain park, open space, natural area, trail, beach, playground, or other publicly owned recreation facility; a municipal watercourse, bodies of water, watercourses,

stormwater infrastructure such as, but not limited to, bridges, pipes, inlets and culverts; or any other grounds, buildings, or other facilities owned or leased by the city or by any other public entity, regardless of whether such public property is vacant or occupied and actively used for any public purpose.

Reside or dwell includes, without limitation, conducting such activities as eating, sleeping, preparing to sleep, or the storage of personal possessions.

Shelter includes, without limitation, any tent, tarpaulin, lean-to, sleeping bag, bedroll, blankets, or any form of cover or protection from the elements other than clothing.

Watercourse means a channel, natural depression, slough, artificial channel, gulch, arroyo, stream, creek, pond, reservoir, or lake into which storm runoff and flood water flows either regularly or infrequently, including major drainage ways for carrying storm runoff.

9.47.020 - Unauthorized camping on public or private property prohibited.

(1) It shall be unlawful for any person to camp on private property without the express written consent of the property owner or the owner's agent, except in any location where camping has been expressly authorized by the City.

(2) It shall be unlawful for any person to camp on any public property, except in any location where camping has been expressly authorized by the City.

(3) No law enforcement officer authorized to issue a summons and complaint under this Section 9.47.020 shall issue a summons and complaint, make an arrest, or otherwise enforce this Section 9.47.020 against a person camping on public property, unless:

A. A law enforcement officer, or another City employee, contractor, or agent, has observed evidence of an unauthorized encampment; and

B. A law enforcement officer has issued the person(s) in an encampment a verbal or written order to vacate the encampment and remove their property; and

C. The City has a shelter option available for the person ordered to vacate the encampment, the person has been offered placement in a shelter, and adequate space in a shelter has been confirmed.

(4) If a person is offered a shelter option and refuses to vacate the encampment and go to the shelter when ordered by a law enforcement officer, this person may be issued a summons and complaint, and is subject to arrest.

(5) Any person convicted of violating this section shall be subject to the penalty provisions as provided in Loveland Municipal Code Section 1.12.010(A). For a first offense, the Loveland Municipal Court Judge shall consider sentencing options focused on providing resources for the offender to find employment, housing, or other services that have a propensity to improve the life circumstances of the offender.

Section 2. That the City Code of the City of Loveland, Colorado, is hereby amended by adding a new Chapter 7.29 entitled "Civil Abatement of Unauthorized Encampments from Public Property" which shall read as follows:

7.29.010 - Definitions.

Camp or encampment means use of property for the purpose of unauthorized overnight occupancy, or to reside or dwell in a place on public property with shelter overnight, or the use of public property for the purpose of overnight occupancy or longer occupancy. Camping does not include napping during the day or picnicking. Camp or camping or encampment can include using a vehicle for overnight occupancy, where overnight occupancy or overnight camping violates the Loveland Municipal Code, a City rule or regulation, or is not otherwise authorized by the City.

City means the City of Loveland, Colorado, its departments, employees, and agents.

City Manager means the City Manager of the City of Loveland, Colorado, or any designee.

City owned property means any property owned, leased, or controlled by the City.

Contaminated property includes, but is not limited to, property that poses a threat to the health or safety to any person present, the public, or the surrounding neighborhood, which includes, but is not limited to, unsanitary clothing, unsanitary sleeping bags, unsanitary bedding, unsanitary blankets, tents not structurally sound, and temporary makeshift shelters.

Evidence of unauthorized camps or unauthorized encampments or unauthorized camping includes, but is not limited to:

A. Sleeping, or preparing to sleep by laying out personal belongings, bedding, bedroll(s), blanket(s), sleeping pad(s), sleeping bag(s); or

B. Erecting or occupying a tent, makeshift shelter, lean-to, tarpaulin, enclosure, other structure used for human habitation, or any form of cover or protection from the elements other than clothing; or

C. Preparing for a fire, or making fire, or an active fire (except for fires at sites specifically designated or authorized by the Loveland Fire Rescue Authority), or setting up or using a camp stove, or cooking device (inclusive of fire pits, barbeques, hibachi grills, and other similar devices).

Garbage means any rejected or wasted household food, offal, swill, kitchen refuse, and every refuse accumulation of animal, fruit or vegetable matter, liquid or otherwise, that attends the preparation, use, cooking and dealing in or storing of food, or meat, fish, fowl, fruit, or vegetable.

Immediate threat to the health or safety of the public means a condition, substance, or object in an unauthorized camp, which creates a risk of injury, serious injury, or death to either the occupants of the camp, city staff or agents, the surrounding neighborhood, or other members of the public. Conditions, substances, or objects that pose an immediate threat to the health or safety of the public may include, but are not limited to:

(1) Evidence of open flames, fire-starters, fires, or fire damage.
(2) Material designed or manufactured for the development of fire outdoors.
(3) Butane cylinders.
(4) Propane tanks.
(5) Hazardous material.
(6) Combustible material or kindling.
(7) Piles of trash, discarded materials, or litter.
(8) Uneaten, rotten, or discarded food.
(9) Evidence of rodent or bird infestations.
(10) Unsanitary or soiled clothing, sleeping bags, blankets, or other sleeping materials.
(11) Human waste including blood and bodily fluids.
(12) Hypodermic needles.
(13) A tent, makeshift structure, lean-to, tarpaulin, enclosure, or other shelter used for human habitation within the 100-year floodplain, within 100 feet of the edge of a watercourse, in/under stormwater infrastructure such as, but not limited to, bridges, pipes, inlets, and culverts, except in locations expressly permitted by the Loveland Public Works Department.
(14) Unsafe, not structurally sound, makeshift structures used for human habitation.
(15) Encampments that impede or interfere with stormwater maintenance.
(16) Encampments at risk of being flooded due to an imminent threat of flooding.
(17) Encampments in the path of a wildfire or in a mandatory evacuation zone.
(18) Encampment layouts that prevent emergency services access.
(19) Encampment layouts that have no adequate evacuation route.
(20) Encampments that block or interfere with public use of public facilities such as bathrooms, City maintenance facilities, youth sports facilities, and other public facilities accessed by the public as a matter of course.

(21) A violation of the International Fire Code, International Building Code, or International Electrical Code that constitutes an immediate hazard or a threat to public health or public safety.
(22) A violation of a Public Health Order or Public Health Code that constitutes an immediate threat to the health or safety of the occupants or the surrounding area.
(23) Evidence of an unauthorized connection or access to public utilities.
(24) Evidence of an unauthorized electrical connection or electrical use.
(25) Encampments that physically undermine or erode public infrastructure.

Litter means any rubbish, waste material, garbage, trash, debris, or noxious foreign substance, whether solid or liquid, of every form, size, or description, except snow and ice.

Personal property means an item that is readily apparent as belonging to an individual and has apparent value or utility in its present condition. Examples of personal property include, but not limited to, structurally sound tents, clothing, shoes, jackets, tarpaulins, sleeping bags, bedrolls, blankets, backpacks, duffel bags, assembled bicycles, tools, watches, jewelry, audio/visual equipment, medications, toiletries, eyeglasses, purses, handbags, family photographs, family memorabilia, books, and baby strollers. Personal property does not include building materials, metal, shopping carts, disassembled bicycles, makeshift shelters, rigid plastic, garbage, trash, rubbish, debris, litter, or waste.

Private property includes, but is not limited to, the following locations owned by private individuals, firms, corporations, institutions, or organizations: yards, grounds, driveways, entranceways, passageways, parking areas, working areas, storage areas, vacant lots, and recreation facilities.

Public property means, by way of illustration, but not limited to, a highway, highway median, any street, street median, road, road median, alley, sidewalk, strips of land between streets and sidewalks, lanes, catch basins, pedestrian or transit mall, bike path, greenway, public parking lot, or any other structure or area encompassed within the public right-of-way; any park, parkway, mountain park, open space, natural area, trail, beach, playground, or other publicly owned recreation facility; a municipal watercourse, bodies of water, watercourses, stormwater infrastructure such as, but not limited to, bridges, pipes, inlets and culverts; or any other grounds, buildings, or other facilities owned or leased by the City or by any other public entity, regardless of whether such public property is vacant or occupied and actively used for any public purpose.

Public right-of-way means an area of land dedicated to the public and conveyed to the City for drainage, pedestrian, utility, street lighting, landscaping, roadway, or other purposes.

Reside or dwell means and includes, without limitation, conducting such activities

as eating, sleeping, making preparation to sleep, or the storage of personal possessions.

Shelter means and includes, without limitation, a tent, tarpaulin, lean-to, sleeping bag, bedroll, blanket, or any form of cover or protection from the elements, other than clothing.

Temporary storage area means an unsecured, unmonitored area on or near an unauthorized encampment for the temporary storage of uncontaminated personal property that does not pose a threat to the public health or safety.

Trash or rubbish or debris means all accumulations of waste, refuse, rejected animal, mineral or vegetable matter, manure, ash, wastepaper, cans, bottles, broken china, sawdust, leaves, grass cuttings, shrubbery and tree trimmings, algae or growth of any vegetation that may create a slick surface for pedestrians, shavings and packing material, weeds, partially wrecked, junked, or discarded vehicles, and appliances or parts thereof which are not or cannot be used for their intended purposes, sweepings, liquid or chemical waste, or any other waste material, including construction or demolition waste, or an item that has no apparent value or utility in its present condition, contaminated property, property in an unsanitary condition, furniture, disassembled bicycles, shopping carts, and property that appears to have been discarded. The fact that property is unattended does not necessarily mean that it has been discarded.

Waste shall mean the useless, unused, unwanted, or discarded material resulting from normal community activities, or materials which by their presence may injuriously affect the health, safety, and comfort of persons and depreciate property values in the vicinity thereof.

Watercourse means a channel, natural depression, slough, artificial channel, gulch, arroyo, stream, creek, pond, reservoir, or lake into which storm runoff and flood water flows either regularly or infrequently. This includes major drainage ways for carrying storm runoff.

7.29.020 – Civil Abatement of Unauthorized Encampments.

(1) The City Manager is authorized to abate any unauthorized encampment from public property.

(2) Unauthorized encampments that pose an immediate threat to the health or safety of the public shall receive priority abatement.

(3) Unauthorized encampments, receiving priority abatement, by order of the City Manager, may be abated for any of following reasons:

a. The encampment presents an immediate threat to the health or

safety of the public.

b. City staff has reasonable, articulable, detailed evidence-based facts the encampment is being used for ongoing criminal activity.

c. City staff has reasonable, articulable, detailed evidence-based facts the encampment is being used for an ongoing personal business or activity associated with the manufacturing, repair, or development of goods or services.

d. City staff has reasonable, articulable, detailed evidence-based facts the encampment has been abandoned for seven (7) days or more.

e. There are evidence-based facts of intentional property damage caused by the occupants of the unauthorized encampment.

f. There are evidence-based facts of unauthorized use of privately-owned property or public infrastructure to physically support a structure used for human habitation, i.e., using a fence to support a lean-to structure.

g. The location of the unauthorized encampment creates any fire hazard due to proximity of the encampment to nearby grass or tree-lined areas during extreme dry conditions as determined by Loveland Fire Rescue Authority.

h. The unauthorized encampment is in a park facility, open space, natural area, or trail not specifically designated or authorized by the Director of Parks and Recreation for overnight camping.

i. The unauthorized encampment is on public property posted with "No Trespass," "No Overnight Camping," or "No Camping" signs.

j. Encampment locations that interfere with, obstruct, or prevent maintenance of public property by City employees.

(4) Evidence-based facts must be in writing and must provide an explanation of the factual basis for any decision of the City Manager to issue an order to abate an unauthorized encampment.

(5) The City will offer to store personal property, in a designated storage container at a designated storage location, for persons of abated encampments, subject to reasonable limitations as determined by the City Manager, for a period of sixty (60) days. If said persons fail to claim personal property stored by the City within sixty (60) days of the City's possession, the City may dispose of the personal property in any manner

consistent with existing law.

a. Upon receipt of clear and documented consent from an occupant of an unauthorized encampment that has been or will be abated, a temporary storage area may be utilized for personal property for no more than twenty-four (24) hours subsequent to abatement. Personal property placed in a temporary storage area in excess of twenty-four (24) hours subsequent to abatement shall be stored by the City at a designated location for a period of sixty (60) days. If said persons fail to claim personal property stored by the City within sixty (60) days of the City's possession, the City may dispose of the personal property in any manner consistent with existing law.

(6) The City Manager may promulgate and publish reasonable rules and regulations to effectuate the intent of this Chapter. Any rule or regulation must be made available to the public and the City Clerk shall maintain a copy of said rules or regulations for public inspection.

7.29.030 - Prerequisites for civil abatement of unauthorized encampments.

(1) No civil abatement shall occur unless:

a. A law enforcement officer, or another City employee, contractor, or agent, has observed evidence of an unauthorized encampment; and

b. A law enforcement officer has issued the person in an unauthorized encampment a verbal or written order to vacate the unauthorized encampment and to remove their property; and

c. The City has a shelter option available for the person ordered to vacate the camp, the person has been offered placement in a shelter, and adequate space in a shelter has been confirmed.

7.29.040 - Notice requirements.

(1) To the extent practicable, verbal notices shall be provided to all occupants present in an unauthorized encampment advising the occupants of the date and time of the abatement with an order the occupants must immediately leave the encampment and remove their property. The date of abatement may occur on the date in the notice or within the next fourteen (14) calendar days if there is not sufficient shelter available for all the occupants on the date of abatement or due to weather delays. Any occupant present in the encampment on the day of the abatement shall be advised of a shelter option and that services are available for them. Any occupant refusing to leave the unauthorized encampment will be in violation of City Code and could be

issued a criminal citation upon a positive probable cause determination conducted by a law enforcement officer under Loveland Municipal Code Section 9.47.020.

(2) To the extent practicable, written notices shall be hand-delivered to all occupants present in an unauthorized encampment advising the occupants of the date and time of the abatement with an order the occupants must immediately leave the encampment and remove their property. The date of the abatement may occur on the date in the notice or within the next fourteen (14) days if there is not sufficient shelter available for all the occupants on the date of abatement or due to weather delays. Any occupant present in the encampment on the day of the abatement shall be advised of a shelter option and that services are available for them. Any occupant refusing to leave the unauthorized encampment will be in violation of City Code and could be issued a criminal citation upon a positive probable cause determination conducted by a law enforcement officer under Loveland Municipal Code Section 9.47.020.

(3) Written notices for abatement may also be conspicuously attached to suspected unattended personal property as circumstances may require.

(4) Written notices shall be posted around the encampment at reasonable physical intervals sufficient to advise anyone entering the encampment of the intended date and time of abatement. Notice consistent with this subpart four (4) may be exclusively utilized by the City in the event occupants of an unauthorized encampment are not present or the unauthorized encampment appears to be abandoned. The City shall not repost notices if they are removed prior to abatement.

(5) All written notices shall include sufficient language conveying to persons in unauthorized encampments that stored personal property may be retrieved within sixty (60) days of abatement, at no cost, without fear of arrest, along with a phone number, address, and hours of operation of the City's designated storage facility.

(6) The City Manager shall document all applicable dates, times, and general locations of notice provided consistent with Section 7.29.030 of this Chapter. The City Manager shall also track, document, and collect relevant information pertaining to each abatement.

7.29.050 - Minimum notice period before an unauthorized encampment may be abated.

A minimum of seventy-two (72) hours' notice is required between the date written notices are provided to encampment occupants and the beginning of the abatement process. For unauthorized encampments that have been determined to be an

immediate threat to the health or safety of the public, a minimum of forty-eight (48) hours' notice is required between the date the written notices are provided to encampment occupants and the beginning of the abatement process.

Section 3. That the provisions of this Ordinance are hereby declared to be severable. If any section, paragraph, clause, or provision of this Ordinance shall, for any reason, be held to be invalid or unenforceable by a court of competent jurisdiction, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this Ordinance.

Section 4. That the City Council finds and determines that an emergency exists and that the immediate adoption of this Ordinance is necessary for the immediate preservation of public property, private property, health, safety, and welfare to adequately mitigate the unreasonable and special risk of a widespread fire in the community and the continued degradation of public property, infrastructure, natural areas, and other assets caused by the propagation of unauthorized encampments.

Section 5. That this Ordinance shall not affect any existing litigation and shall not operate as an abatement of any action or proceeding now pending under or by virtue of the ordinances amended as herein provided.

Section 6. That this Ordinance shall be in full force and effect upon final adoption and the City Clerk is directed to publish this Ordinance in full following final adoption pursuant to Charter Section 4-10.

ADOPTED this 17th day of May, 2022.

Jacki Marsh, Mayor

ATTEST:

Delynn Coldiron, City Clerk

CITY OF LOVELAND SEAL COLORADO

APPROVED AS TO FORM:

Deputy City Attorney

AN EMERGENCY ORDINANCE AMENDING THE LOVELAND MUNICIPAL CODE TO ADD A NEW CHAPTER 9.47 CONCERNING UNAUTHORIZED ENCAMPMENTS AND THE ADDITION OF A NEW CHAPTER 7.29 CONCERNING THE CIVIL ABATEMENT OF UNAUTHORIZED ENCAMPMENTS NECESSARY FOR THE IMMEDIATE PRESERVATION OF PUBLIC PROPERTY, PRIVATE PROPERTY, HEALTH, SAFETY, AND WELFARE TO MITIGATE THE UNREASONABLE RISK OF FIRE AND THE DETERIORATION OF CITY PROPERTY CAUSED BY THE PROPAGATION OF UNAUTHORIZED ENCAMPMENTS

144 S.Ct. 2202
Supreme Court of the United States.

CITY OF GRANTS PASS, OREGON, Petitioner
v.
Gloria JOHNSON, et al., on behalf of themselves and all others similarly situated

No. 23-175
|
Argued April 22, 2024
|
Decided June 28, 2024

Synopsis

Background: Individuals experiencing homelessness brought putative class action against city, challenging constitutionality of city ordinances which prohibited sleeping or camping on public property and which provided progressive consequences in form of civil fines, exclusion orders, and criminal prosecution for trespass. The United States District Court for the District of Oregon, Mark D. Clarke, United States Magistrate Judge, 2019 WL 3717800, certified class and, 2020 WL 4209227, granted partial summary judgment to individuals and issued permanent injunction prohibiting enforcement of some of the ordinances. City appealed. The United States Court of Appeals for the Ninth Circuit, Roslyn O. Silver, District Judge, sitting by designation, 72 F.4th 868, affirmed in part, vacated in part, and remanded. Certiorari was granted.

The Supreme Court, Justice Gorsuch, held that ordinances did not constitute cruel and unusual punishment when applied to individuals experiencing homelessness, even if homelessness was involuntary; abrogating *Martin v. Boise*, 920 F.3d 584; *Coalition on Homelessness v. San Francisco*, 647 F. Supp. 3d 806; *Fund for Empowerment v. Phoenix*, 646 F. Supp. 3d 1117; *Boyd v. San Rafael*, 2023 WL 7283885; *Warren v. Chico*, 2021 WL 2894648; *LA Alliance for Human Rights v. Los Angeles*, 2020 WL 2512811.

Reversed and remanded.

Chief Justice Roberts and Justices Thomas, Alito, Kavanaugh, and Barrett joined.

Justice Thomas filed concurring opinion.

Justice Sotomayor filed dissenting opinion, in which Justices Kagan and Jackson joined.

Procedural Posture(s): Petition for Writ of Certiorari; On Appeal; Motion for Permanent Injunction.

****2204** *Syllabus* *

* The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States v. Detroit Timber & Lumber Co.*, 200 U.S. 321, 337, 26 S.Ct. 282, 50 L.Ed. 499.

***520** Grants Pass, Oregon, is home to roughly 38,000 people, about 600 of whom are estimated to experience homelessness on a given day. Like many local governments across the Nation, Grants Pass has public-camping laws that restrict encampments on public property. The Grants Pass Municipal Code prohibits activities such as camping on public property or parking overnight in the city's parks. See §§ 5.61.030, 6.46.090(A)–(B). Initial violations can trigger a fine, while multiple violations can result in imprisonment. In a prior decision, *Martin* v. *Boise*, the Ninth Circuit held that the Eighth Amendment's Cruel and Unusual Punishments Clause bars cities from enforcing public-camping ordinances like these against homeless individuals whenever the number of homeless individuals in a jurisdiction exceeds the number of "practically available" shelter beds. 920 F.3d 584, 617. After *Martin*, suits against Western cities like Grants Pass proliferated.

Plaintiffs (respondents here) filed a putative class action on behalf of homeless people living in Grants Pass, claiming that the city's ordinances against public camping violated the Eighth Amendment. The district court certified the class and entered a *Martin* injunction prohibiting Grants Pass from enforcing its laws against homeless individuals in the city. App. to Pet. for Cert. 182a–183a. Applying *Martin*'s reasoning, the district court found everyone without shelter in Grants Pass was "involuntarily homeless" because the city's total homeless population outnumbered its "practically available" shelter beds. App. to Pet. for Cert. 179a, 216a. The beds at Grants Pass's charity-run shelter did not qualify as "available" in part because that shelter has rules requiring residents to abstain from smoking and to attend religious services. App. to Pet. for Cert. 179a–180a. A divided panel

 © 2025 Thomson Reuters. No claim to original U.S. Government Works.

of the Ninth Circuit affirmed the district court's *Martin* injunction in relevant part. 72 F.4th 868, 874–896. Grants Pass filed a petition for certiorari. Many States, cities, and counties from across the Ninth Circuit urged the Court to grant review to assess *Martin*.

***521** *Held*: The enforcement of generally applicable laws regulating camping on public property does not constitute "cruel and unusual punishment" prohibited by the Eighth Amendment. Pp. 2215 - 2226.

(a) The Eighth Amendment's Cruel and Unusual Punishments Clause "has always been considered, and properly so, to be directed at the method or kind of punishment" a government may "impos[e] for the violation of criminal statutes." *Powell v. Texas*, 392 U.S. 514, 531–532, 88 S.Ct. 2145, 20 L.Ed.2d 1254 (plurality opinion). It was adopted to ensure that the new Nation would never resort to certain "formerly tolerated" punishments considered "cruel" because they were calculated to " 'superad[d]' " " 'terror, pain, or disgrace,' " and considered "unusual" because, by the time of the Amendment's adoption, they had "long fallen out of use." *Bucklew v. Precythe*, 587 U.S 119, 130, 139 S.Ct. 1112, 203 L.Ed.2d 521. All that would seem to make the Eighth Amendment a poor foundation on which to rest the kind of decree the plaintiffs seek in this case and the Ninth Circuit has endorsed since *Martin*. The Cruel and Unusual Punishments Clause focuses on the question what "method or kind of punishment" a government may impose after a criminal conviction, not on the question whether a government may criminalize particular behavior in the first place. *Powell*, 392 U.S., at 531–532, 88 S.Ct. 2145.

The Court cannot say that the punishments Grants Pass imposes here qualify as cruel and unusual. The city imposes only limited fines for first-time offenders, an order temporarily barring an individual from camping in a public park for repeat offenders, and a maximum sentence of 30 days in jail for those who later violate an order. See Ore. Rev. Stat. §§ 164.245, 161.615(3). Such punishments do not qualify as cruel because they are not designed to "superad[d]" "terror, pain, or disgrace." *Bucklew*, 587 U.S., at 130, 139 S.Ct. 1112 (internal quotation marks omitted). Nor are they unusual, because similarly limited fines and jail terms have been and remain among "the usual mode[s]" for punishing criminal offenses throughout the country. *Pervear v. Commonwealth*, 5 Wall. 475, 480, 18 L.Ed. 608. Indeed, cities and States across the country have long employed similar punishments for similar offenses. Pp. 2215 - 2217.

(b) Plaintiffs do not meaningfully dispute that, on its face, the Cruel and Unusual Punishments Clause does not speak to questions like what a State may criminalize or how it may go about securing a conviction. Like the Ninth Circuit in *Martin*, plaintiffs point to *Robinson v. California*, 370 U.S. 660, 82 S.Ct. 1417, 8 L.Ed.2d 758, as a notable exception. In *Robinson*, the Court held that under the Cruel and Unusual Punishments Clause, California could not enforce a law providing that " '[n]o person shall ... be addicted to the use of narcotics.' " *Id*., at 660, n. 1, 82 S.Ct. 1417. While California could not make "the 'status' of narcotic addiction a criminal offense," *id*., at 666, 82 S.Ct. 1417, ***522** the Court emphasized that it did not mean to cast doubt on the States' "broad power" to prohibit behavior even by those, like the defendant, who suffer from addiction. *Id*., at 664, 667–668, 82 S.Ct. 1417. The problem, as the Court saw it, was that California's law made the status of being an addict a crime. *Id*., at 666–667, 82 S.Ct. 1417 The Court read the Cruel and Unusual Punishments Clause (in a way unprecedented in 1962) to impose a limit on what a State may criminalize. In dissent, Justice White lamented that the majority had embraced an "application of 'cruel and unusual punishment' so novel that" it could not possibly be "ascribe[d] to the Framers of the Constitution." 370 U.S., at 689, 82 S.Ct. 1417. The Court has not applied *Robinson* in that way since.

Whatever its persuasive force as an interpretation of the Eighth Amendment, *Robinson* cannot sustain the Ninth Circuit's *Martin* project. *Robinson* expressly recognized the "broad power" States enjoy over the substance of their criminal laws, stressing that they may criminalize knowing or intentional drug use even by those suffering from addiction. 370 U.S., at 664, 666, 82 S.Ct. 1417. The Court held that California's statute offended the Eighth Amendment only because it criminalized addiction as a status. *Ibid*.

Grants Pass's public-camping ordinances do not criminalize status. The public-camping laws prohibit actions undertaken by any person, regardless of status. It makes no difference whether the charged defendant is currently a person experiencing homelessness, a backpacker on vacation, or a student who abandons his dorm room to camp out in protest on the lawn of a municipal building. See Tr. of Oral Arg. 159. Because the public-camping laws in this case do not criminalize status, *Robinson* is not implicated. Pp. 2216 - 2219.

(c) Plaintiffs insist the Court should extend *Robinson* to prohibit the enforcement of laws that proscribe certain acts that are in some sense "involuntary," because some homeless individuals cannot help but do what the law forbids. See Brief for Respondents 24–25, 29, 32. The Ninth Circuit pursued this line of thinking below and in *Martin*, but this Court already rejected it in *Powell v. Texas*, 392 U.S. 514, 88 S.Ct. 2145, 20 L.Ed.2d 1254. In *Powell*, the Court confronted a defendant who had been convicted under a Texas statute making it a crime to " 'get drunk or be found in a state of intoxication in any public place.' " *Id*., at 517, 88 S.Ct. 2145 (plurality opinion). Like the plaintiffs here, Powell argued that his drunkenness was an " 'involuntary' " byproduct of his status as an alcoholic. *Id*., at 533, 88 S.Ct. 2145. The Court did not agree that Texas's law effectively criminalized Powell's status as an alcoholic. Writing for a plurality, Justice Marshall observed that *Robinson*'s "very small" intrusion "into the substantive criminal law" prevents States only from enforcing laws that criminalize "a mere status." *Id*., at 532–533, 88 S.Ct. 2145. It does nothing to curtail a State's ***523** authority to secure a conviction when "the accused has committed some act ... society has an interest in preventing." *Id*., at 533, 88 S.Ct. 2145. That remains true, Justice Marshall continued, even if the defendant's conduct might, "in some sense" be described as " 'involuntary' or 'occasioned by' " a particular status. *Ibid*.

This case is no different. Just as in *Powell*, plaintiffs here seek to extend *Robinson*'s rule beyond laws addressing "mere status" to laws addressing actions that, even if undertaken with the requisite *mens rea*, might "in some sense" qualify as " 'involuntary.' " And as in *Powell*, the Court can find nothing in the Eighth Amendment permitting that course. Instead, a variety of other legal doctrines and constitutional provisions work to protect those in the criminal justice system from a conviction. Pp. 2218 - 2221.

(d) *Powell* not only declined to extend *Robinson* to "involuntary" acts but also stressed the dangers of doing so. Extending *Robinson* to cover involuntary acts would, Justice Marshall observed, effectively "impe[l]" this Court "into defining" something akin to a new "insanity test in constitutional terms." *Powell*, 392 U.S., at 536, 88 S.Ct. 2145. That is because an individual like the defendant in *Powell* does not dispute that he has committed an otherwise criminal act with the requisite *mens rea*, yet he seeks to be excused from "moral accountability" because of his " 'condition.' " *Id*., at 535–536, 88 S.Ct. 2145. Instead, Justice Marshall reasoned, such matters should be left for resolution through the democratic process, and not by "freez[ing]" any particular, judicially preferred approach "into a rigid constitutional mold." *Id*., at 537, 88 S.Ct. 2145. The Court echoed that last point in *Kahler v. Kansas*, 589 U.S. 271, 140 S.Ct. 1021, 206 L.Ed.2d 312, in which the Court stressed that questions about whether an individual who committed a proscribed act with the requisite mental state should be "reliev[ed of] responsibility," *id*., at 283, 140 S.Ct. 1021, due to a lack of "moral culpability," *id*., at 286, 140 S.Ct. 1021, are generally best resolved by the people and their elected representatives.

Though doubtless well intended, the Ninth Circuit's *Martin* experiment defied these lessons. Answers to questions such as what constitutes "involuntary" homelessness or when a shelter is "practically available" cannot be found in the Cruel and Unusual Punishments Clause. Nor do federal judges enjoy any special competence to provide them. Cities across the West report that the Ninth Circuit's involuntariness test has created intolerable uncertainty for them. By extending *Robinson* beyond the narrow class of pure status crimes, the Ninth Circuit has created a right that has proven "impossible" for judges to delineate except "by fiat." *Powell*, 392 U.S., at 534, 88 S.Ct. 2145. As Justice Marshall anticipated in *Powell*, the Ninth Circuit's rules have produced confusion and they have interfered with "essential considerations of federalism," by taking from the people and their elected leaders difficult ***524** questions traditionally "thought to be the[ir] province." *Id.*, at 535–536, 88 S.Ct. 2145. Pp. 2220 - 2226.

(e) Homelessness is complex. Its causes are many. So may be the public policy responses required to address it. The question this case presents is whether the Eighth Amendment grants federal judges primary responsibility for assessing those causes and devising those responses. A handful of federal judges cannot begin to "match" the collective wisdom the American people possess in deciding "how best to handle" a pressing social question like homelessness. *Robinson*, 370 U.S., at 689, 82 S.Ct. 1417 (White, J., dissenting). The Constitution's Eighth Amendment serves many important functions, but it does not authorize federal judges to wrest those rights and responsibilities from the American people and in their place dictate this Nation's homelessness policy. P. 2226.

72 F.4th 868, reversed and remanded.

 © 2025 Thomson Reuters. No claim to original U.S. Government Works.

GORSUCH, J., delivered the opinion of the Court, in which ROBERTS, C. J., and THOMAS, ALITO, KAVANAUGH, and BARRETT, JJ., joined. THOMAS, J., filed a concurring opinion. SOTOMAYOR, J., filed a dissenting opinion, in which KAGAN and JACKSON, JJ., joined.

Attorneys and Law Firms

Theane D. Evangelis, Los Angeles, CA, for Petitioner.

Edwin S. Kneedler, Deputy Solicitor General, for the United States, as amicus curiae, supporting neither party.

Kelsi B. Corkran, Washington, DC, for Respondents.

Jonathan C. Bond, Gibson, Dunn & Crutcher LLP, Washington, D.C., Lefteri J. Christos, Gibson, Dunn & Crutcher LLP, New York, NY, Aaron P. Hisel, Capitol Legal Services, Salem, OR, Theane D. Evangelis, Counsel of Record, Bradley J. Hamburger, Samuel Eckman, Daniel R. Adler, Patrick J. Fuster, Karl H. Kaellenius, Gibson, Dunn & Crutcher LLP, Los Angeles, CA, Counsel for Petitioner.

Edward Johnson, Oregon Law Center, Portland, OR, Walter Fonseca, Oregon Justice, Resource Center, Portland, OR, Kelsi Brown Corkran, Counsel of Record, Shelby Calambokidis, Alexandra Lichtenstein, Joseph W. Mead, William Powell, Institute for Constitutional Advocacy and Protection, Georgetown University Law Center, Washington, DC, Counsel for Respondents.

Opinion

Justice GORSUCH delivered the opinion of the Court.

***525** ****2207** Many cities across the American West face a homelessness crisis. The causes are varied and complex, the appropriate public ***526** ****2208** policy responses perhaps no less so. Like many local governments, the city of Grants Pass, Oregon, has pursued a multifaceted approach. Recently, it adopted various policies aimed at "protecting the rights, dignity[,] and private property ***527** of the homeless." App. 152. It appointed a "homeless community liaison" officer charged with ensuring the homeless receive information about "assistance programs and other resources" available to them through the city and its ***528** local shelter. *Id.*, at 152–153; Brief for Grants Pass Gospel Rescue Mission as *Amicus Curiae* 2–3. And it adopted certain restrictions against encampments on public property. App. 155–156. The Ninth Circuit, however, held that the Eighth Amendment's Cruel and Unusual Punishments Clause barred that last measure. With support from States and cities across the country, Grants Pass urged this Court to review the Ninth Circuit's decision. We take up that task now.

I

A

Some suggest that homelessness may be the "defining public health and safety crisis in the western United States" today. 72 F.4th 868, 934 (CA9 2023) (Smith, J., dissenting from denial of rehearing en banc). According to the federal government, homelessness in this country has reached its highest levels since the government began reporting data on the subject in 2007. Dept. of Housing and Urban Development, Office of Community Planning & Development, T. de Sousa et al., The 2023 Annual Homeless Assessment Report (AHAR) to Congress 2–3 (2023). California alone is home to around half of those in this Nation living without shelter on a given night. *Id.*, at 30. And each of the five States with the highest rates of unsheltered homelessness in the country—California, Oregon, Hawaii, Arizona, and Nevada—lies in the American West. *Id.*, at 17.

Those experiencing homelessness may be as diverse as the Nation itself—they are young and old and belong to all races and creeds. People become homeless for a variety of reasons, too, many beyond their control. Some have been affected ***529** by economic conditions, rising housing costs, or natural disasters. *Id.*, at 37; see Brief for United States as *Amicus Curiae* 2–3. Some have been forced from their homes to escape domestic violence and other forms of exploitation. *Ibid.* And still others struggle with drug addiction and mental illness. By one estimate, perhaps 78 percent of the unsheltered suffer from mental-health issues, while 75 percent struggle with substance abuse. See J. Rountree, N. Hess, & A. Lyke, Health Conditions Among Unsheltered Adults in the U. S., Calif. Policy Lab, Policy Brief 5 (2019).

Those living without shelter often live together. L. Dunton et al., Dept. of Housing and Urban Development, Office of Policy Development & Research, Exploring Homelessness Among People Living in Encampments and Associated Cost 1 (2020) (2020 HUD Report). As the number of homeless individuals has grown, the number of homeless encampments across the country has increased as well, "in numbers not seen in almost a century." *Ibid.* The unsheltered may coalesce in these encampments for a range

 © 2025 Thomson Reuters. No claim to original U.S. Government Works.

of reasons. Some value the "freedom" encampment living provides compared with submitting to the rules shelters impose. Dept. of Housing and Urban Development, Office of Policy Development and Research, R. Cohen, W. Yetvin, & J. Khadduri, Understanding Encampments of People Experiencing Homelessness and Community Responses 5 (2019). Others report that encampments offer a "sense of community." *Id*., at 7. And still others may seek them out for ****2209** "dependable access to illegal drugs." *Ibid.* In brief, the reasons why someone will go without shelter on a given night vary widely by the person and by the day. See *ibid*.

As the number and size of these encampments have grown, so have the challenges they can pose for the homeless and others. We are told, for example, that the "exponential increase in ... encampments in recent years has resulted in an increase in crimes both against the homeless and by the homeless." Brief for California State Sheriffs' Associations ***530** et al. as *Amici Curiae* 21 (California Sheriffs Brief). California's Governor reports that encampment inhabitants face heightened risks of "sexual assault" and "subjugation to sex work." Brief for California Governor G. Newsom as *Amicus Curiae* 11 (California Governor Brief). And by one estimate, more than 40 percent of the shootings in Seattle in early 2022 were linked to homeless encampments. Brief for Washington State Association of Sheriffs and Police Chiefs as *Amicus Curiae* on Pet. for Cert. 10 (Washington Sheriffs Brief).

Other challenges have arisen as well. Some city officials indicate that encampments facilitate the distribution of drugs like heroin and fentanyl, which have claimed the lives of so many Americans in recent years. Brief for Office of the San Diego County District Attorney as *Amicus Curiae* 17–19. Without running water or proper sanitation facilities, too, diseases can sometimes spread in encampments and beyond them. Various States say that they have seen typhus, shigella, trench fever, and other diseases reemerge on their city streets. California Governor Brief 12; Brief for Idaho et al. as *Amici Curiae* 7 (States Brief).

Nor do problems like these affect everyone equally. Often, encampments are found in a city's "poorest and most vulnerable neighborhoods." Brief for City and County of San Francisco et al. as *Amici Curiae* on Pet. for Cert. 5 (San Francisco Cert. Brief); see also 2020 HUD Report 9. With encampments dotting neighborhood sidewalks, adults and children in these communities are sometimes forced to navigate around used needles, human waste, and other hazards to make their way to school, the grocery store, or work. San Francisco Cert. Brief 5; States Brief 8; California Governor Brief 11–12. Those with physical disabilities report this can pose a special challenge for them, as they may lack the mobility to maneuver safely around the encampments. San Francisco Cert. Brief 5; see also Brief for Tiana Tozer et al. as *Amici Curiae* 1–6 (Tozer Brief).

***531** Communities of all sizes are grappling with how best to address challenges like these. As they have throughout the Nation's history, charitable organizations "serve as the backbone of the emergency shelter system in this country," accounting for roughly 40 percent of the country's shelter beds for single adults on a given night. See National Alliance To End Homelessness, Faith-Based Organizations: Fundamental Partners in Ending Homelessness 1 (2017). Many private organizations, city officials, and States have worked, as well, to increase the availability of affordable housing in order to provide more permanent shelter for those in need. See Brief for Local Government Legal Center et al. as *Amici Curiae* 4, 32 (Cities Brief). But many, too, have come to the conclusion that, as they put it, "[j]ust building more shelter beds and public housing options is almost certainly not the answer by itself." *Id*., at 11.

As many cities see it, even as they have expanded shelter capacity and other public services, their unsheltered populations have continued to grow. *Id*., at 9–11. The city of Seattle, for example, reports that ****2210** roughly 60 percent of its offers of shelter have been rejected in a recent year. See *id*., at 28, and n. 26. Officials in Portland, Oregon, indicate that, between April 2022 and January 2024, over 70 percent of their approximately 3,500 offers of shelter beds to homeless individuals were declined. Brief for League of Oregon Cities et al. as *Amici Curiae* 5 (Oregon Cities Brief). Other cities tell us that "the vast majority of their homeless populations are not actively seeking shelter and refuse all services." Brief for Thirteen California Cities as *Amici Curiae* 3. Surveys cited by the Department of Justice suggest that only "25–41 percent" of "homeless encampment residents" "willingly" accept offers of shelter beds. See Dept. of Justice, Office of Community Oriented Policing Services, S. Chamard, Homeless Encampments 36 (2010).

The reasons why the unsheltered sometimes reject offers of assistance may themselves be many and complex. Some ***532** may reject shelter because accepting it would take them further from family and local ties. See Brief for 57 Social Scientists as *Amici Curiae* 20. Some may decline

 © 2025 Thomson Reuters. No claim to original U.S. Government Works.

offers of assistance because of concerns for their safety or the rules some shelters impose regarding curfews, drug use, or religious practices. *Id.*, at 22; see Cities Brief 29. Other factors may also be at play. But whatever the causes, local governments say, this dynamic significantly complicates their efforts to address the challenges of homelessness. See *id*., at 11.

Rather than focus on a single policy to meet the challenges associated with homelessness, many States and cities have pursued a range of policies and programs. See 2020 HUD Report 14–20. Beyond expanding shelter and affordable housing opportunities, some have reinvested in mental-health and substance-abuse treatment programs. See Brief for California State Association of Counties et al. as *Amici Curiae* 20, 25; see also 2020 HUD Report 23. Some have trained their employees in outreach tactics designed to improve relations between governments and the homeless they serve. *Ibid.* And still others have chosen to pair these efforts with the enforcement of laws that restrict camping in public places, like parks, streets, and sidewalks. Cities Brief 11.

Laws like those are commonplace. By one count, "a majority of cities have laws restricting camping in public spaces," and nearly forty percent "have one or more laws prohibiting camping citywide." See Brief for Western Regional Advocacy Project as *Amicus Curiae* 7, n. 15 (emphasis deleted). Some have argued that the enforcement of these laws can create a "revolving door that circulates individuals experiencing homelessness from the street to the criminal justice system and back." U. S. Interagency Council on Homelessness, Searching Out Solutions 6 (2012). But many cities take a different view. According to the National League of Cities (a group that represents more than 19,000 ***533** American cities and towns), the National Association of Counties (which represents the Nation's 3,069 counties) and others across the American West, these public-camping regulations are not usually deployed as a front-line response "to criminalize homelessness." Cities Brief 11. Instead, they are used to provide city employees with the legal authority to address "encampments that pose significant health and safety risks" and to encourage their inhabitants to accept other alternatives like shelters, drug treatment programs, and mental-health facilities. *Ibid.*

Cities are not alone in pursuing this approach. The federal government also restricts "the storage of ... sleeping bags," as well as other "sleeping activities," on park lands. 36 C.F.R. §§ 7.96(i), (j)(1) (2023). And it, too, has exercised that authority ****2211** to clear certain "dangerous" encampments. National Park Service, Record of Determination for Clearing the Unsheltered Encampment at McPherson Square and Temporary Park Closure for Rehabilitation (Feb. 13, 2023).

Different governments may use these laws in different ways and to varying degrees. See Cities Brief 11. But many broadly agree that "policymakers need access to the full panoply of tools in the policy toolbox" to "tackle the complicated issues of housing and homelessness." California Governor Brief 16; accord, Cities Brief 11; Oregon Cities Brief 17.

B

Five years ago, the U. S. Court of Appeals for the Ninth Circuit took one of those tools off the table. In *Martin v. Boise*, 920 F.3d 584 (2019), that court considered a public-camping ordinance in Boise, Idaho, that made it a misdemeanor to use "streets, sidewalks, parks, or public places" for "camping." *Id*., at 603 (internal quotation marks omitted). According to the Ninth Circuit, the Eighth Amendment's Cruel and Unusual Punishments Clause barred Boise from enforcing its public-camping ordinance against homeless individuals who lacked "access to alternative shelter." ***534** *Id.*, at 615. That "access" was lacking, the court said, whenever " 'there is a greater number of homeless individuals in a jurisdiction than the number of available beds in shelters.' " *Id.*, at 617 (alterations omitted). According to the Ninth Circuit, nearly three quarters of Boise's shelter beds were not "practically available" because the city's charitable shelters had a "religious atmosphere." *Id*., at 609–610, 618. Boise was thus enjoined from enforcing its camping laws against the plaintiffs. *Ibid.*

No other circuit has followed *Martin*'s lead with respect to public-camping laws. Nor did the decision go unremarked within the Ninth Circuit. When the full court denied rehearing en banc, several judges wrote separately to note their dissent. In one statement, Judge Bennett argued that *Martin* was inconsistent with the Cruel and Unusual Punishments Clause. That provision, Judge Bennett contended, prohibits certain methods of punishment a government may impose after a criminal conviction, but it does not "impose [any] substantive limits on what conduct a state may criminalize." 920 F.3d, at 599–602. In another statement, Judge Smith lamented that *Martin* had "shackle[d] the hands of public officials trying to redress the serious societal concern of homelessness." *Id*., at

 © 2025 Thomson Reuters. No claim to original U.S. Government Works.

590. He predicted the decision would "wrea[k] havoc on local governments, residents, and businesses" across the American West. *Ibid.*

After *Martin*, similar suits proliferated against Western cities within the Ninth Circuit. As Judge Smith put it, "[i]f one picks up a map of the western United States and points to a city that appears on it, there is a good chance that city has already faced" a judicial injunction based on *Martin* or the threat of one "in the few short years since [the Ninth Circuit] initiated its *Martin* experiment." 72 F.4th, at 940; see, *e.g.*, *Boyd v. San Rafael*, 2023 WL 7283885, *1–*2 (ND Cal., Nov. 2, 2023); *Fund for Empowerment v. Phoenix*, 646 F.Supp.3d 1117, 1132 (D Ariz. 2022); *Warren v. Chico*, 2021 WL 2894648, *3 (ED Cal., July 8, 2021).

***535** Consider San Francisco, where each night thousands sleep "in tents and other makeshift structures." Brief for City and County of San Francisco et al. as *Amici Curiae* 8 (San Francisco Brief). Applying *Martin*, a district court entered an injunction barring the city from enforcing "laws and ordinances to prohibit involuntarily homeless individuals from sitting, lying, or ****2212** sleeping on public property." *Coalition on Homelessness v. San Francisco*, 647 F.Supp.3d 806, 841 (ND Cal. 2022). That "misapplication of this Court's Eighth Amendment precedents," the Mayor tells us, has "severely constrained San Francisco's ability to address the homelessness crisis." San Francisco Brief 7. The city "uses enforcement of its laws prohibiting camping" not to criminalize homelessness, but "as one important tool among others to encourage individuals experiencing homelessness to accept services and to help ensure safe and accessible sidewalks and public spaces." *Id.*, at 7–8. Judicial intervention restricting the use of that tool, the Mayor continues, "has led to painful results on the streets and in neighborhoods." *Id.*, at 8. "San Francisco has seen over half of its offers of shelter and services rejected by unhoused individuals, who often cite" the *Martin* order against the city "as their justification to permanently occupy and block public sidewalks." *Id.*, at 8–9.

An exceptionally large number of cities and States have filed briefs in this Court reporting experiences like San Francisco's. In the judgment of many of them, the Ninth Circuit has inappropriately "limit[ed] the tools available to local governments for tackling [what is a] complex and difficult human issue." Oregon Cities Brief 2. The threat of *Martin* injunctions, they say, has "paralyze[d]" even commonsense and good-faith efforts at addressing homelessness. Brief for City of Phoenix et al. as *Amici Curiae* 36 (Phoenix Brief). The Ninth Circuit's intervention, they insist, has prevented local governments from pursuing "effective solutions to this humanitarian crisis while simultaneously protecting ***536** the remaining community's right to safely enjoy public spaces." Brief for International Municipal Lawyers Association et al. as *Amici Curiae* on Pet. for Cert. 27 (Cities Cert. Brief); States Brief 11 ("State and local governments in the Ninth Circuit have attempted a variety of solutions to address the problems that public encampments inflict on their communities," only to have those "efforts ... shut down by federal courts").

Many cities further report that, rather than help alleviate the homelessness crisis, *Martin* injunctions have inadvertently contributed to it. The numbers of "[u]nsheltered homelessness," they represent, have "increased dramatically in the Ninth Circuit since *Martin*." Brief for League of Oregon Cities et al. as *Amici Curiae* on Pet. for Cert. 7 (boldface and capitalization deleted). And, they say, *Martin* injunctions have contributed to this trend by "weaken[ing]" the ability of public officials "to persuade persons experiencing homelessness to accept shelter beds and [other] services." Brief for Ten California Cities as *Amici Curiae* on Pet. for Cert. 2. In Portland, for example, residents report some unsheltered persons "often return within days" of an encampment's clearing, on the understanding that "*Martin* ... and its progeny prohibit the [c]ity from implementing more efficacious strategies." Tozer Brief 5; Washington Sheriffs Brief 14 (*Martin* divests officers of the "ability to compel [unsheltered] persons to leave encampments and obtain necessary services"). In short, they say, *Martin* "make[s] solving this crisis harder." Cities Cert. Brief 3.

All acknowledge "[h]omelessness is a complex and serious social issue that cries out for effective ... responses." *Ibid.* But many States and cities believe "it is crucial" for local governments to "have the latitude" to experiment and find effective responses. *Id.*, at 27; States Brief 13–17. "Injunctions and the threat of federal litigation," they insist, "impede this democratic process," undermine local governments, ***537** and do not well serve the homeless ****2213** or others who live in the Ninth Circuit. Cities Cert. Brief 27–28.

C

The case before us arises from a *Martin* injunction issued against the city of Grants Pass. Located on the banks of the

 © 2025 Thomson Reuters. No claim to original U.S. Government Works.

Rogue River in southwestern Oregon, the city is home to roughly 38,000 people. Among them are an estimated 600 individuals who experience homelessness on a given day. 72 F.4th, at 874; App. to Pet. for Cert. 167a–168a; 212a–213a.

Like many American cities, Grants Pass has laws restricting camping in public spaces. Three are relevant here. The first prohibits sleeping "on public sidewalks, streets, or alleyways." Grants Pass Municipal Code § 5.61.020(A) (2023); App. to Pet. for Cert. 221a. The second prohibits "[c]amping" on public property. § 5.61.030; App. to Pet. for Cert. 222a (boldface deleted). Camping is defined as "set[ting] up ... or remain[ing] in or at a campsite," and a "[c]ampsite" is defined as "any place where bedding, sleeping bag[s], or other material used for bedding purposes, or any stove or fire is placed ... for the purpose of maintaining a temporary place to live." §§ 5.61.010(A)–(B); App. to Pet. for Cert. 221a. The third prohibits "[c]amping" and "[o]vernight parking" in the city's parks. §§ 6.46.090(A)–(B); 72 F.4th, at 876. Penalties for violating these ordinances escalate stepwise. An initial violation may trigger a fine. §§ 1.36.010(I)–(J). Those who receive multiple citations may be subject to an order barring them from city parks for 30 days. § 6.46.350; App. to Pet. for Cert. 174a. And, in turn, violations of those orders can constitute criminal trespass, punishable by a maximum of 30 days in prison and a $1,250 fine. Ore. Rev. Stat. §§ 164.245, 161.615(3), 161.635(1)(c) (2023).

Neither of the named plaintiffs before us has been subjected to an order barring them from city property or to ***538** criminal trespass charges. Perhaps that is because the city has traditionally taken a light-touch approach to enforcement. The city's officers are directed "to provide law enforcement services to all members of the community while protecting the rights, dignity[,] and private property of the homeless." App. 152, Grants Pass Dept. of Public Safety Policy Manual ¶428.1.1 (Dec. 17, 2018). Officers are instructed that "[h]omelessness is not a crime." *Ibid.* And they are "encouraged" to render "aid" and "support" to the homeless whenever possible. *Id.*, at 153, ¶428.3. [1]

1 The dissent cites minutes from a community roundtable meeting to suggest that officials in Grants Pass harbored only punitive motives when adopting their camping ban. *Post*, at 2234 - 2235 (opinion of SOTOMAYOR, J.). But the dissent tells at best half the story about that meeting. In his opening remarks, the Mayor stressed that the city's goal was to "find a balance between providing the help [homeless] people need and not enabling ... aggressive negative behavior" some community members had experienced. App. 112. And, by all accounts, the "purpose" of the meeting was to "develo[p] strategies to ... connect [homeless] people to services." *Ibid.* The city manager and others explained that the city was dealing with problems of "harassment" and "defecation in public places" by those who seemingly "do not want to receive services." *Id.*, at 113, 118–120. At the same time, they celebrated "the strong commitment" from "faith-based entities" and a "huge number of people" in the city, who have "come together for projects" to support the homeless, including by securing "funding for a sobering center." *Id.*, at 115, 123.

Still, shortly after the panel decision in *Martin*, two homeless individuals, Gloria Johnson and John Logan, filed suit challenging the city's public-camping laws. App. 37, Third Amended Complaint ¶¶6–7. They claimed, among other things, that the city's ordinances violated the Eighth Amendment's Cruel and Unusual Punishments Clause. *Id.*, at 51, ¶66. And they ****2214** sought to pursue their claim on behalf of a class encompassing "all involuntarily homeless people living in Grants Pass." *Id.*, at 48, ¶52. [2]

2 Another named plaintiff, Debra Blake, passed away while this case was pending in the Ninth Circuit, and her claims are not before us. 72 F.4th 868, 880, n. 12 (2023). Before us, the city does not dispute that the remaining named plaintiffs face a credible threat of sanctions under its ordinances.

***539** The district court certified the class action and enjoined the city from enforcing its public-camping laws against the homeless. While Ms. Johnson and Mr. Logan generally sleep in their vehicles, the court held, they could adequately represent the class, for sleeping in a vehicle can sometimes count as unlawful " 'camping' " under the relevant ordinances. App. to Pet. for Cert. 219a (quoting Grants Pass Municipal Code § 5.61.010). And, the court found, everyone without shelter in Grants Pass was "involuntarily homeless" because the city's total homeless population outnumbered its " 'practically available' " shelter beds. App. to Pet. for Cert. 179a, 216a. In fact, the court ruled, none of the beds at Grants Pass's charity-run shelter qualified as "available." They did not, the court said, both because that shelter offers something closer to transitional housing than "temporary emergency shelter," and because the shelter has rules requiring residents

to abstain from smoking and attend religious services. *Id*., at 179a–180a. The Eighth Amendment, the district court thus concluded, prohibited Grants Pass from enforcing its laws against homeless individuals in the city. *Id*., at 182a–183a.

A divided panel of the Ninth Circuit affirmed in relevant part. 72 F.4th, at 874–896. The majority agreed with the district court that all unsheltered individuals in Grants Pass qualify as "involuntarily homeless" because the city's homeless population exceeds "available" shelter beds. *Id.*, at 894. And the majority further agreed that, under *Martin*, the homeless there cannot be punished for camping with "rudimentary forms of protection from the elements." 72 F.4th, at 896. In dissent, Judge Collins questioned *Martin*'s consistency with the Eighth Amendment and lamented its "dire practical consequences" for the city and others like it. 72 F.4th, at 914 (internal quotation marks omitted).

***540** The city sought rehearing en banc, which the court denied over the objection of 17 judges who joined five separate opinions. *Id*., at 869, 924–945. Judge O'Scannlain, joined by 14 judges, criticized *Martin*'s "jurisprudential experiment" as "egregiously flawed and deeply damaging —at war with constitutional text, history, and tradition." 72 F.4th, at 925, 926, n. 2. Judge Bress, joined by 11 judges, contended that *Martin* has "add[ed] enormous and unjustified complication to an already extremely complicated set of circumstances." 72 F.4th, at 945. And Judge Smith, joined by several others, described in painstaking detail the ways in which, in his view, *Martin* had thwarted good-faith attempts by cities across the West, from Phoenix to Sacramento, to address homelessness. 72 F.4th, at 934, 940–943.

Grants Pass filed a petition for certiorari. A large number of States, cities, and counties from across the Ninth Circuit and the country joined Grants Pass in urging the Court to grant review to assess the *Martin* experiment. See Part I–B, *supra*. We agreed to do so. 601 U. S. ——, 144 S.Ct. 679, 217 L.Ed.2d 341 (2024). [3]

3 Supporters of Grants Pass's petition for certiorari included: The cities of Albuquerque, Anchorage, Chico, Chino, Colorado Springs, Fillmore, Garden Grove, Glendora, Henderson, Honolulu, Huntington Beach, Las Vegas, Los Angeles, Milwaukee, Murrieta, Newport Beach, Orange, Phoenix, Placentia, Portland, Providence, Redondo Beach, Roseville, Saint Paul, San Clemente, San Diego, San Francisco, San Juan Capistrano, Seattle, Spokane, Tacoma, and Westminster; the National League of Cities, representing more than 19,000 American cities and towns; the League of California Cities, representing 477 California cities; the League of Oregon Cities, representing Oregon's 241 cities; the Association of Idaho Cities, representing Idaho's 199 cities; the League of Arizona Cities and Towns, representing all 91 incorporated Arizona municipalities; the North Dakota League of Cities, comprising 355 cities; the Counties of Honolulu, San Bernardino, San Francisco, and Orange; the National Association of Counties, which represents the Nation's 3,069 counties; the California State Association of Counties, representing California's 58 counties; the Special Districts Association of Oregon, representing all of Oregon's special districts; the Washington State Association of Municipal Attorneys, a nonprofit corporation comprising attorneys representing Washington's 281 cities and towns; the International Municipal Lawyers Association, the largest association of attorneys representing municipalities, counties, and special districts across the country; the District Attorneys of Sacramento and San Diego Counties, the California State Sheriffs' Association, the California Police Chiefs Association, and the Washington State Association of Sheriffs and Police Chiefs; California Governor Gavin Newsom and San Francisco Mayor London Breed; and a group of 20 States: Alabama, Alaska, Arkansas, Florida, Idaho, Indiana, Kansas, Louisiana, Mississippi, Missouri, Montana, Nebraska, North Dakota, Oklahoma, South Carolina, South Dakota, Texas, Utah, Virginia, and West Virginia.

***541** ****2215** II

A

The Constitution and its Amendments impose a number of limits on what governments in this country may declare to be criminal behavior and how they may go about enforcing their criminal laws. Familiarly, the First Amendment prohibits governments from using their criminal laws to abridge the rights to speak, worship, assemble, petition, and exercise the freedom of the press. The Equal Protection Clause of the Fourteenth Amendment prevents governments from adopting

laws that invidiously discriminate between persons. The Due Process Clauses of the Fifth and Fourteenth Amendments ensure that officials may not displace certain rules associated with criminal liability that are "so old and venerable," " 'so rooted in the traditions and conscience of our people[,] as to be ranked as fundamental.' " *Kahler v. Kansas*, 589 U.S. 271, 279, 140 S.Ct. 1021, 206 L.Ed.2d 312 (2020) (quoting *Leland v. Oregon*, 343 U.S. 790, 798, 72 S.Ct. 1002, 96 L.Ed. 1302 (1952)). The Fifth and Sixth Amendments require prosecutors and courts to observe various procedures before denying any person of his liberty, promising for example that every person enjoys the right to confront his accusers and have serious criminal charges resolved by a jury of his peers. One could go on.

But if many other constitutional provisions address what a government may criminalize and how it may go about securing a conviction, the Eighth Amendment's prohibition ***542** against "cruel and unusual punishments" focuses on what happens next. That Clause "has always been considered, and properly so, to be directed at the method or kind of punishment" a government may "impos[e] for the violation of criminal statutes." *Powell v. Texas*, 392 U.S. 514, 531–532, 88 S.Ct. 2145, 20 L.Ed.2d 1254 (1968) (plurality opinion).

We have previously discussed the Clause's origins and meaning. In the 18th century, English law still "formally tolerated" certain barbaric punishments like "disemboweling, quartering, public dissection, and burning alive," even though those practices had by then "fallen into disuse." *Bucklew v. Precythe*, 587 U.S. 119, 130, 139 S.Ct. 1112, 203 L.Ed.2d 521 (2019) (citing 4 W. Blackstone, Commentaries on the Laws ****2216** of England 370 (1769) (Blackstone)). The Cruel and Unusual Punishments Clause was adopted to ensure that the new Nation would never resort to any of those punishments or others like them. Punishments like those were "cruel" because they were calculated to " 'superad[d]' " " 'terror, pain, or disgrace.' " 587 U.S., at 130, 139 S.Ct. 1112 (quoting 4 Blackstone 370). And they were "unusual" because, by the time of the Amendment's adoption, they had "long fallen out of use." 587 U.S., at 130, 139 S.Ct. 1112. Perhaps some of those who framed our Constitution thought, as Justice Story did, that a guarantee against those kinds of "atrocious" punishments would prove "unnecessary" because no "free government" would ever employ anything like them. 3 J. Story, Commentaries on the Constitution of the United States § 1896, p. 750 (1833). But in adopting the Eighth Amendment, the framers took no chances.

All that would seem to make the Eighth Amendment a poor foundation on which to rest the kind of decree the plaintiffs seek in this case and the Ninth Circuit has endorsed since *Martin*. The Cruel and Unusual Punishments Clause focuses on the question what "method or kind of punishment" a government may impose after a criminal conviction, not on the question whether a government may criminalize particular behavior in the first place or how it may go about securing ***543** a conviction for that offense. *Powell*, 392 U.S., at 531–532, 88 S.Ct. 2145. To the extent the Constitution speaks to those other matters, it does so, as we have seen, in other provisions.

Nor, focusing on the criminal punishments Grant Pass imposes, can we say they qualify as cruel and unusual. Recall that, under the city's ordinances, an initial offense may trigger a civil fine. Repeat offenses may trigger an order temporarily barring an individual from camping in a public park. Only those who later violate an order like that may face a criminal punishment of up to 30 days in jail and a larger fine. See Part I–C, *supra*. None of the city's sanctions qualifies as cruel because none is designed to "superad[d]" "terror, pain, or disgrace." *Bucklew*, 587 U.S., at 130, 139 S.Ct. 1112 (internal quotation marks omitted). Nor are the city's sanctions unusual, because similar punishments have been and remain among "the usual mode[s]" for punishing offenses throughout the country. *Pervear v. Commonwealth*, 5 Wall. 475, 480, 18 L.Ed. 608 (1867); see 4 Blackstone 371–372; *Timbs v. Indiana*, 586 U.S. 146, 165, 139 S.Ct. 682, 203 L.Ed.2d 11 (2019) (Thomas J., concurring in judgment) (describing fines as " 'the drudge-horse of criminal justice, probably the most common form of punishment' " (some internal quotation marks omitted)). In fact, large numbers of cities and States across the country have long employed, and today employ, similar punishments for similar offenses. See Part I–A, *supra*; Brief for Professor John F. Stinneford as *Amicus Curiae* 7–13 (collecting historical and contemporary examples). Notably, neither the plaintiffs nor the dissent meaningfully contests any of this. See Brief for Respondents 40. [4]

4 This Court has never held that the Cruel and Unusual Punishments Clause extends beyond criminal punishments to civil fines and orders, see *Ingraham v. Wright*, 430 U.S. 651, 666–668, 97 S.Ct. 1401, 51 L.Ed.2d 711 (1977), nor does this case present any occasion to do so for none of the city's sanctions defy the Clause.

 © 2025 Thomson Reuters. No claim to original U.S. Government Works.

B

Instead, the plaintiffs and the dissent pursue an entirely different theory. They do not question that, by its terms, ***544** the Cruel and Unusual Punishments Clause ****2217** speaks to the question what punishments may follow a criminal conviction, not to antecedent questions like what a State may criminalize or how it may go about securing a conviction. Yet, echoing the Ninth Circuit in *Martin*, they insist one notable exception exists.

In *Robinson v. California*, 370 U.S. 660, 82 S.Ct. 1417, 8 L.Ed.2d 758 (1962), the plaintiffs and the dissent observe, this Court addressed a challenge to a criminal conviction under a California statute providing that " '[n]o person shall ... be addicted to the use of narcotics.' " *Ibid*., n. 1. In response to that challenge, the Court invoked the Cruel and Unusual Punishments Clause to hold that California could not enforce its law making "the 'status' of narcotic addiction a criminal offense." *Id*., at 666, 82 S.Ct. 1417. The Court recognized that "imprisonment for ninety days is not, in the abstract, a punishment which is either cruel or unusual." *Id*., at 667, 82 S.Ct. 1417. But, the Court reasoned, when punishing " 'status,' " "[e]ven one day in prison would be ... cruel and unusual." *Id*., at 666–667, 82 S.Ct. 1417.

In doing so, the Court stressed the limits of its decision. It would have ruled differently, the Court said, if California had sought to convict the defendant for, say, the knowing or intentional "use of narcotics, for their purchase, sale, or possession, or for antisocial or disorderly behavior resulting from their administration." *Id*., at 666, 82 S.Ct. 1417. In fact, the Court took pains to emphasize that it did not mean to cast doubt on the States' "broad power" to prohibit behavior like that, even by those, like the defendant, who suffered from addiction. *Id.*, at 664, 667–668, 82 S.Ct. 1417. The only problem, as the Court saw it, was that California's law did not operate that way. Instead, it made the mere status of being an addict a crime. *Id*., at 666–667, 82 S.Ct. 1417. And it was that feature of the law, the Court held, that went too far.

Reaching that conclusion under the banner of the Eighth Amendment may have come as a surprise to the litigants. Mr. Robinson challenged his conviction principally on the ***545** ground that it offended the Fourteenth Amendment's guarantee of due process of law. As he saw it, California's law violated due process because it purported to make unlawful a "status" rather than the commission of any "volitional act." See Brief for Appellant in *Robinson* v. *California*, O. T. 1961, No. 61–554, p. 13 (Robinson Brief).

That framing may have made some sense. Our due process jurisprudence has long taken guidance from the "settled usage[s] ... in England and in this country." *Hurtado v. California*, 110 U.S. 516, 528, 4 S.Ct. 292, 28 L.Ed. 232 (1884); see also *Kahler*, 589 U.S., at 279, 140 S.Ct. 1021. And, historically, crimes in England and this country have usually required proof of some act (or *actus reus*) undertaken with some measure of volition (*mens rea*). At common law, "a complete crime" generally required "both a will and an act." 4 Blackstone 21. This view "took deep and early root in American soil" where, to this day, a crime ordinarily arises "only from concurrence of an evil-meaning mind with an evil-doing hand." *Morissette v. United States*, 342 U.S. 246, 251–252, 72 S.Ct. 240, 96 L.Ed. 288 (1952). Measured against these standards, California's law was an anomaly, as it required proof of neither of those things.

Mr. Robinson's resort to the Eighth Amendment was comparatively brief. He referenced it only in passing, and only for the proposition that forcing a drug addict like himself to go " 'cold turkey' " in a jail cell after conviction entailed such "intense mental and physical torment" that it was akin to "the burning of witches at the ****2218** stake." Robinson Brief 30. The State responded to that argument with barely a paragraph of analysis, Brief for Appellee in *Robinson* v. *California*, O. T. 1961, No. 61–554, pp. 22–23, and it received virtually no attention at oral argument. By almost every indication, then, *Robinson* was set to be a case about the scope of the Due Process Clause, or perhaps an Eighth Amendment case about whether forcing an addict to withdraw from drugs after conviction qualified as cruel and unusual punishment.

***546** Of course, the case turned out differently. Bypassing Mr. Robinson's primary Due Process Clause argument, the Court charted its own course, reading the Cruel and Unusual Punishments Clause to impose a limit not just on what punishments may follow a criminal conviction but what a State may criminalize to begin with. It was a view unprecedented in the history of the Court before 1962. In dissent, Justice White lamented that the majority had embraced an "application of 'cruel and unusual punishment' so novel that" it could not possibly be "ascribe[d] to the Framers of the Constitution." 370 U.S., at 689, 82 S.Ct. 1417. Nor, in the 62 years since *Robinson*, has this Court once invoked it as authority to decline the enforcement of any criminal law, leaving the Eighth Amendment instead to

perform its traditional function of addressing the punishments that follow a criminal conviction.

Still, no one has asked us to reconsider *Robinson*. Nor do we see any need to do so today. Whatever its persuasive force as an interpretation of the Eighth Amendment, it cannot sustain the Ninth Circuit's course since *Martin*. In *Robinson*, the Court expressly recognized the "broad power" States enjoy over the substance of their criminal laws, stressing that they may criminalize knowing or intentional drug use even by those suffering from addiction. 370 U.S., at 664, 666, 82 S.Ct. 1417. The Court held only that a State may not criminalize the " 'status' " of being an addict. *Id*., at 666, 82 S.Ct. 1417. In criminalizing a mere status, *Robinson* stressed, California had taken a historically anomalous approach toward criminal liability. One, in fact, this Court has not encountered since *Robinson* itself.

Public camping ordinances like those before us are nothing like the law at issue in *Robinson*. Rather than criminalize mere status, Grants Pass forbids actions like "occupy[ing] a campsite" on public property "for the purpose of maintaining a temporary place to live." Grants Pass Municipal Code §§ 5.61.030, 5.61.010; App. to Pet. for Cert. 221a–222a. Under the city's laws, it makes no difference whether the ***547** charged defendant is homeless, a backpacker on vacation passing through town, or a student who abandons his dorm room to camp out in protest on the lawn of a municipal building. See Part I–C, *supra*; *Blake* v. *Grants Pass*, No. 1:18–cv–01823 (D Ore.), ECF Doc. 63–4, pp. 2, 16; Tr. of Oral Arg. 159. In that respect, the city's laws parallel those found in countless jurisdictions across the country. See Part I–A, *supra*. And because laws like these do not criminalize mere status, *Robinson* is not implicated. [5]

5 At times, the dissent seems to suggest, mistakenly, that laws like Grants Pass's apply only to the homeless. See *post*, at 2234 - 2235. That view finds no support in the laws before us. Perhaps the dissent means to suggest that some cities selectively "enforce" their public-camping laws only against homeless persons. See *post*, at 2236 - 2238. But if that's the dissent's theory, it is not one that arises under the Eighth Amendment's Cruel and Unusual Punishments Clause. Instead, if anything, it may implicate due process and our precedents regarding selective prosecution. See, *e.g., United States v. Armstrong*, 517 U.S. 456, 116 S.Ct. 1480, 134 L.Ed.2d 687 (1996). No claim like that is before us in this case.

****2219** C

If *Robinson* does not control this case, the plaintiffs and the dissent argue, we should extend it so that it does. Perhaps a person does not violate ordinances like Grants Pass's simply by being homeless but only by engaging in certain acts (*actus rei*) with certain mental states (*mentes reae*). Still, the plaintiffs and the dissent insist, laws like these seek to regulate actions that are in some sense "involuntary," for some homeless persons cannot help but do what the law forbids. See Brief for Respondents 24–25, 29, 32; *post*, at 2236 - 2237 (opinion of SOTOMAYOR, J.). And, the plaintiffs and the dissent continue, we should extend *Robinson* to prohibit the enforcement of laws that operate this way—laws that don't proscribe status as such but that proscribe acts, even acts undertaken with some required mental state, the defendant cannot help but undertake. *Post*, at 2236 - 2237. To rule otherwise, the argument goes, would " 'effectively' " allow cities to ***548** punish a person because of his status. *Post*, at 2241. The Ninth Circuit pursued just this line of thinking below and in *Martin*.

The problem is, this Court has already rejected that view. In *Powell v. Texas*, 392 U.S. 514, 88 S.Ct. 2145, 20 L.Ed.2d 1254 (1968), the Court confronted a defendant who had been convicted under a Texas statute making it a crime to " 'get drunk or be found in a state of intoxication in any public place.' " *Id*., at 517, 88 S.Ct. 2145 (plurality opinion). Like the plaintiffs here, Mr. Powell argued that his drunkenness was an " 'involuntary' " byproduct of his status as an alcoholic. *Id*., at 533, 88 S.Ct. 2145. Yes, the statute required proof of an act (becoming drunk or intoxicated and then proceeding into public), and perhaps some associated mental state (for presumably the defendant knew he was drinking and maybe even knew he made his way to a public place). Still, Mr. Powell contended, Texas's law effectively criminalized his status as an alcoholic because he could not help but doing as he did. *Ibid.* Justice Fortas embraced that view, but only in dissent: He would have extended *Robinson* to cover conduct that flows from any "condition [the defendant] is powerless to change." 392 U.S., at 567, 88 S.Ct. 2145 (Fortas, J., dissenting).

The Court did not agree. Writing for a plurality, Justice Marshall observed that *Robinson* had authorized "a very small" intrusion by courts "into the substantive criminal law"

"under the aegis of the Cruel and Unusual Punishment[s] Clause." 392 U.S., at 533, 88 S.Ct. 2145. That small intrusion, Justice Marshall said, prevents States only from enforcing laws that criminalize "a mere status." *Id.*, at 532, 88 S.Ct. 2145. It does nothing to curtail a State's authority to secure a conviction when "the accused has committed some act ... society has an interest in preventing." *Id*., at 533, 88 S.Ct. 2145. That remains true, Justice Marshall continued, regardless whether the defendant's act "in some sense" might be described as " '*involuntary*' *or* '*occasioned by*' " a particular status. *Ibid.* (emphasis added). In this, Justice Marshall echoed *Robinson* itself, ***549** where the Court emphasized that California remained free to criminalize intentional or knowing drug use even by addicts whose conduct, too, in some sense could be considered involuntary. See *Robinson*, 370 U.S., at 664, 666, 82 S.Ct. 1417. Based on all this, Justice Marshall concluded, because the defendant before the Court had not been convicted "for being" an "alcoholic, but for [engaging in the act of] being in public while drunk on a particular occasion," *Robinson* did not apply. *Powell*, 392 U.S., at 532, 88 S.Ct. 2145. [6]

6 Justice White, who cast the fifth vote upholding the conviction, concurred in the result. Writing only for himself, Justice White expressed some sympathy for Justice Fortas's theory, but ultimately deemed that "novel construction" of the Eighth Amendment "unnecessary to pursue" because the defendant hadn't proven that his alcoholism made him "unable to stay off the streets on the night in question." 392 U.S., at 552, n. 4, 553–554, 88 S.Ct. 2145 (White, J., concurring in result). In *Martin*, the Ninth Circuit suggested Justice White's solo concurrence somehow rendered the *Powell* dissent controlling and the plurality a dissent. See *Martin v. Boise*, 920 F.3d 584, 616–617 (2019). Before us, neither the plaintiffs nor the dissent defend that theory, and for good reason: In the years since *Powell*, this Court has repeatedly relied on Justice Marshall's opinion, as we do today. See, *e.g.*, *Kahler v. Kansas*, 589 U.S. 271, 280, 140 S.Ct. 1021, 206 L.Ed.2d 312 (2020); *Clark v. Arizona*, 548 U.S. 735, 768, n. 38, 126 S.Ct. 2709, 165 L.Ed.2d 842 (2006); *Jones v. United States*, 463 U.S. 354, 365, n. 13, 103 S.Ct. 3043, 77 L.Ed.2d 694 (1983).

****2220** This case is no different from *Powell.* Just as there, the plaintiffs here seek to expand *Robinson*'s "small" intrusion "into the substantive criminal law." Just as there, the plaintiffs here seek to extend its rule beyond laws addressing "mere status" to laws addressing actions that, even if undertaken with the requisite *mens rea*, might "in some sense" qualify as " 'involuntary.' " And just as *Powell* could find nothing in the Eighth Amendment permitting that course, neither can we. As we have seen, *Robinson* already sits uneasily with the Amendment's terms, original meaning, and our precedents. Its holding is restricted to laws that criminalize "mere status." Nothing in the decision called into question the "broad power" of States to regulate acts undertaken with some *mens rea*. And, just as in *Powell*, we discern ***550** nothing in the Eighth Amendment that might provide us with lawful authority to extend *Robinson* beyond its narrow holding.

To be sure, and once more, a variety of other legal doctrines and constitutional provisions work to protect those in our criminal justice system from a conviction. Like some other jurisdictions, Oregon recognizes a "necessity" defense to certain criminal charges. It may be that defense extends to charges for illegal camping when it comes to those with nowhere else to go. See *State v. Barrett*, 302 Ore.App. 23, 28, 460 P.3d 93, 96 (2020) (citing Ore. Rev. Stat. § 161.200). Insanity, diminished-capacity, and duress defenses also may be available in many jurisdictions. See *Powell*, 392 U.S., at 536, 88 S.Ct. 2145. States and cities are free as well to add additional substantive protections. Since this litigation began, for example, Oregon itself has adopted a law specifically addressing how far its municipalities may go in regulating public camping. See, *e.g.*, Ore. Rev. Stat. § 195.530(2) (2023). For that matter, nothing in today's decision prevents States, cities, and counties from going a step further and declining to criminalize public camping altogether. For its part, the Constitution provides many additional limits on state prosecutorial power, promising fair notice of the laws and equal treatment under them, forbidding selective prosecutions, and much more besides. See Part II–A, *supra*; and n. 5, *supra*. All this represents only a small sample of the legion protections our society affords a presumptively free individual from a criminal conviction. But aside from *Robinson*, a case directed to a highly unusual law that condemned status alone, this Court has never invoked the Eighth Amendment's Cruel and Unusual Punishments Clause to perform that function.

D

 © 2025 Thomson Reuters. No claim to original U.S. Government Works.

Not only did *Powell* decline to extend *Robinson* to "involuntary" acts, it stressed ****2221** the dangers that would likely attend any attempt to do so. Were the Court to pursue that path ***551** in the name of the Eighth Amendment, Justice Marshall warned, "it is difficult to see any limiting principle that would serve to prevent this Court from becoming ... the ultimate arbiter of the standards of criminal responsibility, in diverse areas of the criminal law, throughout the country." *Powell*, 392 U.S., at 533, 88 S.Ct. 2145. After all, nothing in the Amendment's text or history exists to "confine" or guide our review. *Id.*, at 534, 88 S.Ct. 2145. Unaided by those sources, we would be left "to write into the Constitution" our own "formulas," many of which would likely prove unworkable in practice. *Id.*, at 537, 88 S.Ct. 2145. Along the way, we would interfere with "essential considerations of federalism" that reserve to the States primary responsibility for drafting their own criminal laws. *Id.*, at 535, 88 S.Ct. 2145.

In particular, Justice Marshall observed, extending *Robinson* to cover involuntary acts would effectively "impe[l]" this Court "into defining" something akin to a new "insanity test in constitutional terms." 392 U.S., at 536, 88 S.Ct. 2145. It would because an individual like the defendant in *Powell* does not dispute that he has committed an otherwise criminal act with the requisite *mens rea*, yet he seeks to be excused from "moral accountability" because of his " 'condition.' " *Id.*, at 535–536, 88 S.Ct. 2145. And "[n]othing," Justice Marshall said, "could be less fruitful than for this Court" to try to resolve for the Nation profound questions like that under a provision of the Constitution that does not speak to them. *Id.*, at 536, 88 S.Ct. 2145. Instead, Justice Marshall reasoned, such matters are generally left to be resolved through "productive" democratic "dialogue" and "experimentation," not by "freez[ing]" any particular, judicially preferred approach "into a rigid constitutional mold." *Id.*, at 537, 88 S.Ct. 2145.

We recently reemphasized that last point in *Kahler* v. *Kansas* in the context of a Due Process Clause challenge. Drawing on Justice Marshall's opinion in *Powell*, we acknowledged that "a state rule about criminal liability" may violate due process if it departs from a rule "so rooted in the ***552** traditions" of this Nation that it might be said to "ran[k] as fundamental." 589 U.S., at 279, 140 S.Ct. 1021 (internal quotation marks omitted). But, we stressed, questions about whether an individual who has committed a proscribed act with the requisite mental state should be "reliev[ed of] responsibility," *id.*, at 283, 140 S.Ct. 1021, due to a lack of "moral culpability," *id.*, at 286, 140 S.Ct. 1021, are generally best resolved by the people and their elected representatives. Those are questions, we said, "of recurrent controversy" to which history supplies few "entrenched" answers, and on which the Constitution generally commands "no one view." *Id.*, at 296, 140 S.Ct. 1021.

The Ninth Circuit's *Martin* experiment defied these lessons. Under *Martin*, judges take from elected representatives the questions whether and when someone who has committed a proscribed act with a requisite mental state should be "relieved of responsibility" for lack of "moral culpability." 598 U.S., at 283, 286, 143 S.Ct. 940. And *Martin* exemplifies much of what can go wrong when courts try to resolve matters like those unmoored from any secure guidance in the Constitution.

Start with this problem. Under *Martin*, cities must allow public camping by those who are "involuntarily" homeless. 72 F.4th, at 877 (citing *Martin*, 920 F.3d, at 617, n. 8). But how are city officials and law enforcement officers to know what it means to be "involuntarily" homeless, or whether any particular person meets that standard? ****2222** Posing the questions may be easy; answering them is not. Is it enough that a homeless person has turned down an offer of shelter? Or does it matter why? Cities routinely confront individuals who decline offers of shelter for any number of reasons, ranging from safety concerns to individual preferences. See Part I–A, *supra*. How are cities and their law enforcement officers on the ground to know which of these reasons are sufficiently weighty to qualify a person as "involuntarily" homeless?

If there are answers to those questions, they cannot be found in the Cruel and Unusual Punishments Clause. Nor ***553** do federal judges enjoy any special competence to provide them. Cities across the West report that the Ninth Circuit's ill-defined involuntariness test has proven "unworkable." Oregon Cities Brief 3; see Phoenix Brief 11. The test, they say, has left them "with little or no direction as to the scope of their authority in th[eir] day-to-day policing contacts," California Sheriffs Brief 6, and under "threat of federal litigation ... at all times and in all circumstances," Oregon Cities Brief 6–7.

To be sure, *Martin* attempted to head off these complexities through some back-of-the-envelope arithmetic. The Ninth Circuit said a city needs to consider individuals "involuntarily" homeless (and thus entitled to camp on public property) only when the overall homeless population exceeds the total number of "adequate" and "practically available" shelter beds. See 920 F.3d, at 617–618, and n. 8. But as

 © 2025 Thomson Reuters. No claim to original U.S. Government Works.

sometimes happens with abstract rules created by those far from the front lines, that test has proven all but impossible to administer in practice.

City officials report that it can be "monumentally difficult" to keep an accurate accounting of those experiencing homelessness on any given day. Los Angeles Cert. Brief 14. Often, a city's homeless population "fluctuate[s] dramatically," in part because homelessness is an inherently dynamic status. Brief for City of San Clemente as *Amicus Curiae* 16 (San Clemente Brief). While cities sometimes make rough estimates based on a single point-in-time count, they say it would be "impossibly expensive and difficult" to undertake that effort with any regularity. *Id.*, at 17. In Los Angeles, for example, it takes three days to count the homeless population block-by-block—even with the participation of thousands of volunteers. *Martin*, 920 F.3d, at 595 (Smith, J., dissenting from denial of rehearing en banc).

Beyond these complexities, more await. Suppose even large cities could keep a running tally of their homeless citizens forevermore. And suppose further that they could ***554** keep a live inventory of available shelter beds. Even so, cities face questions over which shelter beds count as "adequate" and "available" under *Martin*. *Id.*, at 617, and n. 8. Rather than resolve the challenges associated with defining who qualifies as "involuntarily" homeless, these standards more nearly return us to them. Is a bed "available" to a smoker if the shelter requires residents to abstain from nicotine, as the shelter in Grants Pass does? 72 F.4th, at 896; App. 39, Third Amended Complaint ¶13. Is a bed "available" to an atheist if the shelter includes "religious" messaging? 72 F.4th, at 877. And how is a city to know whether the accommodations it provides will prove "adequate" in later litigation? 920 F.3d, at 617, n. 8. Once more, a large number of cities in the Ninth Circuit tell us they have no way to be sure. See, *e.g.*, Phoenix Brief 28; San Clemente Brief 8–12; Brief for City of Los Angeles as *Amicus Curiae* 22–23 ("What may be available, appropriate, or actually beneficial to one [homeless] person, might not be so to another").

****2223** Consider an example. The city of Chico, California, thought it was complying with *Martin* when it constructed an outdoor shelter facility at its municipal airport to accommodate its homeless population. *Warren v. Chico*, 2021 WL 2894648, *3 (ED Cal., July 8, 2021). That shelter, we are told, included "protective fencing, large water totes, handwashing stations, portable toilets, [and] a large canopy for shade." Brief for City of Chico as *Amicus Curiae* on Pet. for Cert. 16. Still, a district court enjoined the city from enforcing its public-camping ordinance. Why? Because, in that court's view, "appropriate" shelter requires " 'indoo[r],' " not outdoor, spaces. *Warren*, 2021 WL 2894648, *3 (quoting *Martin*, 920 F.3d, at 617). One federal court in Los Angeles ruled, during the COVID pandemic, that "adequate" shelter must also include nursing staff, testing for communicable diseases, and on-site security, among other things. See *LA Alliance for Hum. Rights v. Los Angeles*, 2020 WL 2512811, *4 (CD Cal., May 15, 2020). By imbuing the availability of shelter ***555** with constitutional significance in this way, many cities tell us, *Martin* and its progeny have "paralyzed" communities and prevented them from implementing even policies designed to help the homeless while remaining sensitive to the limits of their resources and the needs of other citizens. Cities Cert. Brief 4 (boldface and capitalization deleted).

There are more problems still. The Ninth Circuit held that "involuntarily" homeless individuals cannot be punished for camping with materials "necessary to protect themselves from the elements." 72 F.4th, at 896. It suggested, too, that cities cannot proscribe "life-sustaining act[s]" that flow necessarily from homelessness. 72 F.4th, at 921 (joint statement of Silver and Gould, JJ., regarding denial of rehearing). But how far does that go? The plaintiffs before us suggest a blanket is all that is required in Grants Pass. Brief for Respondents 14. But might a colder climate trigger a right to permanent tent encampments and fires for warmth? Because the contours of this judicial right are so "uncertai[n]," cities across the West have been left to guess whether *Martin* forbids their officers from removing everything from tents to "portable heaters" on city sidewalks. Brief for City of Phoenix et al. on Pet. for Cert. 19, 29 (Phoenix Cert. Brief). There is uncertainty, as well, over whether *Martin* requires cities to tolerate other acts no less "attendant [to] survival" than sleeping, such as starting fires to cook food and "public urination [and] defecation." Phoenix Cert. Brief 29–30; see also *Mahoney v. Sacramento*, 2020 WL 616302, *3 (ED Cal., Feb. 10, 2020) (indicating that "the [c]ity may not prosecute or otherwise penalize the [homeless] for eliminating in public if there is no alternative to doing so"). By extending *Robinson* beyond the narrow class of status crimes, the Ninth Circuit has created a right that has proven "impossible" for judges to delineate except "by fiat." *Powell*, 392 U.S., at 534, 88 S.Ct. 2145.

Doubtless, the Ninth Circuit's intervention in *Martin* was well-intended. But since the trial court entered its injunction ***556** against Grants Pass, the city shelter reports that

 © 2025 Thomson Reuters. No claim to original U.S. Government Works.

utilization of its resources has fallen by roughly 40 percent. See Brief for Grants Pass Gospel Rescue Mission as *Amicus Curiae* 4–5. Many other cities offer similar accounts about their experiences after *Martin*, telling us the decision has made it more difficult, not less, to help the homeless accept shelter off city streets. See Part I–B, *supra* (recounting examples). Even when "policymakers would prefer to invest in more permanent" programs and policies designed to benefit homeless and other citizens, *Martin* has forced these "overwhelmed jurisdictions to ****2224** concentrate public resources on temporary shelter beds." Cities Brief 25; see Oregon Cities Brief 17–20; States Brief 16–17. As a result, cities report, *Martin* has undermined their efforts to balance conflicting public needs and mired them in litigation at a time when the homelessness crisis calls for action. See States Brief 16–17.

All told, the *Martin* experiment is perhaps just what Justice Marshall anticipated ones like it would be. The Eighth Amendment provides no guidance to "confine" judges in deciding what conduct a State or city may or may not proscribe. *Powell*, 392 U.S., at 534, 88 S.Ct. 2145. Instead of encouraging "productive dialogue" and "experimentation" through our democratic institutions, courts have frozen in place their own "formulas" by "fiat." *Id*., at 534, 537, 88 S.Ct. 2145. Issued by federal courts removed from realities on the ground, those rules have produced confusion. And they have interfered with "essential considerations of federalism," taking from the people and their elected leaders difficult questions traditionally "thought to be the[ir] province." *Id.*, at 535–536, 88 S.Ct. 2145. [7]

7 The dissent suggests we cite selectively to the *amici* and "see only what [we] wan[t]" in their briefs. *Post*, at 2240 - 2241. In fact, all the States, cities, and counties listed above (n. 3, *supra*) asked us to review this case. Among them all, the dissent purports to identify just two public officials and two cities that, according to the dissent, support its view. *Post*, at 2240 - 2241. But even among that select group, the dissent overlooks the fact that each expresses strong dissatisfaction with how *Martin* has been applied in practice. See San Francisco Brief 15, 26 ("[T]he Ninth Circuit and its lower courts have repeatedly misapplied and overextended the Eighth Amendment" and "hamstrung San Francisco's balanced approach to addressing the homelessness crisis"); Brief for City of Los Angeles as *Amicus Curiae* 6 ("[T]he sweeping rationale in *Martin* ... calls into question whether cities can enforce public health and safety laws"); California Governor Brief 3 ("In the wake of *Martin*, lower courts have blocked efforts to clear encampments while micromanaging what qualifies as a suitable offer of shelter"). And for all the reasons we have explored and so many other cities have suggested, we see no principled basis under the Eighth Amendment for federal judges to administer anything like *Martin*.

***557** E

Rather than address what we have actually said, the dissent accuses us of extending to local governments an "unfettered freedom to punish," *post*, at 2241, and stripping away any protections "the Constitution" has against "criminalizing sleeping," *post*, at 2230. "Either stay awake," the dissent warns, "or be arrested." *Post*, at 2228. That is gravely mistaken. We hold nothing of the sort. As we have stressed, cities and States are not bound to adopt public-camping laws. They may also choose to narrow such laws (as Oregon itself has recently). Beyond all that, many substantive legal protections and provisions of the Constitution may have important roles to play when States and cities seek to enforce their laws against the homeless. See Parts II–A, II–C, *supra*. The only question we face is whether one specific provision of the Constitution—the Cruel and Unusual Punishments Clause of the Eighth Amendment—prohibits the enforcement of public-camping laws.

Nor does the dissent meaningfully engage with the reasons we have offered for our conclusion on that question. It claims that we "gratuitously" treat *Robinson* "as an outlier." *Post*, at 2234, and n. 2. But the dissent does not dispute that the law *Robinson* faced was an anomaly, punishing mere status. The dissent does not dispute that *Robinson*'s decision to address that law under the rubric of the Eighth Amendment ***558** is itself hard to square with the Amendment's text and this Court's other precedents interpreting it. And the dissent ****2225** all but ignores *Robinson*'s own insistence that a different result would have obtained in that case if the law there had proscribed an act rather than status alone.

Tellingly, too, the dissent barely mentions Justice Marshall's opinion in *Powell*. There, reasoning exactly as we do today, Justice Marshall refused to extend *Robinson* to actions undertaken, "in some sense, 'involuntar[ily].' " 392 U.S., at 533, 88 S.Ct. 2145. Rather than confront any of this,

the dissent brusquely calls *Powell* a "strawman" and seeks to distinguish it on the inscrutable ground that Grants Pass penalizes "status[-defining]" (rather than "involuntary") conduct. *Post*, at 2240. But whatever that might mean, it is no answer to the reasoning Justice Marshall offered, to its obvious relevance here, or to the fact this Court has since endorsed Justice Marshall's reasoning as correct in cases like *Kahler* and *Jones*, cases that go undiscussed in the dissent. See n. 6, *supra.* The only extraordinary result we might reach in this case is one that would defy *Powell*, ignore the historical reach of the Eighth Amendment, and transform *Robinson*'s narrow holding addressing a peculiar law punishing status alone into a new rule that would bar the enforcement of laws that are, as the dissent puts it, " 'pervasive' " throughout the country. *Post*, at 2236; Part I–A, *supra*.

To be sure, the dissent seeks to portray the new rule it advocates as a modest, "limited," and "narrow" one addressing only those who wish to fulfill a "biological necessity" and "keep warm outside with a blanket" when they have no other "adequate" place "to go." *Post*, at 2228, 2230, 2232 - 2233, 2239, 2240 - 2241. But that reply blinks the difficult questions that necessarily follow and the Ninth Circuit has been forced to confront: What does it mean to be "involuntarily" homeless with "no place to go"? What kind of "adequate" shelter must a city provide to avoid being forced to allow people to camp in its parks and on its sidewalks? And what are people entitled to do and use ***559** in public spaces to "keep warm" and fulfill other "biological necessities"? [8]

8 The dissent brushes aside these questions, declaring that "available answers" exist in the decisions below. *Post*, at 2239. But the dissent misses the point. The problem, as Justice Marshall discussed, is not that it is impossible for someone to dictate answers to these questions. The problem is that nothing in the Eighth Amendment gives federal judges the authority or guidance they need to answer them in a principled way. Take just two examples. First, the dissent says, a city seeking to ban camping must provide "adequate" shelter for those with "no place to go." *Post*, at 2239 - 2240. But it never says what qualifies as "adequate" shelter. *Ibid.* And, as we have seen, cities and courts across the Ninth Circuit have struggled mightily with that question, all with nothing in the Eighth Amendment to guide their work. Second, the dissent seems to think that, if a city lacks enough "adequate" shelter, it must permit " 'bedding' " in public spaces, but not campfires, tents, or " 'public urination or defecation.' " *Post*, at 2235 - 2236, 2239 - 2240, 2240 - 2241. But where does that rule come from, the federal register? See *post*, at 2239 - 2240. After *Martin*, again as we have seen, many courts have taken a very different view. The dissent never explains why it disagrees with those courts. Instead, it merely quotes the district court's opinion in this case that announced a rule it seems the dissent happens to prefer. By elevating *Martin* over our own precedents and the Constitution's original public meaning, the dissent faces difficult choices that cannot be swept under the rug—ones that it can resolve not by anything found in the Eighth Amendment, only by fiat.

Those unavoidable questions have plunged courts and cities across the Ninth Circuit into waves of litigation. And without anything in the Eighth Amendment to guide them, any answers federal judges can offer (and have offered) come, as Justice Marshall foresaw, only by way of "fiat." ****2226** *Powell*, 392 U.S., at 534, 88 S.Ct. 2145. The dissent cannot escape that hard truth. Nor can it escape the fact that, far from narrowing *Martin*, it would expand its experiment from one circuit to the entire country—a development without any precedent in this Court's history. One that would authorize federal judges to freeze into place their own rules on matters long "thought to be the province" of state and local leaders, *id.*, at 536, 88 S.Ct. 2145, and one that would deny communities the "wide latitude" ***560** and "flexibility" even the dissent acknowledges they need to address the homelessness crisis, *post*, at 2228 – 2229, 2230.

III

Homelessness is complex. Its causes are many. So may be the public policy responses required to address it. At bottom, the question this case presents is whether the Eighth Amendment grants federal judges primary responsibility for assessing those causes and devising those responses. It does not. Almost 200 years ago, a visitor to this country remarked upon the "extreme skill with which the inhabitants of the United States succeed in proposing a common object to the exertions of a great many men, and in getting them voluntarily to pursue it." 2 A. de Tocqueville, Democracy in America 129 (H. Reeve transl. 1961). If the multitude of *amicus* briefs before us proves one thing, it is that the American people are still at it. Through their voluntary associations and charities, their elected representatives and appointed officials, their police

officers and mental health professionals, they display that same energy and skill today in their efforts to address the complexities of the homelessness challenge facing the most vulnerable among us.

Yes, people will disagree over which policy responses are best; they may experiment with one set of approaches only to find later another set works better; they may find certain responses more appropriate for some communities than others. But in our democracy, that is their right. Nor can a handful of federal judges begin to "match" the collective wisdom the American people possess in deciding "how best to handle" a pressing social question like homelessness. *Robinson*, 370 U.S., at 689, 82 S.Ct. 1417 (White, J., dissenting). The Constitution's Eighth Amendment serves many important functions, but it does not authorize federal judges to wrest those rights and responsibilities from the American people and in their place dictate this Nation's homelessness policy. The ***561** judgment below is reversed, and the case is remanded for further proceedings consistent with this opinion.

It is so ordered.

Justice THOMAS, concurring.

I join the Court's opinion in full because it correctly rejects the respondents' claims under the Cruel and Unusual Punishments Clause. As the Court observes, that Clause "focuses on the question what method or kind of punishment a government may impose after a criminal conviction." *Ante,* at 2216 (internal quotation marks omitted). The respondents, by contrast, ask whether Grants Pass "may criminalize particular behavior in the first place." *Ibid.* I write separately to make two additional observations about the respondents' claims.

First, the precedent that the respondents primarily rely upon, *Robinson v. California*, 370 U.S. 660, 82 S.Ct. 1417, 8 L.Ed.2d 758 (1962), was wrongly decided. In *Robinson*, the Court held that the Cruel and Unusual Punishments Clause prohibits the enforcement of laws criminalizing a person's status. *Id*., at 666, 82 S.Ct. 1417. That holding conflicts with the plain text and history of the Cruel and Unusual Punishments Clause. See *ante,* at 2215 – 2216. ****2227** That fact is unsurprising given that the *Robinson* Court made no attempt to analyze the Eighth Amendment's text or discern its original meaning. Instead, *Robinson*'s holding rested almost entirely on the Court's understanding of public opinion: The *Robinson* Court observed that "in the light of contemporary human knowledge, a law which made a criminal offense of ... a disease [such as narcotics addiction] would doubtless be universally thought to be an infliction of cruel and unusual punishment in violation of the Eighth and Fourteenth Amendments." 370 U.S., at 666, 82 S.Ct. 1417. Modern public opinion is not an appropriate metric for interpreting the Cruel and Unusual Punishments Clause—or any provision of the Constitution for that matter.

***562** Much of the Court's other Eighth Amendment precedents make the same mistake. Rather than interpret our written Constitution, the Court has at times "proclaim[ed] itself sole arbiter of our Nation's moral standards," *Roper v. Simmons*, 543 U.S. 551, 608, 125 S.Ct. 1183, 161 L.Ed.2d 1 (2005) (Scalia, J., dissenting), and has set out to enforce "evolving standards of decency," *Trop v. Dulles*, 356 U.S. 86, 101, 78 S.Ct. 590, 2 L.Ed.2d 630 (1958) (plurality opinion). "In a system based upon constitutional and statutory text democratically adopted, the concept of 'law' ordinarily signifies that particular words have a fixed meaning." *Roper*, 543 U.S., at 629, 125 S.Ct. 1183 (opinion of Scalia, J.). I continue to believe that we should adhere to the Cruel and Unusual Punishments Clause's fixed meaning in resolving any challenge brought under it.

To be sure, we need not reconsider *Robinson* to resolve this case. As the Court explains, the challenged ordinances regulate conduct, not status, and thus do not implicate *Robinson*. *Ante,* at 2218 – 2219. Moreover, it is unclear what, if any, weight *Robinson* carries. The Court has not once applied *Robinson*'s interpretation of the Cruel and Unusual Punishments Clause. And, today the Court rightly questions the decision's "persuasive force." *Ante,* at 2218. Still, rather than let *Robinson*'s erroneous holding linger in the background of our Eighth Amendment jurisprudence, we should dispose of it once and for all. In an appropriate case, the Court should certainly correct this error.

Second, the respondents have not established that their claims implicate the Cruel and Unusual Punishments Clause in the first place. The challenged ordinances are enforced through the imposition of civil fines and civil park exclusion orders, as well as through criminal trespass charges. But, "[a]t the time the Eighth Amendment was ratified, the word 'punishment' referred to the penalty imposed for the commission of a crime." *Helling v. McKinney*, 509 U.S. 25, 38, 113 S.Ct. 2475, 125 L.Ed.2d 22 (1993) (THOMAS, J., dissenting); see *ante,* at 2215 – 2216. The respondents have yet to explain how the civil fines and park ***563** exclusion orders constitute a

"penalty imposed for the commission of a crime." *Helling*, 509 U.S., at 38, 113 S.Ct. 2475.

For its part, the Court of Appeals concluded that the Cruel and Unusual Punishments Clause governs these civil penalties because they can "later ... become criminal offenses." 72 F.4th 868, 890 (CA9 2023). But, that theory rests on layer upon layer of speculation. It requires reasoning that because violating one of the ordinances "*could* result in civil citations and fines, [and] repeat violators *could* be excluded from specified City property, and ... violating an exclusion order *could* subject a violator to criminal trespass prosecution," civil fines and park exclusion orders therefore must be governed by the Cruel and Unusual Punishments Clause. ****2228** *Id*., at 926 (O'Scannlain, J., statement respecting denial of rehearing en banc) (emphasis added). And, if this case is any indication, the possibility that a civil fine turns into a criminal trespass charge is a remote one. The respondents assert that they have been involuntarily homeless in Grants Pass for years, yet they have never received a park exclusion order, much less a criminal trespass charge. See *ante,* at 2213.

Because the respondents' claims fail either way, the Court does not address the merits of the Court of Appeals' theory. See *ante,* at 2215 – 2217, and n. 4. Suffice it to say, we have never endorsed such a broad view of the Cruel and Unusual Punishments Clause. Both this Court and lower courts should be wary of expanding the Clause beyond its text and original meaning.

Justice SOTOMAYOR, with whom Justice KAGAN and Justice JACKSON join, dissenting.

Sleep is a biological necessity, not a crime. For some people, sleeping outside is their only option. The City of Grants Pass jails and fines those people for sleeping anywhere in public at any time, including in their cars, if they use as little as a blanket to keep warm or a rolled-up shirt as a pillow. For people with no access to shelter, that punishes them ***564** for being homeless. That is unconscionable and unconstitutional. Punishing people for their status is "cruel and unusual" under the Eighth Amendment. See *Robinson v. California*, 370 U.S. 660, 82 S.Ct. 1417, 8 L.Ed.2d 758 (1962).

Homelessness is a reality for too many Americans. On any given night, over half a million people across the country lack a fixed, regular, and adequate nighttime residence. Many do not have access to shelters and are left to sleep in cars, sidewalks, parks, and other public places. They experience homelessness due to complex and interconnected issues, including crippling debt and stagnant wages; domestic and sexual abuse; physical and psychiatric disabilities; and rising housing costs coupled with declining affordable housing options.

At the same time, States and cities face immense challenges in responding to homelessness. To address these challenges and provide for public health and safety, local governments need wide latitude, including to regulate when, where, and how homeless people sleep in public. The decision below did, in fact, leave cities free to punish "littering, public urination or defecation, obstruction of roadways, possession or distribution of illicit substances, harassment, or violence." App. to Pet. for Cert. 200a. The only question for the Court today is whether the Constitution permits punishing homeless people with no access to shelter for sleeping in public with as little as a blanket to keep warm.

It is possible to acknowledge and balance the issues facing local governments, the humanity and dignity of homeless people, and our constitutional principles. Instead, the majority focuses almost exclusively on the needs of local governments and leaves the most vulnerable in our society with an impossible choice: Either stay awake or be arrested. The Constitution provides a baseline of rights for all Americans rich and poor, housed and unhoused. This Court must safeguard those rights even when, and perhaps especially when, doing so is uncomfortable or unpopular. Otherwise, "the words of the Constitution ***565** become little more than good advice." *Trop v. Dulles*, 356 U.S. 86, 104, 78 S.Ct. 590, 2 L.Ed.2d 630 (1958) (plurality opinion).

I

The causes, consequences, and experiences of homelessness are complex and ****2229** interconnected. The majority paints a picture of "cities across the American West" in "crisis" that are using criminalization as a last resort. *Ante*, at 2207. That narrative then animates the majority's reasoning. This account, however, fails to engage seriously with the precipitating causes of homelessness, the damaging effects of criminalization, and the myriad legitimate reasons people may lack or decline shelter.

A

 © 2025 Thomson Reuters. No claim to original U.S. Government Works.

Over 600,000 people experience homelessness in America on any given night, meaning that they lack "a fixed, regular, and adequate nighttime residence." Dept. of Housing and Urban Development, T. de Sousa et al., The 2023 Annual Homeless Assessment Report to Congress 4 (2023 AHAR). These people experience homelessness in different ways. Although 6 in 10 are able to secure shelter beds, the remaining 4 in 10 are unsheltered, sleeping "in places not meant for human habitation," such as sidewalks, abandoned buildings, bus or train stations, camping grounds, and parked vehicles. See *id*., at 2. "Some sleep alone in public places, without any physical structures (like tents or shacks) or connections to services. Others stay in encampments, which generally refer to groups of people living semipermanently in tents or other temporary structures in a public space." Brief for California as *Amicus Curiae* 6 (California Brief) (citation omitted). This is in part because there has been a national "shortage of 188,000 shelter beds for individual adults." Brief for Service Providers as *Amici Curiae* 8 (Service Providers Brief).

People become homeless for many reasons, including some beyond their control. "[S]tagnant wages and the lack of affordable ***566** housing" can mean some people are one unexpected medical bill away from being unable to pay rent. Brief for Public Health Professionals and Organizations as *Amici Curiae* 3. Every "$100 increase in median rental price" is "associated with about a 9 percent increase in the estimated homelessness rate." GAO, A. Cackley, Homelessness: Better HUD Oversight of Data Collection Could Improve Estimates of Homeless Populations 30 (GAO–20–433, 2020). Individuals with disabilities, immigrants, and veterans face policies that increase housing instability. See California Brief 7. Natural disasters also play a role, including in Oregon, where increasing numbers of people "have lost housing because of climate events such as extreme wildfires across the state, floods in the coastal areas, [and] heavy snowstorms." 2023 AHAR 52. Further, "mental and physical health challenges," and family and domestic "violence and abuse" can be precipitating causes of homelessness. California Brief 7.

People experiencing homelessness are young and old, live in families and as individuals, and belong to all races, cultures, and creeds. Given the complex web of causes, it is unsurprising that the burdens of homelessness fall disproportionately on the most vulnerable in our society. People already in precarious positions with mental and physical health, trauma, or abuse may have nowhere else to go if forced to leave their homes. Veterans, victims of domestic violence, teenagers, and people with disabilities are all at an increased risk of homelessness. For veterans, "those with a history of mental health conditions, including post-traumatic stress disorder (PTSD) ... are at greater risk of homelessness." Brief for American Psychiatric Association et al. as *Amici Curiae* 6. For women, almost 60% of those experiencing homelessness report that fleeing domestic violence was the "immediate cause." Brief for Advocates for Survivors of Gender-Based Violence as *Amici Curiae* 9. For young people, "family dysfunction and rejection, ****2230** sexual ***567** abuse, juvenile legal system involvement, 'aging out' of the foster care system, and economic hardship" make them particularly vulnerable to homelessness. Brief for Juvenile Law Center et al. as *Amici Curiae* 2. For American Indians, "policies of removal and resettlement in tribal lands" have caused displacement, resulting in "a disproportionately high rate of housing insecurity and unsheltered homelessness." Brief for StrongHearts Native Helpline et al. as *Amici Curiae* 10, 24. For people with disabilities, "[l]ess than 5% of housing in the United States is accessible for moderate mobility disabilities, and less than 1% is accessible for wheelchair use." Brief for Disability Rights Education and Defense Fund et al. as *Amici Curiae* 2 (Disability Rights Brief).

B

States and cities responding to the homelessness crisis face the difficult task of addressing the underlying causes of homelessness while also providing for public health and safety. This includes, for example, dealing with the hazards posed by encampments, such as "a heightened risk of disease associated with living outside without bathrooms or wash basins," "deadly fires" from efforts to "prepare food and create heat sources," violent crime, and drug distribution and abuse. California Brief 12.

Local governments need flexibility in responding to homelessness with effective and thoughtful solutions. See *infra*, at 2237 – 2239. Almost all of these policy solutions are beyond the scope of this case. The only question here is whether the Constitution permits criminalizing sleeping outside when there is nowhere else to go. That question is increasingly relevant because many local governments have made criminalization a frontline response to homelessness. "[L]ocal measures to criminalize 'acts of living' " by "prohibit[ing] sleeping, eating, sitting, or panhandling in public spaces" have recently proliferated. U. S. Interagency Council on Homelessness, Searching Out Solutions 1 (2012).

 © 2025 Thomson Reuters. No claim to original U.S. Government Works.

***568** Criminalizing homelessness can cause a destabilizing cascade of harm. "Rather than helping people to regain housing, obtain employment, or access needed treatment and services, criminalization creates a costly revolving door that circulates individuals experiencing homelessness from the street to the criminal justice system and back." *Id*., at 6. When a homeless person is arrested or separated from their property, for example, "items frequently destroyed include personal documents needed for accessing jobs, housing, and services such as IDs, driver's licenses, financial documents, birth certificates, and benefits cards; items required for work such as clothing and uniforms, bicycles, tools, and computers; and irreplaceable mementos." Brief for 57 Social Scientists as *Amici Curiae* 17–18 (Social Scientists Brief). Consider Erin Spencer, a disabled Marine Corps veteran who stores items he uses to make a living, such as tools and bike parts, in a cart. He was arrested repeatedly for illegal lodging. Each time, his cart and belongings were gone once he returned to the sidewalk. "[T]he massive number of times the City or State has taken all I possess leaves me in a vacuous déjà vu." Brief for National Coalition for Homeless Veterans et al. as *Amici Curiae* 28.

Incarceration and warrants from unpaid fines can also result in the loss of employment, benefits, and housing options. See Social Scientists Brief 13, 17 (incarceration and warrants can lead to "termination of federal health benefits such as Social Security, Medicare, or Medicaid," the "loss of a shelter bed," or disqualification from "public housing and Section 8 vouchers"). Finally, ****2231** criminalization can lead homeless people to "avoid calling the police in the face of abuse or theft for fear of eviction from public space." *Id*., at 27. Consider the tragic story of a homeless woman "who was raped almost immediately following a police move-along order that pushed her into an unfamiliar area in the dead of night." *Id.,* at 26. She described her hesitation in calling for help: "What's the point? If I called them, they would have made all of us move [again]." *Ibid*.

***569** For people with nowhere else to go, fines and jail time do not deter behavior, reduce homelessness, or increase public safety. In one study, 91% of homeless people who were surveyed "reported remaining outdoors, most often just moving two to three blocks away" when they received a move-along order. *Id*., at 23. Police officers in these cities recognize as much: " 'Look we're not really solving anybody's problem. This is a big game of whack-a-mole.' " *Id*., at 24. Consider Jerry Lee, a Grants Pass resident who sleeps in a van. Over the course of three days, he was woken up and cited six times for "camping in the city limits" just because he was sleeping in the van. App. 99 (capitalization omitted). Lee left the van each time only to return later to sleep. Police reports eventually noted that he "continues to disregard the city ordinance and returns to the van to sleep as soon as police leave the area. Dayshift needs to check on the van this morning and ... follow up for tow." *Ibid*. (same).

Shelter beds that are available in theory may be practically unavailable because of "restrictions based on gender, age, income, sexuality, religious practice, curfews that conflict with employment obligations, and time limits on stays." Social Scientists Brief 22. Studies have shown, however, that the "vast majority of those who are unsheltered would move inside if safe and affordable options were available." Service Providers Brief 8 (collecting studies). Consider CarrieLynn Hill. She cannot stay at Gospel Rescue Mission, the only entity in Grants Pass offering temporary beds, because "she would have to check her nebulizer in as medical equipment and, though she must use it at least once every four hours, would not be able to use it in her room." Disability Rights Brief 18. Similarly, Debra Blake's "disabilities prevent her from working, which means she cannot comply with the Gospel Rescue Mission's requirement that its residents work 40-hour work weeks." *Ibid.*

Before I move on, consider one last example of a Nashville man who experienced homelessness for nearly 20 years. When an outreach worker tried to help him secure housing, ***570** the worker had difficulty finding him for his appointments because he was frequently arrested for being homeless. He was arrested 198 times and had over 250 charged citations, all for petty offenses. The outreach worker made him a t-shirt that read "Please do not arrest me, my outreach worker is working on my housing." Service Providers Brief 16. Once the worker was able to secure him stable housing, he "had no further encounters with the police, no citations, and no arrests." *Ibid.*

These and countless other stories reflect the reality of criminalizing sleeping outside when people have no other choice.

II

Grants Pass, a city of 38,000 people in southern Oregon, adopted three ordinances (Ordinances) that effectively make it unlawful to sleep anywhere in public, including in your

 © 2025 Thomson Reuters. No claim to original U.S. Government Works.

car, at any time, with as little as a blanket or a rolled-up shirt as a pillow. The Ordinances prohibit "[c]amping" on "any sidewalk, street, alley, lane, public right of way, park, bench, or any ****2232** other publicly-owned property or under any bridge or viaduct." Grants Pass, Ore. Municipal Code § 5.61.030 (2024). A "[c]ampsite" is defined as "any place where bedding, sleeping bag, or other material used for bedding purposes, or any stove or fire is placed, established, or maintained for the purposes of maintaining a temporary place to live." § 5.61.010(B). Relevant here, the definition of "campsite" includes sleeping in "any vehicle." *Ibid.* The Ordinances also prohibit camping in public parks, including the "[o]vernight parking" of any vehicle. § 6.46.090(B). [1]

1 The City's "sleeping" ordinance prohibits sleeping "on public sidewalks, streets, or alleyways at any time as a matter of individual and public safety." § 5.61.020(A). That ordinance is not before the Court today because, after the only class representative with standing to challenge this ordinance died, the Ninth Circuit remanded to the District Court "to determine whether a substitute representative is available as to that challenge alone." 72 F.4th 868, 884 (2023).

***571** The City enforces these Ordinances with fines starting at $295 and increasing to $537.60 if unpaid. Once a person is cited twice for violating park regulations within a 1-year period, city officers can issue an exclusion order barring that person from the park for 30 days. See § 6.46.350. A person who camps in a park after receiving that order commits criminal trespass, which is punishable by a maximum of 30 days in jail and a $1,250 fine. Ore. Rev. Stat. § 164.245 (2023); see §§ 161.615(3), 161.635(1)(c).

In 2019, the Ninth Circuit held that " 'the Eighth Amendment prohibits the imposition of criminal penalties for sitting, sleeping, or lying outside on public property for homeless individuals who cannot obtain shelter.' " *Martin v. Boise*, 920 F.3d 584, 616, cert. denied, 589 U. S. ——, 140 S.Ct. 674, 205 L.Ed.2d 438 (2019). Considering an ordinance from Boise, Idaho, that made it a misdemeanor to use "streets, sidewalks, parks, or public places" for "camping," 920 F.3d, at 603, the court concluded that "as long as there is no option of sleeping indoors, the government cannot criminalize indigent, homeless people for sleeping outdoors, on public property," *id*., at 617.

Respondents here, two longtime residents of Grants Pass who are homeless and sleep in their cars, sued on behalf of themselves and all other involuntarily homeless people in the City, seeking to enjoin enforcement of the Ordinances. The District Court eventually certified a class and granted summary judgment to respondents. "As was the case in *Martin*, Grants Pass has far more homeless people than 'practically available' shelter beds." App. to Pet. for Cert. 179a. The City had "zero emergency shelter beds," and even counting the beds at the Gospel Rescue Mission (GRM), which is "the only entity in Grants Pass that offers any sort of temporary program for some class members," "GRM's 138 beds would not be nearly enough to accommodate the at least 602 homeless individuals in Grants Pass." *Id.*, at 179a–180a. Thus, "the only way for homeless people to legally sleep on public property within the City is if they lay on the ground ***572** with only the clothing on their backs and without their items near them." *Id*., at 178a.

The District Court entered a narrow injunction. It concluded that Grants Pass could "implement time and place restrictions for when homeless individuals may use their belongings to keep warm and dry and when they must have their belonging[s] packed up." *Id*., at 199a. The City could also "ban the use of tents in public parks," as long as it did not "ban people from using any bedding type materials to keep warm and dry while they sleep." *Id*., ****2233** at 199a–200a. Further, Grants Pass could continue to "enforce laws that actually further public health and safety, such as laws restricting littering, public urination or defecation, obstruction of roadways, possession or distribution of illicit substances, harassment, or violence." *Id.,* at 200a.

The Ninth Circuit largely agreed that the Ordinances violated the Eighth Amendment because they punished people who lacked "some place, such as [a] shelter, they can lawfully sleep." 72 F.4th 868, 894 (2023). It further narrowed the District Court's already-limited injunction. The Ninth Circuit noted that, beyond prohibiting bedding, "the ordinances also prohibit the use of stoves or fires, as well as the erection of any structures." *Id.*, at 895. Because the record did not "establis[h that] the fire, stove, and structure prohibitions deprive homeless persons of sleep or 'the most rudimentary precautions' against the elements," the court remanded for the District Court "to craft a narrower injunction recognizing Plaintiffs' limited right to protection against the elements, as well as limitations when a shelter bed is available." *Ibid*.

 © 2025 Thomson Reuters. No claim to original U.S. Government Works.

III

The Eighth Amendment prohibits the infliction of "cruel and unusual punishments." Amdt. 8 (Punishments Clause). This prohibition, which is not limited to medieval tortures, places " 'limitations' on 'the power of those entrusted with the criminal-law function of government.' " ***573** *Timbs v. Indiana*, 586 U.S. 146, 151, 139 S.Ct. 682, 203 L.Ed.2d 11 (2019). The Punishments Clause "circumscribes the criminal process in three ways: First, it limits the kinds of punishment that can be imposed on those convicted of crimes; second, it proscribes punishment grossly disproportionate to the severity of the crime; and third, it imposes substantive limits on what can be made criminal and punished as such." *Ingraham v. Wright*, 430 U.S. 651, 667, 97 S.Ct. 1401, 51 L.Ed.2d 711 (1977) (citations omitted).

In *Robinson* v. *California*, this Court detailed one substantive limitation on criminal punishment. Lawrence Robinson was convicted under a California statute for " 'be[ing] addicted to the use of narcotics' " and faced a mandatory 90-day jail sentence. 370 U.S., at 660, 82 S.Ct. 1417. The California statute did not "punis[h] a person for the use of narcotics, for their purchase, sale or possession, or for antisocial or disorderly behavior resulting from their administration." *Id*., at 666, 82 S.Ct. 1417. Instead, it made "the 'status' of narcotic addiction a criminal offense, for which the offender may be prosecuted 'at any time before he reforms.' " *Ibid*.

The Court held that, because it criminalized the " 'status' of narcotic addiction," *ibid.*, the California law "inflict[ed] a cruel and unusual punishment in violation" of the Punishments Clause, *id*., at 667, 82 S.Ct. 1417. Importantly, the Court did not limit that holding to the status of narcotic addiction alone. It began by reasoning that the criminalization of the "mentally ill, or a leper, or [those] afflicted with a venereal disease" "would doubtless be universally thought to be an infliction of cruel and unusual punishment." *Id*., at 666, 82 S.Ct. 1417. It extended that same reasoning to the status of being an addict, because "narcotic addiction is an illness" "which may be contracted innocently or involuntarily." *Id*., at 667, 82 S.Ct. 1417.

Unlike the majority, see *ante,* at 2215 – 2217, the *Robinson* Court did not rely on the harshness of the criminal penalty itself. It understood that "imprisonment for ninety days is not, in the abstract, a punishment which is either cruel or unusual." 370 U.S., at 667, 82 S.Ct. 1417. Instead, it reasoned that, ***574** when imposed because of a ****2234** person's status, "[e]ven one day in prison would be a cruel and unusual punishment." *Ibid*.

Robinson did not prevent States from using a variety of tools, including criminal law, to address harmful conduct related to a particular status. The Court candidly recognized the "vicious evils of the narcotics traffic" and acknowledged the "countless fronts on which those evils may be legitimately attacked." *Id*., at 667–668, 82 S.Ct. 1417. It left untouched the "broad power of a State to regulate the narcotic drugs traffic within its borders," including the power to "impose criminal sanctions ... against the unauthorized manufacture, prescription, sale, purchase, or possession of narcotics," and the power to establish "a program of compulsory treatment for those addicted to narcotics." *Id*., at 664–665, 82 S.Ct. 1417.

This Court has repeatedly cited *Robinson* for the proposition that the "Eighth Amendment ... imposes a substantive limit on what can be made criminal and punished as such." *Rhodes v. Chapman*, 452 U.S. 337, 346, n. 12, 101 S.Ct. 2392, 69 L.Ed.2d 59 (1981); see also *Gregg v. Georgia*, 428 U.S. 153, 172, 96 S.Ct. 2909, 49 L.Ed.2d 859 (1976) (joint opinion of Stewart, Powell, and Stevens, JJ.) ("The substantive limits imposed by the Eighth Amendment on what can be made criminal and punished were discussed in *Robinson*"). Though it casts aspersions on *Robinson* and mistakenly treats it as an outlier, the majority does not overrule or reconsider that decision.[2] Nor does the majority cast doubt on this Court's firmly rooted principle that inflicting "unnecessary suffering" that is "grossly disproportionate to the severity of the crime" or that serves no "penological purpose" violates the Punishments Clause. ***575** *Estelle v. Gamble*, 429 U.S. 97, 103, and n. 7, 97 S.Ct. 285, 50 L.Ed.2d 251 (1976). Instead, the majority sees this case as requiring an application or extension of *Robinson*. The majority's understanding of *Robinson*, however, is plainly wrong.

2 See *ante*, at 2218 ("[N]o one has asked us to reconsider *Robinson*. Nor do we see any need to do so today"); but see *ante,* at 2220 (gratuitously noting that *Robinson* "sits uneasily with the Amendment's terms, original meaning, and our precedents"). The most important takeaway from these unnecessary swipes at *Robinson* is just that. They are unnecessary. *Robinson* remains binding precedent, no matter how incorrectly the majority applies it to these facts.

 © 2025 Thomson Reuters. No claim to original U.S. Government Works.

IV

Grants Pass's Ordinances criminalize being homeless. The status of being homeless (lacking available shelter) is defined by the very behavior singled out for punishment (sleeping outside). The majority protests that the Ordinances "do not criminalize mere status." *Ante,* at 2218. Saying so does not make it so. Every shred of evidence points the other way. The Ordinances' purpose, text, and enforcement confirm that they target status, not conduct. For someone with no available shelter, the only way to comply with the Ordinances is to leave Grants Pass altogether.

A

Start with their purpose. The Ordinances, as enforced, are intended to criminalize being homeless. The Grants Pass City Council held a public meeting in 2013 to " 'identify solutions to current vagrancy problems.' " App. to Pet. for Cert. 168a. The council discussed the City's previous efforts to banish homeless people by "buying the person a bus ticket to a specific destination," or transporting them to a different jurisdiction and "leaving them there." App. 113–114. That was unsuccessful, so the council discussed other ideas, ****2235** including a " 'do not serve' " list or "a 'most unwanted list' made by taking pictures of the offenders ... and then disseminating it to all the service agencies." *Id*., at 121. The council even contemplated denying basic services such as "food, clothing, bedding, hygiene, and those types of things." *Ibid*.

The idea was deterrence, not altruism. "[U]ntil the pain of staying the same outweighs the pain of changing, people will not change; and some people need an external source to motivate that needed change." *Id*., at 119. One councilmember opined that "[m]aybe they aren't hungry enough or ***576** cold enough ... to make a change in their behavior." *Id*., at 122. The council president summed up the goal succinctly: " '[T]he point is to make it uncomfortable enough for [homeless people] in our city so they will want to move on down the road.' " *Id*., at 114. [3]

3 The majority does not contest that the Ordinances, as enforced, are intended to target homeless people. The majority observes, however, that the council also discussed other ways to handle homelessness in Grants Pass. See *ante,* at 2213, n. 1. That is true. Targeted enforcement of the Ordinances to criminalize homelessness was only one solution discussed at the meeting. See App. 131–132 (listing "[a]ctions to move forward," including increasing police presence, exclusion zones, "zero tolerance" signs, "do not serve" or "most unwanted" lists, trespassing letters, and building a sobering center or youth center (internal quotation marks omitted)).

One action item from this meeting was the " 'targeted enforcement of illegal camping' " against homeless people. App. to Pet. for Cert. 169a. "The year following the [public meeting] saw a significant increase in enforcement of the City's anti-sleeping and anti-camping ordinances. From 2013 through 2018, the City issued a steady stream of tickets under the ordinances." 72 F.4th, at 876–877.

B

Next consider the text. The Ordinances by their terms single out homeless people. They define "campsite" as "any place where bedding, sleeping bag, or other material used for bedding purposes" is placed "for the purpose of maintaining a temporary place to live." § 5.61.010. The majority claims that it "makes no difference whether the charged defendant is homeless." *Ante,* at 2218. Yet the Ordinances do not apply unless bedding is placed to maintain a temporary place to live. Thus, "what separates prohibited conduct from permissible conduct is a person's intent to 'live' in public spaces. Infants napping in strollers, Sunday afternoon picnickers, and nighttime stargazers may all engage in the same conduct of bringing blankets to public spaces [and ***577** sleeping], but they are exempt from punishment because they have a separate 'place to live' to which they presumably intend to return." Brief for Criminal Law and Punishment Scholars as *Amici Curiae* 12.

Put another way, the Ordinances single out for punishment the activities that define the status of being homeless. By most definitions, homeless individuals are those that lack "a fixed, regular, and adequate nighttime residence." 42 U.S.C. § 11434a(2)(A); 24 C.F.R. §§ 582.5, 578.3 (2023). Permitting Grants Pass to criminalize sleeping outside with as little as a blanket permits Grants Pass to criminalize homelessness. "There is no ... separation between being without available indoor shelter and sleeping in public—they are opposite sides of the same coin." Brief for United States as *Amicus Curiae* 25. The Ordinances use the definition of "campsite"

 © 2025 Thomson Reuters. No claim to original U.S. Government Works.

as a proxy for homelessness because those lacking "a fixed, regular, and adequate nighttime residence" are those who need ****2236** to sleep in public to "maintai[n] a temporary place to live."

Take the respondents here, two longtime homeless residents of Grants Pass who sleep in their cars. The Ordinances define "campsite" to include "any vehicle." § 5.61.010(B). For respondents, the Ordinances as applied do not criminalize any behavior or conduct related to encampments (such as fires or tents). Instead, the Ordinances target respondents' status as people without any other form of shelter. Under the majority's logic, cities cannot criminalize the status of being homeless, but they can criminalize the conduct that defines that status. The Constitution cannot be evaded by such formalistic distinctions.

The Ordinances' definition of "campsite" creates a situation where homeless people necessarily break the law just by existing. "[U]nsheltered people have no private place to survive, so they are virtually guaranteed to violate these pervasive laws." S. Rankin, ***578** Hiding Homelessness: The Transcarceration of Homelessness, 109 Cal. L. Rev. 559, 561 (2021); see also Disability Rights Brief 2 ("[T]he members of Grants Pass's homeless community do not choose to be homeless. Instead, in a city with no public shelters, they have no alternative but to sleep in parks or on the street"). Every human needs to sleep at some point. Even if homeless people with no available shelter options can exist for a few days in Grants Pass without sleeping, they eventually must leave or be criminally punished.

The majority resists this understanding, arguing that the Ordinances criminalize the conduct of being homeless in Grants Pass while sleeping with as little as a blanket. Therefore, the argument goes, "[r]ather than criminalize mere status, Grants Pass forbids actions." *Ante,* at 2218. With no discussion about what it means to criminalize "status" or "conduct," the majority's analysis consists of a few sentences repeating its conclusion again and again in hopes that it will become true. See *ante,* at 2218 (proclaiming that the Ordinances "forbi[d] actions" "[r]ather than criminalize mere status"; and that they "do not criminalize mere status"). The best the majority can muster is the following tautology: The Ordinances criminalize conduct, not pure status, because they apply to conduct, not status.

The flaw in this conclusion is evident. The majority countenances the criminalization of status as long as the City tacks on an essential bodily function—blinking, sleeping, eating, or breathing. That is just another way to ban the person. By this logic, the majority would conclude that the ordinance deemed unconstitutional in *Robinson* criminalizing "being an addict" would be constitutional if it criminalized "being an addict and breathing." Or take the example in *Robinson*: "Even one day in prison would be a cruel and unusual punishment for the 'crime' of having a common cold." 370 U.S., at 667, 82 S.Ct. 1417. According to the majority, although it is cruel and unusual to punish someone for having a common cold, it is not cruel and unusual to punish them for sniffling or coughing because of that cold. See ***579** *Manning v. Caldwell*, 930 F.3d 264, 290 (CA4 2019) (Wilkinson, J., dissenting) ("In the rare case where the Eighth Amendment was found to invalidate a criminal law, the law in question sought to punish persons merely for their need to eat or sleep, which are essential bodily functions. This is simply a variation of *Robinson*'s command that the state identify conduct in crafting its laws, rather than punish a person's mere existence" (citation omitted)).

C

The Ordinances are enforced exactly as intended: to criminalize the status of being ****2237** homeless. City officials sought to use the Ordinances to drive homeless people out of town. See *supra*, at 2234 – 2235. The message to homeless residents is clear. As Debra Blake, a named plaintiff who passed away while this case was pending, see n. 1, *supra*, shared:

> "I have been repeatedly told by Grants Pass police that I must 'move along' and that there is nowhere in Grants Pass that I can legally sit or rest. I have been repeatedly awakened by Grants Pass police while sleeping and told that I need to get up and move. I have been told by Grants Pass police that I should leave town.
>
> Because I have no choice but to live outside and have no place else to go, I have gotten tickets, fines and have been criminally prosecuted for being homeless." App. 180–181.

Debra Blake's heartbreaking message captures the cruelty of criminalizing someone for their status: "I am afraid at all times in Grants Pass that I could be arrested, ticketed and prosecuted for sleeping outside or for covering myself with a blanket to stay warm." *Id.*, at 182. So, at times, when she could, Blake "slept outside of the city." *Ibid.* Blake, who was disabled, unemployed, and elderly, "owe[d] the City of Grants Pass

 © 2025 Thomson Reuters. No claim to original U.S. Government Works.

more than $5000 in fines for crimes and violations related directly to [her] involuntary homelessness and ***580** the fact that there is no affordable housing or emergency shelter in Grants Pass where [she could] stay." *Ibid*.

Another homeless individual was found outside a nonprofit "in severe distress outside in the frigid air." *Id*., at 109. "[H]e could not breathe and he was experiencing acute pain," and he "disclosed fear that he would be arrested and trespassed again for being outside." *Ibid*. Another, CarrieLynn Hill, whose story you read earlier, see *supra*, at 2231, was ticketed for "lying down on a friend's mat" and "lying down under a tarp to stay warm." App. 134. She was "constantly afraid" of being "cited and arrested for being outside in Grants Pass." *Ibid*. She is unable to stay at the only shelter in the City because she cannot keep her nebulizer, which she needs throughout the night, in her room. So she does "not know of anywhere in the city of Grants Pass where [she] can safely sleep or rest without being arrested, trespassed, or moved along." *Id*., at 135. As she put it: "The only way I have figured out how to get by is try to stay out of sight and out of mind." *Ibid.* Stories like these fill the record and confirm the City's success in targeting the status of being homeless.

The majority proclaims, with no citation, that "it makes no difference whether the charged defendant is homeless, a backpacker on vacation passing through town, or a student who abandons his dorm room to camp out in protest." *Ante,* at 2218. That describes a fantasy. In reality, the deputy chief of police operations acknowledged that he was not aware of "any non-homeless person ever getting a ticket for illegal camping in Grants Pass." Tr. of Jim Hamilton in *Blake* v. *Grants Pass*, No. 1:18–cr–01823 (D Ore., Oct. 16, 2019), ECF Doc. 63–4, p. 16. Officers testified that "laying on a blanket enjoying the park" would not violate the ordinances, ECF Doc. 63–7, at 2; and that bringing a sleeping bag to "look at stars" would not be punished, ECF Doc. 63–5, at 5. Instead, someone violates the Ordinance only if he or she does not "have another home to go to." *Id.,* at 6. That is the definition ***581** of being homeless. The majority does not contest any of this. So much for the Ordinances applying to backpackers and students.

V

Robinson should squarely resolve this case. Indeed, the majority seems to agree ****2238** that an ordinance that fined and jailed "homeless" people would be unconstitutional. See *ante,* at 2218 (disclaiming that the Ordinances "criminalize mere status"). The majority resists a straightforward application of *Robinson* by speculating about policy considerations and fixating on extensions of the Ninth Circuit's narrow rule in *Martin*.

The majority is wrong on all accounts. First, no one contests the power of local governments to address homelessness. Second, the majority overstates the line-drawing problems that this case presents. Third, a straightforward application of *Robinson* does not conflict with *Powell v. Texas*, 392 U.S. 514, 88 S.Ct. 2145, 20 L.Ed.2d 1254 (1968). Finally, the majority draws the wrong message from the various *amici* requesting this Court's guidance.

A

No one contests that local governments can regulate the time, place, and manner of public sleeping pursuant to their power to "enact regulations in the interest of the public safety, health, welfare or convenience." *Schneider v. State (Town of Irvington)*, 308 U.S. 147, 160, 60 S.Ct. 146, 84 L.Ed. 155 (1939). This power includes controlling "the use of public streets and sidewalks, over which a municipality must rightfully exercise a great deal of control in the interest of traffic regulation and public safety." *Shuttlesworth v. Birmingham*, 394 U.S. 147, 152, 89 S.Ct. 935, 22 L.Ed.2d 162 (1969). When exercising that power, however, regulations still "may not abridge the individual liberties secured by the Constitution." *Schneider*, 308 U.S., at 160, 60 S.Ct. 146.

The Ninth Circuit in *Martin* provided that "an ordinance violates the Eighth Amendment insofar as it imposes criminal ***582** sanctions against homeless individuals for sleeping outdoors, on public property, when no alternative shelter is available to them." 920 F.3d, at 604. *Martin* was narrow.[4] Consider these qualifications:

> "[O]ur holding does not cover individuals who *do* have access to adequate temporary shelter, whether because they have the means to pay for it or because it is realistically available to them for free, but who choose not to use it. Nor do we suggest that a jurisdiction with insufficient shelter can *never* criminalize the act of sleeping outside. Even where shelter is unavailable, an ordinance prohibiting sitting, lying, or sleeping outside at particular times or in particular locations might well be constitutionally permissible. So, too, might an ordinance barring the obstruction of public rights of way or the

 © 2025 Thomson Reuters. No claim to original U.S. Government Works.

erection of certain structures." *Id.*, at 617, n. 8 (citation omitted).

Upholding *Martin* does not call into question all the other tools that a city has to deal with homelessness. "Some cities have established approved encampments on public property with security, services, and other resources; others have sought to impose geographic and time-limited bans on public sleeping; and others have worked to clear and clean particularly dangerous encampments after providing notice and reminders to those who lived there." California Brief 14. Others might "limit the use of fires, whether for cooking or other purposes" or "ban (or enforce already-existing bans on) particular conduct that negatively affects other people, including harassment of passersby, illegal drug use, and littering." ****2239** Brief for Maryland et al. as *Amici Curiae* 12. All of ***583** these tools remain available to localities seeking to address homelessness within constitutional bounds.

4 Some district courts have since interpreted *Martin* broadly, relying on it to enjoin time, place, and manner restrictions on camping outside. See *ante*, at 2210 – 2213, 2222 – 2223. This Court is not asked today to consider any of these interpretations or extensions of *Martin*.

B

The scope of this dispute is narrow. Respondents do not challenge the City's "restrictions on the use of tents or other camping gear," "encampment clearances," "time and place restrictions on sleeping outside," or "the imposition of fines or jail time on homeless people who decline accessible shelter options." Brief for Respondents 18.

That means the majority does not need to answer most of the hypotheticals it poses. The City's hypotheticals, echoed throughout the majority opinion, concern "violent crime, drug overdoses, disease, fires, and hazardous waste." Brief for Petitioner 47. For the most part, these concerns are not implicated in this case. The District Court's injunction, for example, permits the City to prohibit "littering, public urination or defecation, obstruction of roadways, possession or distribution of illicit substances, harassment, or violence." App. to Pet. for Cert. 200a. The majority's framing of the problem as one involving drugs, diseases, and fires instead of one involving people trying to keep warm outside with a blanket just provides the Court with cover to permit the criminalization of homeless people.

The majority also overstates the line-drawing problems that a baseline Eighth Amendment standard presents. Consider the "unavoidable" "difficult questions" that discombobulate the majority. *Ante,* at 2224 – 2226. Courts answer such factual questions every day. For example, the majority asks: "What does it mean to be 'involuntarily' homeless with 'no place to go'?" *Ibid*. *Martin*'s answer was clear: It is when " 'there is a greater number of homeless individuals in [a city] than the number of available beds [in shelters,]' " not including "individuals who *do* have access to adequate temporary shelter, whether because they have the means to pay for it or because it is realistically available to them for free." ***584** 920 F.3d, at 617, and n. 8. The District Court here found that Grants Pass had "zero emergency shelter beds" and that Gospel Rescue Mission's "138 beds would not be nearly enough to accommodate the at least 602 homeless individuals in Grants Pass." App. to Pet. for Cert. 179a–180a. The majority also asks: "[W]hat are people entitled to do and use in public spaces to 'keep warm' "? *Ante,* at 2225. The District Court's opinion also provided a clear answer: They are permitted "bedding type materials to keep warm and dry," but cities can still "implement time and place restrictions for when homeless individuals ... must have their belonging[s] packed up." App. to Pet. for Cert. 199a. Ultimately, these are not metaphysical questions but factual ones. See, *e.g.*, 42 U.S.C. § 11302 (defining "homeless," "homeless individual," and "homeless person"); 24 C.F.R. § 582.5 (defining "[a]n individual or family who lacks a fixed, regular, and adequate nighttime residence").

Just because the majority can list difficult questions that require answers, see *ante,* at 2225, n. 8, does not absolve federal judges of the responsibility to interpret and enforce the substantive bounds of the Constitution. The majority proclaims that this dissent "blinks the difficult questions." *Ante,* at 2225. The majority should open its eyes to available answers instead of throwing up its hands in defeat.

C

The majority next spars with a strawman in its discussion of *Powell* v. *Texas*. The Court in *Powell* considered the distinction between status and conduct but ****2240** could not agree on a controlling rationale. Four Justices concluded that *Robinson* covered any "condition [the defendant] is

powerless to change," 392 U.S., at 567, 88 S.Ct. 2145 (Fortas, J., dissenting), and four Justices rejected that view. Justice White, casting the decisive fifth vote, left the question open because the defendant had "made no showing that he was unable to stay off the streets on the night in question." *Id*., at 554, 88 S.Ct. 2145 (opinion concurring ***585** in judgment). So, in his view, it was "unnecessary to pursue at this point the further definition of the circumstances or the state of intoxication which might bar conviction of a chronic alcoholic for being drunk in a public place." *Id*., at 553, 88 S.Ct. 2145.

This case similarly called for a straightforward application of *Robinson*. The majority finds it telling that this dissent "barely mentions" Justice Marshall's opinion in *Powell*. *Ante,* at 2224 – 2225.[5] The majority completely misses the point. Even Justice Marshall's plurality opinion in *Powell* agreed that *Robinson* prohibited enforcing laws criminalizing "a mere status." 392 U.S., at 532, 88 S.Ct. 2145. The *Powell* Court considered a statute that criminalized voluntary conduct (getting drunk) that could be rendered involuntary by a status (alcoholism); here, the Ordinances criminalize conduct (sleeping outside) that defines a particular status (homelessness). So unlike the debate in *Powell*, this case does not turn on whether the criminalized actions are " 'involuntary' or 'occasioned by' " a particular status. *Id*., at 533, 88 S.Ct. 2145. For all the reasons discussed above, see *supra,* at 2234 – 2238, these Ordinances criminalize status and are thus unconstitutional under any of the opinions in *Powell*.

5 The majority claims that this dissent does not dispute that *Robinson* is "hard to square" with the Eighth Amendment's "text and this Court's other precedents." *Ante*, at 2224. That is wrong. See *supra*, at 2234 (recognizing *Robinson*'s well-established rule). The majority also claims that this dissent "ignores *Robinson*'s own insistence that a different result would have obtained in that case if the law there had proscribed an act rather than status alone." *Ante,* at 2225. That too is wrong. See *supra*, at 2233 – 2234 (discussing *Robinson*'s distinction between status and conduct).

D

The majority does not let the reader forget that "a large number of States, cities, and counties" all "urg[ed] the Court to grant review." *Ante*, at 2214; see also *ante,* at 2212 ("An exceptionally large number of cities and States have filed briefs in ***586** this Court"); *ante,* at 2226 (noting the "multitude of *amicus* briefs before us"); *ante,* at 2214 – 2215, n. 3 (listing certiorari-stage *amici*). No one contests that States, cities, and counties could benefit from this Court's guidance. Yet the majority relies on these *amici* to shift the goalposts and focus on policy questions beyond the scope of this case. It first declares that "[t]he only question we face is whether one specific provision of the Constitution ... prohibits the enforcement of public-camping laws." *Ante,* at 2224. Yet it quickly shifts gears and claims that "the question this case presents is whether the Eighth Amendment grants federal judges primary responsibility for assessing those causes [of homelessness] and devising those responses." *Ante,* at 2226. This sleight of hand allows the majority to abdicate its responsibility to answer the first (legal) question by declining to answer the second (policy) one.

The majority cites various *amicus* briefs to amplify Grants Pass's belief that its homelessness crisis is intractable absent the ability to criminalize homelessness. In so doing, the majority chooses to see only ****2241** what it wants. Many of those stakeholders support the narrow rule in *Martin*. See, *e.g.*, Brief for City and County of San Francisco et al. as *Amici Curiae* 4 ("[U]nder the Eighth Amendment ... a local municipality may not prohibit sleeping—a biological necessity—in all public spaces at all times and under all conditions, if there is no alternative space available in the jurisdiction for unhoused people to sleep"); Brief for City of Los Angeles as *Amicus Curiae* 1 ("The City agrees with the broad premise underlying the *Martin* and *Johnson* decisions: when a person has no other place to sleep, sleeping at night in a public space should not be a crime leading to an arrest, criminal conviction, or jail"); California Brief 2–3 ("[T]he Constitution does not allow the government to punish people for the status of being homeless. Nor should it allow the government to effectively punish the status of being homeless by making it ***587** a crime in all events for someone with no other options to sleep outside on public property at night").

Even the Federal Government, which restricts some sleeping activities on park lands, see *ante,* at 2210 – 2211, has for nearly three decades "taken the position that laws prohibiting sleeping in public at all times and in all places violate the *Robinson* principle as applied to individuals who have no access to shelter." Brief for United States as *Amicus Curiae* 14. The same is true of States across the Nation. See Brief for Maryland et al. as *Amici Curiae* 3–4 ("Taking these policies

[criminalizing homelessness] off the table does not interfere with our ability to address homelessness (including the effects of homelessness on surrounding communities) using other policy tools, nor does it amount to an undue intrusion on state sovereignty").

Nothing in today's decision prevents these States, cities, and counties from declining to criminalize people for sleeping in public when they have no available shelter. Indeed, although the majority describes *Martin* as adopting an unworkable rule, the elected representatives in Oregon codified that very rule. See *infra*, at 2241 – 2242. The majority does these localities a disservice by ascribing to them a demand for unfettered freedom to punish that many do not seek.

VI

The Court wrongly concludes that the Eighth Amendment permits Ordinances that effectively criminalize being homeless. Grants Pass's Ordinances may still raise a host of other legal issues. Perhaps recognizing the untenable position it adopts, the majority stresses that "many substantive legal protections and provisions of the Constitution may have important roles to play when States and cities seek to enforce their laws against the homeless." *Ante,* at 2224. That is true. Although I do not prejudge the merits of these other issues, I detail some here so that people experiencing ***588** homelessness and their advocates do not take the Court's decision today as closing the door on such claims. [6]

6 The majority does not address whether the Eighth Amendment requires a more particularized inquiry into the circumstances of the individuals subject to the City's ordinances. See Brief for United States as *Amicus Curiae* 27. I therefore do not discuss that issue here.

A

The Court today does not decide whether the Ordinances are valid under a new Oregon law that codifies *Martin*. In 2021, Oregon passed a law that constrains the ability of municipalities to punish homeless residents for public sleeping. "Any city or county law that regulates the acts of sitting, lying, sleeping or keeping warm and dry outdoors on public property that is open to the public must be objectively ****2242** reasonable as to time, place and manner with regards to persons experiencing homelessness." Ore. Rev. Stat. § 195.530(2). The law also grants persons "experiencing homelessness" a cause of action to "bring suit for injunctive or declaratory relief to challenge the objective reasonableness" of an ordinance. § 195.530(4). This law was meant to " 'ensure that individuals experiencing homelessness are protected from fines or arrests for sleeping or camping on public property when there are no other options.' " Brief in Opposition 35 (quoting Speaker T. Kotek, Hearing on H. B. 3115 before the House Committee on the Judiciary, 2021 Reg. Sess. (Ore., Mar. 9, 2021)). The panel below already concluded that "[t]he city ordinances addressed in *Grants Pass* will be superseded, to some extent," by this new law. 72 F.4th, at 924, n. 7. Courts may need to determine whether and how the new law limits the City's enforcement of its Ordinances.

B

The Court today also does not decide whether the Ordinances violate the Eighth Amendment's Excessive Fines Clause. That Clause separately "limits the government's ***589** power to extract payments, whether in cash or in kind, as punishment for some offense." *United States v. Bajakajian*, 524 U.S. 321, 328, 118 S.Ct. 2028, 141 L.Ed.2d 314 (1998) (internal quotation marks omitted). "The touchstone of the constitutional inquiry under the Excessive Fines Clause is the principle of proportionality: The amount of the forfeiture must bear some relationship to the gravity of the offense that it is designed to punish." *Id*., at 334, 118 S.Ct. 2028.

The District Court in this case concluded that the fines here serve "no remedial purpose" but rather are "intended to deter homeless individuals from residing in Grants Pass." App. to Pet. for Cert. 189a. Because it concluded that the fines are punitive, it went on to determine that the fines are " 'grossly disproportionate to the gravity of the offense' " and thus excessive. *Ibid.* The Ninth Circuit declined to consider this holding because the City presented "no meaningful argument on appeal regarding the excessive fines issue." 72 F.4th, at 895. On remand, the Ninth Circuit is free to consider whether the City forfeited its appeal on this ground and, if not, whether this issue has merit.

C

 © 2025 Thomson Reuters. No claim to original U.S. Government Works.

Finally, the Court does not decide whether the Ordinances violate the Due Process Clause. "The Due Process Clauses of the Fifth and Fourteenth Amendments ensure that officials may not displace certain rules associated with criminal liability that are 'so old and venerable,' ' "so rooted in the traditions and conscience of our people[,] as to be ranked as fundamental." ' " *Ante,* at 2215 (quoting *Kahler v. Kansas*, 589 U.S. 271, 279, 140 S.Ct. 1021, 206 L.Ed.2d 312 (2020)). The majority notes that due process arguments in *Robinson* "may have made some sense." *Ante,* at 2217. On that score, I agree. "[H]istorically, crimes in England and this country have usually required proof of some act (or *actus reus*) undertaken with some measure of volition (*mens rea*)." *Ibid*. "This view 'took deep and early root in American soil' where, to this day, a crime ordinarily ***590** arises 'only from concurrence of an evil-meaning mind with an evil-doing hand.' *Morissette v. United States*, 342 U.S. 246, 251–252 [72 S.Ct. 240, 96 L.Ed. 288] (1952)." *Ibid*. Yet the law at issue in *Robinson* "was an anomaly, as it required proof of neither of those things." *Ante,* at 2217.

Relatedly, this Court has concluded that some vagrancy laws are unconstitutionally vague. See, *e.g.*, ****2243** *Kolender v. Lawson*, 461 U.S. 352, 361–362, 103 S.Ct. 1855, 75 L.Ed.2d 903 (1983) (invalidating California law that required people who loiter or wander on the street to provide identification and account for their presence); *Papachristou v. Jacksonville*, 405 U.S. 156, 161–162, 92 S.Ct. 839, 31 L.Ed.2d 110 (1972) (concluding that vagrancy law employing " 'archaic language' " in its definition was "void for vagueness"); accord, *Desertrain v. Los Angeles*, 754 F.3d 1147, 1155–1157 (CA9 2014) (holding that an ordinance prohibiting the use of a vehicle as " 'living quarters' " was void for vagueness because the ordinance did not define "living quarters"). Other potentially relevant due process precedents abound. See, *e.g.*, *Winters v. New York*, 333 U.S. 507, 520, 68 S.Ct. 665, 92 L.Ed. 840 (1948) ("Where a statute is so vague as to make criminal an innocent act, a conviction under it cannot be sustained"); *Chicago v. Morales*, 527 U.S. 41, 57, 119 S.Ct. 1849, 144 L.Ed.2d 67 (1999) (opinion of Stevens, J.) (invalidating ordinance that failed "to distinguish between innocent conduct and conduct threatening harm").

The Due Process Clause may well place constitutional limits on anti-homelessness ordinances. See, *e.g.*, *Memorial Hospital v. Maricopa County*, 415 U.S. 250, 263–264, 94 S.Ct. 1076, 39 L.Ed.2d 306 (1974) (considering statute that denied people medical care depending on duration of residency and concluding that "to the extent the purpose of the [statute] is to inhibit the immigration of indigents generally, that goal is constitutionally impermissible"); *Pottinger v. Miami*, 810 F.Supp. 1551, 1580 (SD Fla. 1992) (concluding that "enforcement of laws that prevent homeless individuals who have no place to go from sleeping" might also unconstitutionally "burde[n] their right to travel"); see also *ante,* at 2218, n. 5 (noting that these Ordinances ***591** "may implicate due process and our precedents regarding selective prosecution").

D

The Ordinances might also implicate other legal issues. See, *e.g.*, *Trop*, 356 U.S., at 101, 78 S.Ct. 590 (plurality opinion) (concluding that a law that banishes people threatens "the total destruction of the individual's status in organized society"); Brief for United States as *Amicus Curiae* 21 (describing the Ordinances here as "akin to a form of banishment, a measure that is now generally recognized as contrary to our Nation's legal tradition"); *Lavan v. Los Angeles*, 693 F.3d 1022, 1029 (CA9 2012) (holding that a city violated homeless plaintiffs' Fourth Amendment rights by seizing and destroying property in an encampment, because "[v]iolation of a City ordinance does not vitiate the Fourth Amendment's protection of one's property").

The Court's misstep today is confined to its application of *Robinson*. It is quite possible, indeed likely, that these and similar ordinances will face more days in court.

* * *

Homelessness in America is a complex and heartbreaking crisis. People experiencing homelessness face immense challenges, as do local and state governments. Especially in the face of these challenges, this Court has an obligation to apply the Constitution faithfully and evenhandedly.

The Eighth Amendment prohibits punishing homelessness by criminalizing sleeping outside when an individual has nowhere else to go. It is cruel and unusual to apply any penalty "selectively to minorities whose numbers are few, who are outcasts of society, and who are unpopular, but whom society is willing to see suffer though it would not countenance general application of the same penalty across the board." *Furman v. Georgia*, 408 U.S. 238, 245, 92 S.Ct. 2726, 33 L.Ed.2d 346 (1972) (Douglas, J., concurring).

 © 2025 Thomson Reuters. No claim to original U.S. Government Works.

***592** ****2244** I remain hopeful that our society will come together "to address the complexities of the homelessness challenge facing the most vulnerable among us." *Ante,* at 2226. That responsibility is shared by those vulnerable populations, the States and cities in which they reside, and each and every one of us. "It is only after we begin to see a street as *our* street, a public park as *our* park, a school as *our* school, that we can become engaged citizens, dedicating our time and resources for worthwhile causes." M. Desmond, Evicted: Poverty and Profit in the American City 294 (2016). This Court, too, has a role to play in faithfully enforcing the Constitution to prohibit punishing the very existence of those without shelter. I remain hopeful that someday in the near future, this Court will play its role in safeguarding constitutional liberties for the most vulnerable among us. Because the Court today abdicates that role, I respectfully dissent.

All Citations

603 U.S. 520, 144 S.Ct. 2202, 219 L.Ed.2d 941, 2024 Daily Journal D.A.R. 6000, 30 Fla. L. Weekly Fed. S 495

End of Document

© 2025 Thomson Reuters. No claim to original U.S. Government Works.

7.39.020 Civil abatement of unauthorized encampments.

A. The City Manager is authorized to abate any unauthorized encampment from public property.

B. Unauthorized encampments that pose an immediate threat to the health or safety of the public shall receive priority abatement.

C. Unauthorized encampments, receiving priority abatement, by order of the City Manager, may be abated for any of following reasons:

1. The encampment presents an immediate threat to the health or safety of the public.
2. City staff has reasonable, articulable, detailed evidence-based facts the encampment is being used for ongoing criminal activity.
3. City staff has reasonable, articulable, detailed evidence-based facts the encampment is being used for an ongoing personal business or activity associated with the manufacturing, repair, or development of goods or services.
4. City staff has reasonable, articulable, detailed evidence-based facts the encampment has been abandoned for seven days or more.
5. There are evidence-based facts of intentional property damage caused by the occupants of the unauthorized encampment.
6. There are evidence-based facts of unauthorized use of privately-owned property or public infrastructure to physically support a structure used for human habitation, i.e., using a fence to support a lean-to structure.
7. The location of the unauthorized encampment creates any fire hazard due to proximity of the encampment to nearby grass or tree-lined areas during extreme dry conditions as determined by Loveland Fire Rescue Authority.
8. The unauthorized encampment is in a park facility, open space, natural area, or trail not specifically designated or authorized by the Director of Parks and Recreation for overnight camping.
9. The unauthorized encampment is on public property posted with "No Trespass," "No Overnight Camping," or "No Camping" signs.
10. Encampment locations that interfere with, obstruct, or prevent maintenance of public property by City employees.

D. Evidence-based facts must be in writing and must provide an explanation of the factual basis for any decision of the City Manager to issue an order to abate an unauthorized encampment.

E. The City ~~will~~ may offer to store personal property, in a designated storage container at a designated storage location, for persons of abated encampments, subject to reasonable limitations as determined by the City Manager, for a period of up to 60 days. If said persons fail to claim personal property stored by the City ~~within 60 days of the City's possession~~the period of time set by the City that shall in no event exceed 60 days, the City may dispose of the personal property in any manner consistent with existing law.

1. Upon receipt of clear and documented consent from an occupant of an unauthorized encampment that has been or will be abated, a temporary storage area may be utilized for personal property for no more than 24 hours subsequent to abatement. Personal property placed in a temporary storage area in excess of 24 hours subsequent to abatement ~~shall~~ may be stored by the City at a designated location for a period of up to 60 days. If said persons fail to claim personal property stored by the City ~~within 60 days of the City's possession~~the period of time set by the City that shall in no event exceed 60 days, the City may dispose of the personal property in any manner consistent with existing law.

F. The City Manager may promulgate and publish reasonable rules and regulations to effectuate the intent of this Chapter. Any rule or regulation must be made available to the public and the City Clerk shall maintain a copy of said rules or regulations for public inspection.

7.39.030 Prerequisites for civil abatement of unauthorized encampments.

A. No civil abatement shall occur unless:

1. A law enforcement officer, or another City employee, contractor, or agent, has observed evidence of an unauthorized encampment; and

2. A law enforcement officer has issued the person in an unauthorized encampment a verbal or written order to vacate the unauthorized encampment and to remove their property.~~; and~~

~~3. The City has a shelter option available for the person ordered to vacate the camp, the person has been offered placement in a shelter, and adequate space in a shelter has been confirmed.~~

9.47.020 Unauthorized camping on public or private property prohibited.

A. It shall be unlawful for any person to camp on private property without the express written consent of the property owner or the owner's agent, except in any location where camping has been expressly authorized by the City.

B. It shall be unlawful for any person to camp on any public property, except in any location where camping has been expressly authorized by the City.

C. No law enforcement officer authorized to issue a summons and complaint under this Section 9.47.020 shall issue a summons and complaint, make an arrest, or otherwise enforce this Section 9.47.020 against a person camping on public property, unless:

1. A law enforcement officer, or another City employee, contractor, or agent, has observed evidence of an unauthorized encampment; and

2. A law enforcement officer has issued the person(s) in an encampment a verbal or written order to vacate the encampment and remove their property.~~; and~~

~~3. The City has a shelter option available for the person ordered to vacate the encampment, the person has been offered placement in a shelter, and adequate space in a shelter has been confirmed.~~

~~D. If a person is offered a shelter option and refuses to vacate the encampment and go to the shelter when ordered by a law enforcement officer, this person may be issued a summons and complaint, and is subject to arrest.~~

D. Any person convicted of violating this section shall be subject to the penalty provisions as provided in Loveland Municipal Code Section 1.12.010.A. For a first offense, the Loveland Municipal Court Judge shall consider sentencing options focused on providing resources for the offender to find employment, housing, or other services that have a propensity to improve the life circumstances of the offender.

Encampment Response Operations & Cleanup (EROC) Expenses 2022-2025

The tables below show the expense history of the EROC program since inception in 2022.

Table 1

LRC Direct Program Expenses

YTD 2025 Motel rooms	$ 11,280	
LRC Purchase Price	410,334	
LRC monthly / daily cost	$ 158,071	$ 5,099

Table 2

EROC Project Direct Expenses

	2022 Total	2023 Total	2024 Total	2025 Total	Total Expenditures
Total Payroll	**$ 187,732**	**$ 922,245**	**$ 1,115,155**	**$ 1,103,945**	**$ 3,329,076**
Total Employee Mileage	**208**	**71**	**110**	**-**	**389**
Purchased Services:					
Motel Rooms:					
Baymont rooms	17,810	42,394	-	7,215	67,419
Best Western Room	848	-	-	-	848
Travel Lodge	-	-	-	1,885	1,885
Kings Court Rooms	75,675	145,065	29,575	2,180	252,495
Rosebud Motel	88,051	48,436	3,432	-	139,918
Hiway Motel	-	-	1,680	-	1,680
Total Motel Costs:	**182,383**	**235,895**	**34,687**	**11,280**	**464,245**
Security Costs	195,561	365,448	454,410	378,510	1,393,929
Shelter Creation Costs (Fixtures, Appliances, I.T.)	44,799	14,838	-	273	59,910
Tent Supplies	42,684	14,919	1,536	766	59,906
Storage Costs	17,541	15,619	-	-	33,160
Encampment Clean Up (Contractors, Mitigation work)	243,941	352,773	379,271	99,370	1,075,356
Unhoused Support	3,289	4,282	90	131	7,791
Supplies (food, cleaning, office, personal, safety, misc)	17,740	52,845	49,938	41,547	162,070
Ongoing Shelter (Sanitation/ Shelter Maint.)	25,865	153,795	143,175	106,857	429,691
Miscellaneous Expenses (Signage, Training, Staff Support)	6,241	55,950	18,919	1,415	82,526
Total Purchased Services	**780,045**	**1,266,363**	**1,082,027**	**640,149**	**3,768,584**
Capital Outlay:					
Purchase of tents & HVAC units	119,524	46,599	-	-	166,123
Electrical	23,717	524,274	-	-	547,991
Storage Container, 40' (2)	18,100	-	-	-	18,100
COR Engineering - Railroad encampment design	4,723	5,403	-	-	10,127
Camera Installation at SRF & LRC	-	46,264	-	-	46,264
Moving Connex at SRF	-	350	-	-	350
COL Electric Distribution Charges	-	40,220	-	-	40,220
Ditesco Design Services	-	425	-	-	425
Plumbing - water main supply to trailers	-	35,793	24,588	-	60,381
Sewer Infrastructure	-	122,673	-	-	122,673
Other Misc.	865	50,448	5,861	5,963	63,137
Total Capital Outlay	**166,929**	**872,451**	**30,449**	**5,963**	**1,075,792**
Annual Actual Expense Total	**$ 1,134,913**	**$ 3,061,129**	**$ 2,227,741**	**$ 1,750,057**	**$ 8,173,841**

Note: The amounts above reflect direct expenses for the Encampment Response program. It does not include staff expenses incurred in other departments (e.g. Police, Public Works, Administration, Finance) related to time spent on the program.

City of Loveland

Amendments to Emergency Ordinance 6554 B

Vincent Junglas, City Attorney

Office of the City Attorney

January 6, 2026

Unauthorized Encampments









City of Loveland

Martin v. Boise

Ninth Circuit Court of Appeals: The Eighth Amendment protects homeless people against prosecution for unauthorized camping without a shelter alternative.

Denver v. Burton

Martin is applied to Denver's unauthorized encampment ban, requiring shelter availability before prosecution.

People v. Wiemold

Martin is applied to Fort Collins' unauthorized encampment ban, requiring shelter availability before prosecution.

Lyall v. Denver

Lawsuit against Denver's unauthorized encampment abatement procedures results in settlement and concessions, including requirement to store seized property for 60 days.

City of Loveland

E.O. 6554 B

Passed on May 17, 2022, in the wake of Martin and local litigation to address encampment concerns.

Abatement of Unauthorized Encampments

The City must provide storage of seized property for 60 days and may not abate an encampment unless adequate shelter space exists.

Prosecution of Unauthorized Camping

The City may not cite for unauthorized camping unless adequate shelter space exists.

City of Loveland

Grants Pass v. Johnson

U.S. Supreme Court:
The Eighth Amendment does not require shelter availability to prosecute unauthorized camping.

Overturned Johnson v. Grants Pass and Martin v. Boise

The Eighth Amendment does not function to require the availability of alternative shelter in the criminal prosecution of or the imposition of civil penalties for unauthorized camping.

City of Loveland

Amending E.O. 6554 B

Bringing the Emergency Ordinance in line with the Grants Pass decision

Abatement of Unauthorized Encampments

Removes requirement to confirm availability of alternative shelter prior to abatement

Prosecution of Unauthorized Camping

Removes requirements for

- Order to vacate and remove property from encampment and
- Confirm availability of alternative shelter

prior to citing for unauthorized camping

City of Loveland

Notes to Consider

Practical information and data that may be useful for the Council and members of the public

Practical Information

- The City will not continue the temporary use permit for the Loveland Resource Center past March 15, 2026.
- The City has spent a total of $8.2 million dollars since the EO was enacted in 2022 on homelessness services (inclusive of capital, staffing, and encampment response).
- The City will not provide direct overnight services in the future. The City will only work with non-profit organizations to run a facility, just like other municipalities in Colorado.

City of Loveland

City of Loveland

Public Comment & Council Questions

City of Loveland

Thank You!

Vincent Junglas, City Attorney

Office of the City Attorney

vince.junglas@cityofloveland.org

Chad Thompson

From: Laura Light-Kovacs
Sent: Monday, January 5, 2026 5:04 PM
To: City Council
Cc: Vince Junglas; Jim Thompson; Temp CCMAIL
Subject: Motion for Tomorrow Nigh

Hello Colleagues,

I want to give you a courtesy heads-up that I plan to introduce a motion tomorrow evening, prior to the Grant's Pass item.
The intent behind this motion comes from my discomfort with fully enacting the Grant's Pass ordinance before we are closer to securing a permanent shelter solution. The motion I intend to read would only take effect if *both* of the following actions occur:

Action 1: Council passes the Grant's Pass ordinance on first reading
Action 2: Council approves the purchase of the building on 71st Street

If both actions occur, the motion would direct the City Manager to delay bringing the Grant's Pass ordinance back for second reading until the city has an agreement with a third-party nonprofit to operate a shelter. The shelter would not need to be fully operational at that time; a letter of commitment would be sufficient. The exact language of the motion reads as follows:

"The purpose of this motion is to place the City's proposed Ordinance #6806, aligning the City's current Code to the constitutional standards expressed in the Grants Pass case, on equal footing, from a timing perspective, with the City's expressed interest in purchasing a facility to provide a broad array of homelessness services at 599 West 71st Street, Loveland, Colorado. I hereby move to direct the City Manager, only if the City Council approves Ordinance #6806, to postpone consideration of second reading, of Ordinance #6806, until the City has executed a letter of commitment with a qualified non-profit agency to run a homelessness services center at the proposed facility at 599 West 71st Street, Loveland, Colorado."

While I understand the desire to move forward with Grant's Pass, I am concerned that if we fail to secure a permanent shelter solution, (and the LRC discontinues overnight sheltering in March) we risk inadvertently criminalizing homelessness. If someone is unhoused and there is no shelter available to them, whether operated by the city or a nonprofit partner, I cannot in good conscience support subjecting that individual to a citation.

I am supportive of enacting Grant's Pass *when* there is a viable alternative in place. I believe this motion strikes a necessary balance between public safety and ensuring that our unhoused community members are not penalized simply for being homeless.

Please do not reply to this email, as doing so would violate the Open Meetings Law. I am sharing this in advance of the meeting solely as a courtesy to allow time for consideration.

Thank you,
Laura

Laura Light-Kovacs
Loveland City Council Ward 4
Phone Number: 970-962-2196

'Emails to or from City Council are subject to public disclosure under the Colorado Open Records Act (CORA), with limited exceptions. All emails addressed to or sent from City Council, including email addresses, will be visible in an online system in order to promote transparency, except those considered confidential under CORA. Emails with “#private#” in the subject line will appear in the online system, but the content and subject line will be restricted from view. However, the City of Loveland cannot guarantee that an email marked “#private#” will remain private under CORA

Chad Thompson

From: Kalina Middleton
Sent: Monday, January 5, 2026 8:37 PM
To: Laura Light-Kovacs; City Council; Jim Thompson; Vince Junglas; Patrick McFall - Mayor
Cc: Temp CCMAIL
Subject: #private#

Laura,

Thank you for the heads-up. A question regarding your motion… if the City does not currently have the funding, operator, or regional framework to deliver a shelter, how does conditioning enforcement policy on securing one make us more responsible rather than basing policy on an outcome we already know we cannot deliver?

Sincerely,
Kalina

City of Loveland

Kalina Middleton
City Councilor - Ward III
Loveland City Council

500 E. 3rd Street, Ste. 330
Loveland, CO 80537

Office: 970-962-2194

'Emails to or from City Council are subject to public disclosure under the Colorado Open Records Act (CORA), with limited exceptions. All emails addressed to or sent from City Council, including email addresses, will be visible in an online system in order to promote transparency, except those considered confidential under CORA. Emails with "#private#" in the subject line will appear in the online system, but the content and subject line will be restricted from view. However, the City of Loveland cannot guarantee that an email marked "#private#" will remain private under CORA

Chad Thompson

From: City of Loveland <enotify@cityofloveland.org>
Sent: Sunday, January 4, 2026 8:55 PM
To: Clerk; City Council
Subject: [External] *NEW SUBMISSION* City Council Public Comment Form (Revised 2023)

City Council Public Comment Form (Revised 2023)

Submission #: 4552147
IP Address: 97.122.103.12
Submission Date: 01/04/2026 8:55
Survey Time: 44 minutes, 2 seconds

You have a new online form submission.
Note: all answers displaying "*****" are marked as sensitive and must be viewed after your login.

Contact Information

Full Name

Laura Hinds

Email

Phone

(970) 964-6017

Would you like Staff to follow up with you? If yes, email or phone is required.

No

Section Break

Select Your Ward

Read-Only Content

Select your Ward

Section Break

Meeting Information

Please identify the date of the meeting you wish to leave a comment.

Meeting Date

01/06/2026 12:00 AM

If your comment is not a general public comment, please tell us which agenda item(s) your comment pertains to:

Item 7.1

Section Break

Type of Comment

Please remember that if you plan to share your comments in-person, do not complete this form. There will be an opportunity to register in-person to speak before each meeting.

How would you like to provide your comment?

Written comment for publication in the agenda packet

Please leave your comment here:

While I applaud City Council for taking up the matter of where unhoused members of our community can potentially have wraparound services, I believe City Council should postpone any adjustment of the encampment ban enforcement policy until there is adequate shelter in place. Currently, that is not the case. Services are scattered in different areas and the number of beds indoors is inadequate. Furthermore, people permitted to camp on LRC property have been subjected to rules that change on a whim, had their property confiscated, and have not been supported in a way that encourages long-term solutions. I would like City Council to extend the deadline for the enforcement of the encampment ban contingent upon an adequate shelter facility. Sending people to jail for simply existing in a public place while having the biological need to sleep is cruel and will cost taxpayers more than $60,000 per year per person. Assessing fines on someone who does not have the money for housing makes no sense and does nothing to improve the problem. The situation with unhoused residents is in its current state due to the past deadlocked city council's inaction and will not be resolved by tickets or jail time. Working towards a sustainable solution is the only way to move forward, so I would like city council members to vote no on this proposal.

Thank you,
City of Loveland

This is an automated message generated by Granicus. Please do not reply directly to this email.



MEETING DATE:	January 6, 2026
TO:	City Council
DEPARTMENT:	Public Works
DIRECTOR:	Jodi Lessman
PRESENTER:	Michael Hogan, Facilities Manager; Jim Thompson, City Manager
STRATEGIC PLAN FOCUS AREA:	Livability

AGENDA ITEM:
ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2026 CITY OF LOVELAND BUDGET FOR THE PURCHASE OF REAL PROPERTY LOCATED AT 599 W 71ST STREET, LOVELAND COLORADO, 80538 AND A RESOLUTION CONDITIONALLY APPROVING THE PURCHASE AND SALE AGREEMENT ON THE CONDITION THAT THE CITY OBTAIN A SATISFACTORY LETTER OF COMMITMENT FROM A QUALIFIED NON-PROFIT AGENCY TO OPERATE THE FACILITY FOR HOMELESSNESS SERVICES, INCLUDING SHELTERING

RECOMMENDED CITY COUNCIL ACTION:
A motion to adopt, on first reading, Ordinance No. 6807 enacting a supplemental budget and appropriation to the 2026 City of Loveland Budget for the purchase of real property located at 599 71st Street, Loveland Colorado, 80538

OPTIONS:

COUNCIL ACTION OPTIONS	CONSEQUENCE
Approve the Motion	This Ordinance and Resolution will allow City of Loveland to appropriate the Capital Expansion Fees (CEF) and General funds needed to purchase the property located at 599 71st Street to facilitate a future homeless shelter.
Deny the motion or take no action	The funding will be returned to the fund of origin. The contract to buy the property will be terminated, earnest money will be returned to the fund of origin.
Adopt a Modified Action	Specify in the motion.
Refer back to Staff	Will return at a later meeting to obtain direction on the future of the project.

SUMMARY:

Purpose: This proposed Ordinance and Resolution will allow the City to appropriate the funds needed to purchase the property located at 599 W 71st Street. The City placed the property under contract on October, 6, 2025 at the asking price of $2,850,000. The total property is 14,130 square feet. This proposed purchase is recommended to be funded with a combination of General Government Capital Expansion Fees (CEF), current pre-purchase

balance $3.15MM, and General Fund fund balance, current pre-purchase unassigned fund balance $1.3M. The finding mix for purchase would be $2,754,011 - General Government CEF Fund and $95,989 - General Fund. The on-going operations and maintenance cost (O&M) for this location is estimated at $112,000/year for utilities and minor maintenance. The proposed Resolution contains a condition precedent requiring the City to execute a letter of commitment by a qualified non-profit agency to operate the aforementioned facility before closing on the property. If purchased, the current Loveland Resource Center located at 137 Lincoln Avenue will be sold and those funds returned to the General Fund.

Objective: The location will be used to create a permanent homeless shelter operated by a 3rd party.

Impact: The Capital Expansion Fee (CEF) fund balances for the General Government category will be decreased by $2,754,011. The general fund will take on a minimum operations and maintenance lability of $112,000/ year base on current unit status.

Council Follow-up: The proposed Resolution will be presented to City Council during second reading of the Ordinance on January 20, 2026.

BUDGET IMPACT:

Budgetary Impact?	Funds Impacted: General Government Capital Expansion Fee (CEF) Fund and General Fund
	Source(s) of Funding: $2,754,011 - General Government CEF Fund $95,989 - General Fund
Grant Funding?	Grantor(s) (State or Fed): N/A
	City Matching Requirement: N/A
	On-going or One-Time: N/A
	If On-going, when does the grant sunset? N/A
Additional Comments:	The remaining unassigned fund balance by fund is listed below if this request is approved: General Government CEF: $398,989 The Current LRC will be sold and those funds returned to the General Fund.

STRATEGIC PLAN FOCUS AREA

Focus	Livability
Strategy (if applicable)	Strive to Ensure Opportunity is Available to All

Priority (if applicable)	Reduce Homelessness
Notes	

COUNCIL OR BOARD/COMMISSION REVIEW:
Type of Meeting: N/A

Resulting Vote: N/A

Discussion: N/A

BACKGROUND:

History:

Outreach and Notification Efforts:

Conditions met/or anticipated: This location at 599 71st Street was presented to City management in September of 2025 as available and an opportunity to create a permanent location for a homeless shelter. The property is currently an empty warehouse with offices to one side. There are existing bathrooms with showers. The property sits at the edge of the City's boundary to the north, with open space owned by the County abutting it. The zoning is listed as Developing Industrial. The proposed resolution contains a condition precedent requiring the City to execute a letter of commitment by a qualified non-profit agency to operate the aforementioned facility before closing on the property.

If purchased, the current Loveland Resource Center located at 137 Lincoln Avenue will be sold and those funds returned to the General Fund.

A presentation on this item can be found in **Attachment 1**.

Start and End Dates (of studies, design, construction, or in service/operational): N/A

ANALYSIS TABLE:

Yes: ☐ **No:** ☒

LIST OF ATTACHMENTS:
Ordinance
Att 1 Presentation
Att 2 Shelter CEF Analysis 12.29.25

FIRST READING: January 6, 2026

SECOND READING: _____

ORDINANCE NO. 6807

AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2026 CITY OF LOVELAND BUDGET FOR THE PURCHASE OF REAL PROPERTY LOCATED AT 599 WEST 71ST STREET, LOVELAND COLORADO, 80538

WHEREAS, the City of Loveland ("City") has reserved funds not anticipated or appropriated at the time of the adoption of the 2026 City budget for the Purchase of Real Property located at 599 West 71st Street, Loveland Colorado, 80538; and

WHEREAS, the City Council desires to authorize the expenditure of these funds by enacting a supplemental budget and appropriation to the 2025 City budget for the Purchase of Real Property located at 599 West 71st Street, Loveland Colorado, 80538, as authorized by Section 11-6(a) of the Loveland City Charter.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO:

Section 1. That reserves in the amount of $95,989 from unassigned fund balance in the General Fund are available for appropriation. That reserves in the amount of $2,754,011 from unassigned fund balance in the General Government Capital Expansion Fee (CEF) Fund are available for appropriation. Such revenues in the total amount of $2,850,000 are hereby appropriated to the 2026 City budget for the Purchase of Real Property located at 599 West 71st Street, Loveland Colorado, 80538. The agencies and funds that shall be spending the supplemental appropriations are as follows:

Supplemental Budget
Capital Projects Fund 120

Revenues			
Unassigned Fund Balance			95,989
Total Revenue			**95,989**
Appropriations			
100-91-999-0000-47120	GF2527	Transfer to Capital Projects Fund	95,989
Total Appropriations			**95,989**

Supplemental Budget
Capital Projects Fund 120

Revenues			
120-00-000-0000-37268	GF2527	Transfer from General Government CEF	2,754,011
120-00-000-0000-37100	GF2527	Transfer from General Fund	95,989
Total Revenue			**2,850,000**
Appropriations			
120-23-250-0000-49329	GF2527	Building Purchase	2,850,000
Total Appropriations			**2,850,000**

Supplemental Budget
General Government Capital Expansion Fee (CEF) Fund 268

Revenues			
Unassigned Fund Balance			2,754,011
Total Revenue			**2,754,011**
Appropriations			
268-91-902-0000-47120	GF2527	Transfer to Capital Projects Fund	2,754,011
Total Appropriations			**2,754,011**

Section 2. That as provided in City Charter Section 4-9(a)(7), this Ordinance shall be published by title only by the City Clerk after adoption on second reading unless the Ordinance has been amended since first reading in which case the Ordinance shall be published in full or the amendments shall be published in full.

Section 3. That this Ordinance shall be in full force and effect upon final adoption, as provided in City Charter Section 11-5(d).

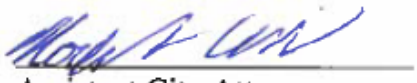
ADOPTED this ___ day of _____, 2026.

_____
Patrick McFall, Mayor

ATTEST:

_____
Ashley Macdonald, City Clerk

APPROVED AS TO FORM:



Assistant City Attorney

AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2026 CITY OF LOVELAND BUDGET FOR THE PURCHASE OF REAL PROPERTY LOCATED AT 599 WEST 71ST STREET, LOVELAND, COLORADO 80538

Real Estate Opportunities

Prepared for Loveland City Council
January 6, 2026

AGENDA

1 LOVELAND CITY SERVICE EXPANSION OPPORTUNITY

2 OBTAIN COUNCIL GUIDANCE

Deal Highlights

599 71St Street

WAREHOUSE/OFFICE SPACE

$2,850,000 NEGOTIATED PRICE

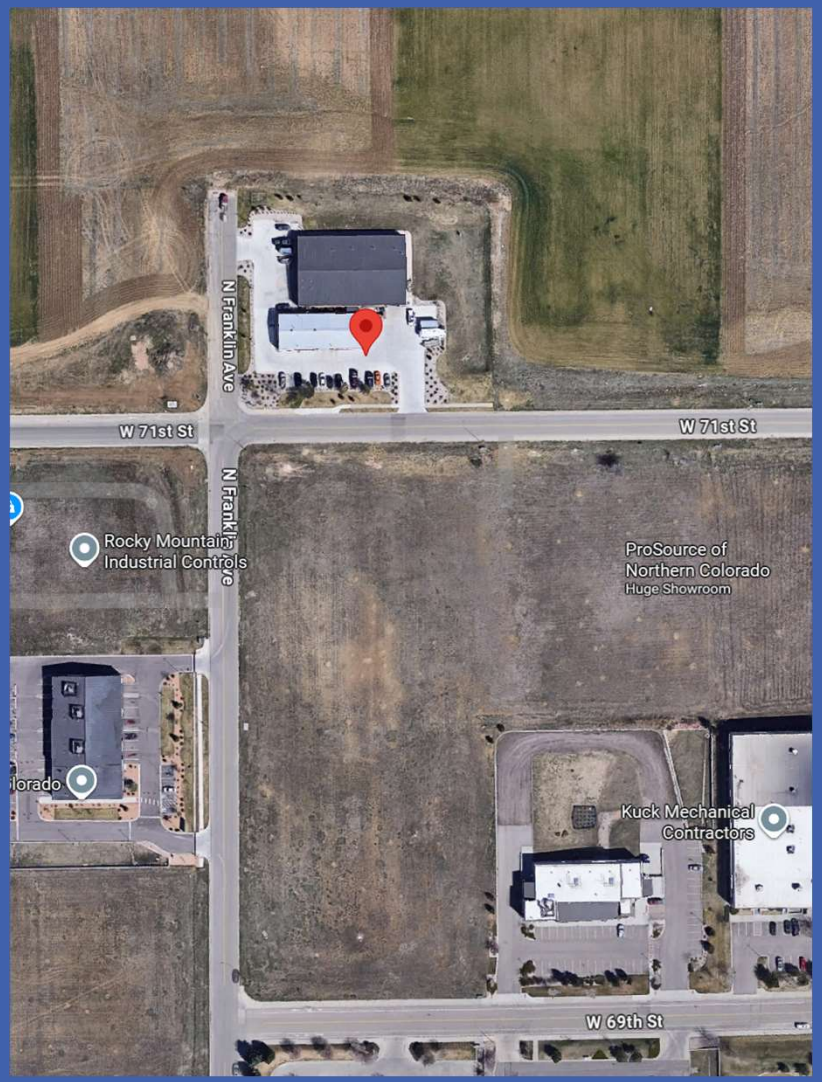
14,130 SQUARE FEET TOTAL

1.64 ACRES

The vision for the facility is to designate a permanent location for a homeless shelter.

Propose using CEFs and General Fund to pay for the purchase.

Current LRC location will be sold, and funds will go back to the General Fund.



3



// PROPERTY FEATURES

Welcome to 599 West 71st Street, a premier property offering 14,130 square feet of versatile industrial and office space. Nestled in a prime location, this facility combines functionality with convenience, ideal for businesses seeking a strategic base of operations. The property's expansive layout provides ample room for a variety of industrial processes and office configurations, making it a perfect choice for companies looking to optimize their workspace. With its strategic location, 599 West 71st Street ensures excellent connectivity and accessibility, positioning your business at the heart of a dynamic and thriving area.

PROPERTY DETAILS

Available Size	14,130 SF
Year Built	2012
Power	400 amps, 208V, 3-phase
Loading	One (1) 14' x 12' overhead door Two (2) 12' x 12' overhead doors

OTHER FEATURES

- Fire suppression
- Radiant heat in main shop
- Exhaust vents and compressed air lines
- Newly renovated office

Public Comment & Council Discussion

Capital Expansion Fee Analysis - 71st Street Purchase

	Functional Space	
	71st street	Loveland Resource Center (LRC)
Exterior square feet	71,380	N/A
Interior square feet	14,130	2,880
Total sqare feet	85,510	2,880

Current Space	2,880	sqare feet
Additional Space	82,630	sqare feet
Current Space %	3.4%	
Additional Space %	96.6%	

Purchase Price	$ 2,850,000	
General Fund Contributior	95,989	
General Govt. CEF Cont.	$ 2,754,011	

Notes - The calculations above serve to quantify the expansion in service capability the purchase of the 71st property would provide. The additional service capacity is eligible for capital expansion fee (CEF) funds. The proportion of the purchase that would replace existing service capacity will have to be funded by other sources (General Fund). Please note exterior space at the current LRC is not considered functional for permamnent service provision.

Chad Thompson

From: City of Loveland <enotify@cityofloveland.org>
Sent: Tuesday, January 6, 2026 7:05 PM
To: Clerk; City Council
Subject: [External] *NEW SUBMISSION* City Council Public Comment Form (Revised 2023)

City Council Public Comment Form (Revised 2023)

Submission #: 4557487
IP Address: 129.19.3.7
Submission Date: 01/06/2026 7:04
Survey Time: 2 minutes, 19 seconds

You have a new online form submission.
Note: all answers displaying "*****" are marked as sensitive and must be viewed after your login.

Contact Information

Full Name

Gina Kim

Email

gkjt2007@gmail.com

Phone

Would you like Staff to follow up with you? If yes, email or phone is required.

Yes

Section Break

Select Your Ward

Read-Only Content

Select your Ward

Ward 1

Section Break

Meeting Information

Please identify the date of the meeting you wish to leave a comment.

Meeting Date

01/06/2026 12:00 AM

If your comment is not a general public comment, please tell us which agenda item(s) your comment pertains to:

Purchase of 599 W 71st Street

Section Break

Type of Comment

Please remember that if you plan to share your comments in-person, do not complete this form. There will be an opportunity to register in-person to speak before each meeting.

How would you like to provide your comment?

Written comment for publication in the agenda packet

Please leave your comment here:

I am a homeowner who lives near 599 W 71st Street, and I strongly oppose the proposed ordinance and resolution authorizing the City's purchase of this property for use as a homeless resource center. This is not opposition to addressing homelessness. It is opposition to placing a high-need service facility immediately adjacent to a residential neighborhood and committing significant public funds without adequate justification or transparency. The proposed $2.85 million purchase, funded primarily through General Government Capital Expansion Fees and supplemented by the General Fund, represents a major and permanent financial commitment. Once these funds are spent, they are no longer available for other critical infrastructure and citywide needs. In addition, the estimated $112,000 per year in ongoing operations and maintenance costs does not account for increased demands on police, fire, and emergency services that are likely to follow. This location is inappropriate for a facility of this nature. It shifts the impacts of a citywide issue onto a small group of residents who did not choose to live next to a homeless resource center. Regardless of intent, facilities like this create real quality-of-life impacts that directly affect nearby homeowners. There is also insufficient clarity around operations. While the resolution requires identification of a nonprofit operator prior to closing, there is no detailed plan outlining security, enforcement, crisis response, or accountability metrics. Proceeding with a property purchase before these details are finalized is premature. Finally, the City has not demonstrated that this location will effectively serve unhoused individuals. Access to transit, employment, healthcare, and permanent housing pathways should drive site selection. Without clear evidence that this site improves outcomes, this purchase risks becoming an expensive and ineffective solution. I urge City Council to vote against this proposal and instead pursue alte

Thank you,
City of Loveland

This is an automated message generated by Granicus. Please do not reply directly to this email.



Chad Thompson

From: City of Loveland <enotify@cityofloveland.org>
Sent: Tuesday, January 6, 2026 12:28 PM
To: Clerk; City Council
Subject: [External] *NEW SUBMISSION* City Council Public Comment Form (Revised 2023)

City Council Public Comment Form (Revised 2023)

Submission #:	4556282
IP Address:	73.78.119.3
Submission Date:	01/06/2026 12:27
Survey Time:	4 minutes, 25 seconds

You have a new online form submission.
Note: all answers displaying "*****" are marked as sensitive and must be viewed after your login.

Contact Information

Full Name

James H Hallock

Email

jimhallock@aol.com

Phone

(970) 481-2627

Would you like Staff to follow up with you? If yes, email or phone is required.

Yes

Section Break

Select Your Ward

Read-Only Content

Select your Ward

Ward 1

Section Break

Meeting Information

Please identify the date of the meeting you wish to leave a comment.

Meeting Date

01/06/2026 12:00 AM

If your comment is not a general public comment, please tell us which agenda item(s) your comment pertains to:

Homeless Shelter

Section Break

Type of Comment

Please remember that if you plan to share your comments in-person, do not complete this form. There will be an opportunity to register in-person to speak before each meeting.

How would you like to provide your comment?

Written comment for publication in the agenda packet

Please leave your comment here:

I want to bring to City Councils attention that the covenants for the property under consideration, specifically prohibit residential use. Paragraph 9.2 specifically addresses this use. The property is within Longview-Midway Fourth Addition which covenants are recorded at Reception # 20150080206, 12/01/2015, 11:13:53 AM, A sheltering facility is providing a residence for its occupants and as such violates the covenants for the proposed property. Thank you for the opportunity to bring this to your attention. Jim Hallock

Thank you,
City of Loveland

This is an automated message generated by Granicus. Please do not reply directly to this email.



Chad Thompson

From: City of Loveland <enotify@cityofloveland.org>
Sent: Tuesday, January 6, 2026 8:24 PM
To: Clerk; City Council
Subject: [External] *NEW SUBMISSION* City Council Public Comment Form (Revised 2023)

City Council Public Comment Form (Revised 2023)

Submission #:	4557582
IP Address:	2601:282:8982:4ab0:2c30:d30:3b7b:2cba
Submission Date:	01/06/2026 8:23
Survey Time:	12 minutes, 50 seconds

You have a new online form submission.
Note: all answers displaying "*****" are marked as sensitive and must be viewed after your login.

Contact Information

Full Name

Janessa Rhoades

Email

janessa.rhoades@gmail.com

Phone

(951) 808-7643

Would you like Staff to follow up with you? If yes, email or phone is required.

No

Section Break

Select Your Ward

Read-Only Content

Select your Ward

Ward 2

Section Break

Meeting Information

Please identify the date of the meeting you wish to leave a comment.

Meeting Date

01/06/2026 12:00 AM

If your comment is not a general public comment, please tell us which agenda item(s) your comment pertains to:

7.1

Section Break

Type of Comment

Please remember that if you plan to share your comments in-person, do not complete this form. There will be an opportunity to register in-person to speak before each meeting.

How would you like to provide your comment?

Written comment for publication in the agenda packet

Please leave your comment here:

I respect the sentiment behind creating a resource for the unhoused in our community but the reality is that it will create yet another space for them to congregate. People who want the help are already finding the resources and using the facilities but there are many who don't want help, who will continue to panhandle and will continue to occupy spaces outside our library, around our downtown and in our parks. I want to feel safe when I take my children to our public spaces, I don't want to be asked for money at every stoplight on 34 and at the same time I want people to have resources to get back on their feet. But I do not think investing millions of taxpayer dollars in purchasing real estate for shelter north of downtown will help alleviate much of the issue we are facing downtown. Panhandlers will still panhandle, the unhoused community that congregates south of 1st has community there so they don't want to leave. I do believe it will be a beneficial resource but again, I don't believe it will truly solve the issue.

Thank you,
City of Loveland

This is an automated message generated by Granicus. Please do not reply directly to this email.



Chad Thompson

From: City of Loveland <enotify@cityofloveland.org>
Sent: Sunday, January 4, 2026 8:58 PM
To: Clerk; City Council
Subject: [External] *NEW SUBMISSION* City Council Public Comment Form (Revised 2023)

City Council Public Comment Form (Revised 2023)

Submission #: 4552151
IP Address: 97.122.103.12
Submission Date: 01/04/2026 8:57
Survey Time: 1 minute, 52 seconds

You have a new online form submission.
Note: all answers displaying "*****" are marked as sensitive and must be viewed after your login.

Contact Information

Full Name

Laura Hinds

Email

thesweetooth@hotmail.com

Phone

(970) 964-6017

Would you like Staff to follow up with you? If yes, email or phone is required.

Yes

Section Break

Select Your Ward

Read-Only Content

Select your Ward

Section Break

Meeting Information

Please identify the date of the meeting you wish to leave a comment.

Meeting Date

01/06/2026 12:00 AM

If your comment is not a general public comment, please tell us which agenda item(s) your comment pertains to:

Item 7.2

Section Break

Type of Comment

Please remember that if you plan to share your comments in-person, do not complete this form. There will be an opportunity to register in-person to speak before each meeting.

How would you like to provide your comment?

Written comment for publication in the agenda packet

Please leave your comment here:

For the proposal to purchase the building at 599 71st and turn it into a shelter with wraparound services, I primarily have questions. I would like to know what financial or personal connections any of the city council members have with the property owners or the property brokers. This is a basic conflict of interest consideration with taxpayer money, and it is standard for state level workers to complete conflict of interest declarations when there are potential conflicts. As far as the site itself, it is far away from current services that are used by a variety of citizens in our city who are down on their luck and need help. If a shelter is created at the 71st site and the LRC is closed, what will that mean for services such as food and laundry, which are currently located downtown (Community Kitchen, the laundry truck at the library, etc)? Will those services be relocated? With they be duplicated in order to serve some of the people who still need them in the downtown area, especially the meals at Community Kitchen? Currently, the COLT bus service seems extremely limited in that location, and depends on FLEX if you use the route searching function on the site. Some of these concerns may not be answerable now, since the process to pick a suitable nonprofit has not been completed. However, I would like these questions taken into consideration by those nonprofits and by the city as this unfolds and I would like city council members to make public any potential conflicts of interest on the business side of this deal and take appropriate steps to recuse themselves if warranted.

Thank you,
City of Loveland

This is an automated message generated by Granicus. Please do not reply directly to this email.



Chad Thompson

From: City of Loveland <enotify@cityofloveland.org>
Sent: Tuesday, January 6, 2026 6:17 PM
To: Clerk; City Council
Subject: [External] *NEW SUBMISSION* City Council Public Comment Form (Revised 2023)

City Council Public Comment Form (Revised 2023)

Submission #: 4557398
IP Address: 198.59.47.100
Submission Date: 01/06/2026 6:17
Survey Time: 8 minutes, 11 seconds

You have a new online form submission.
Note: all answers displaying "*****" are marked as sensitive and must be viewed after your login.

Contact Information

Full Name

luke unruh

Email

luke.j.unruh@proton.me

Phone

(970) 443-1798

Would you like Staff to follow up with you? If yes, email or phone is required.

Yes

Section Break

Select Your Ward

Read-Only Content

Select your Ward

Ward 3

Section Break

Meeting Information

Please identify the date of the meeting you wish to leave a comment.

Meeting Date

If your comment is not a general public comment, please tell us which agenda item(s) your comment pertains to:

Homeless encampment

Section Break

Type of Comment

Please remember that if you plan to share your comments in-person, do not complete this form. There will be an opportunity to register in-person to speak before each meeting.

How would you like to provide your comment?

Written comment for publication in the agenda packet

Please leave your comment here:

Mayor and Council, my name is Luke Unruh. I am a property owner in the area near the proposed 599 W 71st Street facility. I'm requesting a pause for due diligence and transparency before Council makes a permanent real estate decision. A facility purchase is not just a building decision. It is a long-term operational program that affects surrounding areas every day. Before committing to a specific location, the City should present three items in writing for public review: the selected operator, the full operating plan, and a neighborhood mitigation plan. Those documents should clearly state capacity, hours, entry rules, staffing levels, security plan, transportation impacts, and confirmed funding sources. They should also address predictable external impacts like loitering, trespass, litter, needle disposal, parking and traffic, and how those issues will be prevented rather than simply monitored. I am asking Council to decline moving forward at this time, or at minimum continue final action until those items are complete and public. I also ask the City to publish a site selection framework comparing options, including why this site is preferable to alternatives and what mitigation is feasible at each location. A short continuance to finalize and publish these details is not obstruction. It is responsible governance. Thank you. Thanks, Luke

Thank you,
City of Loveland

This is an automated message generated by Granicus. Please do not reply directly to this email.



Chad Thompson

From: Steven Depperschmidt <stevendepp@gmail.com>
Sent: Monday, January 5, 2026 10:43 AM
To: City Council
Cc: Clerk
Subject: [External] Request to decline 599 W 71st St acquisition and pursue alternative shelter strategy with defined operations and neighborhood protections

Mayor McFall and City Council Members,

My name is Steven Depperschmidt. I am a Loveland property owner in the area surrounding the proposed 599 W 71st Street shelter site. I'm providing proximity for context because the operational impacts of a 24/7 facility will affect nearby corridors and neighborhoods. One of my properties is approximately 0.7 miles straight line and about 1.3 miles driving from the site.

I support practical solutions that help individuals and families achieve stability. My request is not to avoid responsibility, but to ensure the City's approach is effective, accountable, and does not create avoidable secondary impacts for surrounding neighborhoods.

For that reason, I respectfully request that Council decline to move forward with the acquisition of 599 W 71st Street at this time and direct staff to return with an alternative approach that is fully defined and publicly reviewable before any purchase is authorized.

My concerns are governance and execution:

1. A permanent facility decision should be based on a finalized operator agreement and operating plan, including capacity, hours, entry rules, staffing levels, security protocols, and confirmed funding sources.
2. The City should publish a site selection framework comparing options, including why this site is preferable to alternatives, and what mitigation is feasible at each location.
3. If the City proceeds with any facility, it should require enforceable neighborhood protections in advance, including a Good Neighbor Agreement with minimum security staffing, lighting and camera standards, loitering and trespass protocols, litter and needle response standards, and a clear complaint and escalation process with response time expectations.
4. The City should establish measurable performance metrics and a regular public reporting cadence to Council, with a defined corrective action plan if metrics deteriorate.

I believe Loveland can pursue a humane and effective strategy, but committing to a specific facility without the above elements in place creates preventable risk. If the proposal is ready, it should be able to withstand a higher standard of transparency, enforceable mitigation, and comparative analysis before public funds are committed.

Thank you for your time and service. I respectfully request this email be included in the meeting record.

Steven Depperschmidt
970-556-5200

Sent: Thursday, December 11, 2025 8:37 AM
To: City Council <CCouncil@cityofloveland.org>
Subject: [External] Homeless Camp

I saw this morning on the news that the City has decided to expand the Homeless shelter on Lincoln by providing more camp sites to the west behind the current building. Did you even bother to review the surroundings? We own the property directly to the west. This property is used by Foster and Adoptive Families for their clothing bank for families. We have had a squatter leave belongings on our porch, we have had the building broken into and vandalized which cost thousands of dollars to repair, and most recently, we found a campsite on the property, which cost us over $450 to have a remediation company come in and remove it. This facility is frequented by families that include children. These c
and you now put them at further risk.
not to mention the property damage

First we had to put up with the homel

NO SHELTER on 71st STREET

12h Like Reply Share 3

[redacted] n YOUr yard.....right now they are in MY BACK YARD and I want them GONE...they stinm, they are on Drugs, they are on Alcohol , they are mental, they are MEAN....which side do YOU, address first? I didn't choose their life, they did. and my tax dollars go to enable this? NOPE, I may decide not to
is is where it goes.

[redacted] · 1h ·
Ever since the temporary shelter was closed I no longer hear schizophrenic screaming at 3 in the morning, it's been very nice!
Reply 2

Please do not ruin our community to solve the downtown issue!

[redacted] 29m ·
o I've heard it twice today.
Reply

12h Like Reply Share 3

resources respectfully but some are very unbalanced and don't respect prop at all). Plus our downtown houses have been vandalized and messed with quite enough. I've found so much k I have to deal with that isn't mine. is if you move to more spacious as, fewer are affected and all of the tors mentioned above are lessened. st one perspective. Less populated l less condensed areas. Cheaper. fer. Fewer places to hide and cause blems, more open area etc. Room

[redacted] dy what was nasty is the Loveland employees that had to clean up many campsites of tents full of feces and urine and needles. What's nasty is the way the city looks downtown, and the nasty part is them yelling and following you when you go to support local businesses downtown for not giving them money. That's what really nasty

44w Like Reply Share

[redacted] ll Top contributor
I work at that business complex right there where the big Thomson goes under that bridge and I can tell you that those needles and drug paraphernalia are there and more... We chased the homeless out at least once or twice a week and constantly find needles in our work location. They are constantly walking through our property, destroying our property, defecating by our doors, and are a major nuisance to the area... That picture is not staged, that is not fake, that is absolutely real and it's disgusting.

1d Like Reply Share Edited 2

[redacted] All-star contributor
[redacted] downtown needs a break from all of this though! And I think there might be a bus route up there?

1d Like Reply Share Edited 7

Moving the problem is not a solution!

so your solution is to make it another part of towns problem?

MEETING DATE:	January 6, 2026
TO:	City Council
DEPARTMENT:	Development Services
DIRECTOR:	Robert Paulsen
PRESENTER:	Theresa Campbell, Chief Building Official, Jessica Eads, Code Administrator and Steve Hefling, Building Inspection Supervisor
STRATEGIC PLAN FOCUS AREA:	Economic Vitality

City of Loveland

AGENDA ITEM:
TITLE 15 AMENDMENTS AND ADOPTION OF CERTAIN 2024 INTERNATIONAL CODES AND THE COLORADO MODEL ELECTRIC READY AND SOLAR READY CODE

RECOMMENDED CITY COUNCIL ACTION:
A motion to adopt, on first reading, Ordinance No. 6808 repealing and reenacting Chapter 15.08 of the Loveland Municipal Code and adopting by reference the International Building Code, 2024 Edition

A motion to adopt, on first reading, Ordinance No. 6809 repealing and reenacting Chapter 15.10 of the Loveland Municipal Code and adopting by reference the International Residential Code, 2024 Edition

A motion to adopt, on first reading, Ordinance No. 6810 repealing and reenacting Chapter 15.16 of the Loveland Municipal Code and adopting by reference the International Mechanical Code, 2024 Edition

A motion to adopt, on first reading, Ordinance No. 6811 repealing and reenacting Chapter 15.18 of the Loveland Municipal Code and adopting by reference the International Fuel Gas Code, 2024 Edition

A motion to adopt, on first reading, Ordinance No. 6812 repealing and reenacting Chapter 15.20 of the Loveland Municipal Code and adopting by reference the International Plumbing Code, 2024 Edition

A motion to adopt, on first reading, Ordinance No. 6813 repealing and reenacting Chapter 15.48 of the Loveland Municipal Code and adopting by reference the International Energy Conservation Code, 2024 Edition

A motion to adopt, on first reading, Ordinance No. 6814 repealing and reenacting Chapter 15.52 of the Loveland Municipal Code and adopting by reference the International Existing Building Code, 2024 Edition

A motion to adopt, on first reading, Ordinance No. 6815 repealing and reenacting Chapter 15.54 of the Loveland Municipal Code and adopting by reference the International Swimming Pool and Spa Code, 2024 Edition

A motion to adopt, on first reading, Ordinance No. 6816 adopting Chapter 15.50 of the Loveland Muncipal Code and adopting The Colorado Model Electric Ready and Solar Ready Code

A motion to adopt, on first reading, Ordinance No. 6817 amending Chapter 15.04 of the Loveland Municipal Code regarding buildings and construction

A motion to adopt, on first reading, Ordinance No. 6818 repealing and reenacting Chapter 15.12 of the Loveland Municipal Code and adopting by reference the International Property Maintenance Code, 2024 Edition and Amending Certain Sections of Title 15.04 Regarding Appeals

OPTIONS:

COUNCIL ACTION OPTIONS	CONSEQUENCE
Approve the Motion	The proposed amendments to Title 15 would take effect 10 days after the final publication of the ordinances and the City will comply with Colorado law.
Deny the motion or take no action	The City would remain under the applicable 2021 International Code provisions, previously adopted by the City.
Adopt a Modified Action	Specify in motion.
Refer back to Staff	Delay implementing the applicable 2024 International Code provisions. Staff requests direction from Council should this be delayed.

SUMMARY:

Purpose: The purpose of these proposed Ordinances is to adopt the 2024 International Code provisions as part of a three-year building code cycle. The International Organization for Standardization (ISO) recommends that jurisdictions adhere to a single code cycle. The City is currently operating under the 2021 version of the applicable Codes. Locally adopted amendments reflect previous amendments from 2021 and maintain consistency with neighboring jurisdictions. With the adoption of the referenced code provisions, staff is recommending the adoption of the Colorado Model Electric Ready and Solar Ready Code (CMERSRC) to comply with State law. House Bill 22-1362 requires municipalities to adopt electric and solar ready requirements, as found in the CMERSRC, if a municipality adopts amendments to its building codes after July 1, 2023. The amendments to Chapter 15.04 will clarify permit expirations, permit transfer requirements, specialty license requirements, and appeal processes. Updating the municipal code will help maintain the City's ISO rating which in turn will result in lower insurance rates for local property owners. The Construction Advisory Board (CAB) on September 24, reviewed the final 2024 codes and amendments and voted (9-0) to recommend to City Council for approval. The CAB on October 1,

reviewed the 2024 International Property Maintenance Code (IPMC) and voted (8-0) to recommend to City Council for approval.

Objective: Updating the municipal code will help maintain the City's ISO rating which in turn will result in lower insurance rates for property owners. Adoption of the new codes will provide greater consistency with other local jurisdictions and improve efficiency within the Building Division.

Impact: Adoption of the codes will bring the City's building code regulations up to date, including compliance with recently adopted state laws.

Council Follow-up: As the code provisions are being adopted by reference, the Public Hearing will be on second reading held on February 3, 2026.

BUDGET IMPACT:

Budgetary Impact?	Funds Impacted: NA
	Source(s) of Funding: NA
Grant Funding?	Grantor(s) (State or Fed): NA
	City Matching Requirement: NA
	On-going or One-Time: NA
	If On-going, when does the grant sunset? NA
Additional Comments:	The building permit fees are determined by the International Code Council (ICC) valuation data table, which is updated every six months in accordance with the adopted fee schedule, regardless of the code cycle adopted.

STRATEGIC PLAN FOCUS AREA

Focus	Economic Vitality
Strategy (if applicable)	Continually Improve Our Processes
Priority (if applicable)	Development Review & Building Permit Processes
Notes	

COUNCIL OR BOARD/COMMISSION REVIEW:

Type of Meeting: Construction Advisory Board meeting on September 24, 2025 and October 1, 2025

Date of Meeting: September 24, 2025

Resulting Vote: September 24 - The Construction Advisory Board (CAB) reviewed the final 2024 codes and amendments and voted 9-0 to recommend to City Council for approval.
October 1 - The CAB reviewed the 2024 International Property Maintenance Code (IPMC) and voted 8-0 to recommend to City Council for approval.

Discussion: September 24 - CAB members reviewed the entire proposed amendment package which included previously recommended changes as discussed.
October 1 - CAB members reviewed the proposed amendments and made a minor suggestion to the grading and drainage reference in the IPMC.

BACKGROUND:

History: In March 2025, the Loveland Building Division staff began meeting weekly with building staff from Larimer County, Fort Collins, Wellington, and members of the Northern Colorado Home Builders Association to discuss International Code Council (ICC) updates to the 2021 code and proposed local amendments. This effort was designed to facilitate a rigorous review and achieve consistent provisions where possible across jurisdictions. These jurisdictions will also be pursuing adoption of the 2024 series of codes by January 1, 2026.
The Loveland Building staff met monthly with the CAB beginning in June of 2025 to review and discuss each proposed amendment in preparing the 2024 Code amendments. To illustrate the key amendments for each code, a PowerPoint presentation is included (**Attachment 1**).

Included in the review with CAB, House Bill 22-1362 was presented which requires municipalities to adopt electric and solar ready requirements as found in the Colorado Model Electric Ready and Solar Ready Code (CMERSRC), **Attachment 2**. When a municipality adopts amendments to its building codes after July 1, 2023, it is required to adopt the CMERSRC. The deadline for adoption is mandated by July 1, 2026.

Outreach and Notification Efforts: Public outreach started in July 2025. A series of communications were sent to area contractors inviting them to upcoming CAB meetings and welcoming their feedback.
Each CAB meeting was advertised for public discussion. Multiple internal monthly meetings were held with the Loveland Fire Rescue Authority (LFRA), Code Enforcement, Planning, and other City departments to ensure consistency and viability.

Conditions met/or anticipated: If adopted, Building Division staff will start public education, outreach, and inspector training to provide coordination and consistency with the new code provisions. The Building Division is already responding to inquiries about the new code updates as builders prepare for the adoption of the codes across Northern Colorado.

Start and End Dates (of studies, design, construction, or in service/operational): If adopted, the applicable International Codes shall be in effect 10 days after the final publication of the ordinances.

ANALYSIS TABLE:

Yes: ☐ **No:** ☒

LIST OF ATTACHMENTS:

Ordinance No. 6808
Ordinance No. 6809
Ordinance No. 6810
Ordinance No. 6811
Ordinance No. 6812
Ordinance No. 6813
Ordinance No. 6814
Ordinance No. 6815
Ordinance No. 6816
Ordinance No. 6817
Ordinance No. 6818
Att 1 Building Code Presentation
Att 2 Colorado Model Electric Ready and Solar Ready Code

FIRST READING: January 6, 2026

SECOND READING: _____

ORDINANCE NO. 6808

AN ORDINANCE REPEALING AND REENACTING CHAPTER 15.08 OF THE LOVELAND MUNICIPAL CODE AND ADOPTING BY REFERENCE THE INTERNATIONAL BUILDING CODE, 2024 EDITION

WHEREAS, pursuant to Section 4-12 of the Charter of the City of Loveland, the City Council is authorized to adopt, by ordinance, any code by reference in accordance with the procedures established by state law; and

WHEREAS, the Construction Advisory Board has recommended that City Council adopt the 2024 Edition of the International Building Code (the "2024 IBC"), and amendments thereto; and

WHEREAS, the City Council has conducted a public hearing pursuant to C.R.S. §31-16-203 concerning the adoption of the 2024 IBC by reference and finds and determines that it is necessary to the health, safety and general welfare of the public that the City regulate conditions hazardous to life and property by the adoption of the 2024 IBC, and certain amendments and modifications thereto; and

WHEREAS, the City Council hereby finds that such amendments are in the best interest of the City and its citizens.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO:

Section 1. That Chapter 15.08 of the Loveland Municipal Code is hereby repealed in its entirety and reenacted to read as follows:

15.08.010 – International Building Code, 2024 Edition – Adopted.

The International Building Code, 2024 Edition, issued and published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795, excluding all appendices, is hereby adopted by reference as the building code of the City of Loveland. This code is a complete code covering all buildings hereafter constructed, erected, enlarged, altered or moved into the City of Loveland, and its purpose is to provide minimum standards to safeguard life and limb, health, property and public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location and maintenance of all buildings and structures within the City of Loveland and certain equipment specifically regulated therein for the purpose of protecting the public health, safety and general welfare. At least one (1) copy of the International Building Code, 2024 Edition, which has been certified by the Mayor and City Clerk, shall be on file in the office of the City Clerk and may be inspected during regular business

hours.

15.08.020 – Modifications to International Building Code, 2024 Edition.

The International Building Code, 2024 Edition, adopted in this chapter, is modified as follows:

A. Section 101.1 – Title - is amended to read as follows:

These regulations shall be known as the Building Code of the City of Loveland, hereinafter referred to as "this code" or "building code."

B. Section 103 – Code Compliant Agency - is deleted in its entirety. See LMC 15.04.050.

C. Section 104 – Duties and Powers of the Building Official - is deleted in its entirety. See LMC 15.04.050.

D. Section 105.2 – Work exempt from permit – under "Building" is amended as follows:

1. Paragraph 3 - Oil Derricks – is deleted.

2. Paragraph 6 is amended to read as follows:

Sidewalks and driveways not more than thirty (30) inches (762 mm) above adjacent grade, and not over any *basement* or *story* below.

3. A new paragraph number 14 is added to read as follows:

14. A partial roof replacement/repair that does not exceed one square (100 sq. ft.) can be repaired like for like without a permit. A partial roof replacement/repair that exceeds one square but does not exceed forty-nine percent (49%) of the total roof will require a roof permit constituting a like for like replacement/repair. A roof replacement/repair exceeding forty-nine (49%) of the total roof (a "full tear off") requires a permit that may not constitute a like for like replacement/repair.

Asphalt shingles are required to be Class 4 impact resistant that meet UL 2218 test 2. Material specifications shall be provided to the City to meet the aforementioned requirement.

4. An unnumbered paragraph after paragraph 14 is added to state as follows:

Unless otherwise exempted in this code, separate plumbing, electrical and mechanical permits may be required to meet the requirements of this subsection.

5. A new paragraph number 15 is added to read as follows:

15. Structures or work performed on properties of the government of the United States of

America, State of Colorado, and the County of Larimer.

E. Section 105.3.2 – Time limitation of application – is deleted in its entirety. See LMC 15.04.190.

F. Section 105.4 – Validity of permit – is deleted in its entirety. See LMC 15.04.190.

G. Section 105.5 – Expiration – is deleted in its entirety. See LMC 15.04.190.

H. Section 105.6 – Suspension or revocation – is deleted in its entirety. See LMC 15.04.190.

I. Section 107.1 – General - is amended in full to state as follows:

1. Submittal documents consisting of construction documents, statement of special instructions, geotechnical report, and other data shall be submitted electronically with each application for a permit. The construction documents shall be prepared by registered design professionals licensed in the State of Colorado consistent with the City's authority granted by the Colorado General Assembly in C.R.S. § 12-120-403(2). Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional.

J. Section 109 – Fees - is deleted in its entirety. See LMC 15.04.190.

K. Section 110 – Inspections - is amended by the addition of a new Subsection 110.1.1 to read as follows:

110.1.1 Inspection record card. Work requiring a building permit shall not be commenced until the permit holder or his or her agent shall have posted an inspection record card in a conspicuous place on the premises and in a position as to allow the building official to make the required entries conveniently thereon regarding inspection of the work. The address of the building site must be posted in a conspicuous place readily visible from the public road. This card shall be maintained in such a position by the permit holder until all inspections have been made and final approvals have been granted by the building official. No permanent electric meters will be released until the card has all the required signatures which have been verified by the Building Division.

L. Section 110 – Inspections - is amended by the addition of a new Subsection 110.3.1.1 to read as follows:

110.3.1.1 Drilled pier inspection. Inspection will be made while the piers are being drilled. The Engineer of record or his or her authorized representative shall be present during the drilling operations and be available to the City inspector during required inspections.

M. Section 110.3.1 – Footing and foundation inspection – is amended to read as follows:

Footing and foundation inspections shall be made after excavations for footings are complete and any required reinforcing steel is in place. For concrete foundations, any required forms shall be in place prior to inspection. Materials for the foundation shall be on the job, except where concrete is ready mixed in accordance with ASTM C94, the concrete need not be on the job. All new footing and foundation inspections shall be performed by a design professional licensed by the State of Colorado and shall include the reinforcing, concrete-encased electrode (UFER ground), and when required, damp-proofing and perimeter drain.

N. Section 110.3.3 – Lowest floor elevation - is amended to read as follows:

The elevation certificate required in Section 1612.4 shall be submitted when required by the building official or as required by Chapter 15.14 of the City of Loveland Municipal Code.

O. Section 110.3.9 – Energy efficiency inspections - is amended to read as follows:

Inspections shall be made to determine compliance with Chapter 13 and shall include, but not be limited to, inspections for: envelope insulation *R*- and *U*-values, fenestration *U*-value, duct system *R*-value, and HVAC and water-heating equipment efficiency. Energy efficiency inspections by an approved third party, if required, shall be provided by and at the owner's expense to verify compliance with the provisions of this section.

P. Section 110.6 – Approval Required – is amended to read as follows:

Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the building official. The building official, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or notify the permit holder or the permit holder's agent wherein the same fails to comply with this code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the building official. All work that is covered or concealed must be exposed prior to an inspection.

Q. Section 111.1 – Change of occupancy and Change in Use – is amended to read as follows:

A building or structure shall not be used or occupied, and a change of occupancy or change in use of a building or structure or portion thereof shall not be made, until the building official has issued a certificate of occupancy therefor as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. The issuance of a temporary certificate of occupancy may be granted when all provisions of a permit are not complete, provided all required life safety requirements are met. Where occupancies are not determined at time of building permit application, permits issued for no occupancy and core and shell construction shall be issued a limited letter of completion or letter of completion.

Exception: Certificates of occupancy are not required for work exempt from permits in

accordance with Section 105.2. No certificate of occupancy shall be required for Private U Occupancies and permits not establishing a use.

R. Section 113 – Means of Appeals - is deleted in its entirety. See LMC15.04.210.

S. Section 114 – Violations - is deleted in its entirety. See LMC15.04.230.

T. Section 115 – Stop work order - is deleted in its entirety. See LMC 15.04.090.

U. 202 – Definitions - is amended as follows:

1. By the addition of the following definitions of "Family Child Care Home," "Room, Sleeping (Bedroom)," and "Utility Space (Room)":

   Family Child Care Home is defined at C.R.S. § 26-6-102 (13). Types of family child care homes are further detailed at 12 CCR 2509-8 Section 7.707, "Rules Regulating Family Child Care Homes".

   Room, Sleeping (Bedroom) is a habitable room within a dwelling unit designated primarily for the purpose of sleeping. Built in features such as closets and similar storage facilities shall not be considered as relevant factors in determining whether or not a room is a sleeping room.

   Utility Space (Room) is a room designed or used to house heating and general maintenance equipment.

2. By deleting and replacing the definition of "Fire Separation Distance" to read as follows:

   Fire Separation Distance. The distance measured from the building to the face of one of the following:

   1. For newly constructed structures, the closest interior lot line;

   2. To the centerline of a street, an alley or public way; or

   3. To an imaginary line between two (2) buildings on the lot; or

   4. To the exterior lot line of a property consisting of two (2) or more adjoining lots under a common ownership with an existing structure(s), for which an issuance of a building permit would otherwise require the consolidation of the lots and for which the owner has executed a unity of title in a recordable form approved by the City of Loveland City Attorney.

      The distance shall be measured at right angles from the face of the wall.

V. Section 308.5 – Institutional Group I-4, day care facilities – is amended to state as follows:

Residential structures that are licensed by the State of Colorado and meet the Department of Human Services Social Services Regulations concerning "Child Care Facility Licensing" codified at 12 CCR 2509-8 Section 7.707.22 are exempt from a permit. Residential structures that do not meet 12 CCR 2509-8 Section 7.707.22 will be classified as an I-4, consistent with Chapter 3 of the IBC.

W. Section 310.3 – Residential Group R-2 – is amended in part by deleting "live/work units."

X. Section 414.1.3 shall be amended by adding "and fire official" following each occurrence of the term "building official".

Y. Section 508.1 – General – is hereby amended by adding a third exception.

3. Uses within home occupations, complying with Section 508, are not considered separate occupancies.

Z. Section 508.5 – Live/Work Units – is deleted in its entirety and replaced by the following, adding new Sections 508.5.A, 508.5.B, 508.5.C and 508.5.D:

Section 508.5 – Home Occupations and Family Child Care Homes

508.5.A Home occupations that comply with the City of Loveland zoning requirements for minor home occupations shall be regulated by the IRC.

508.5.B Home occupations that comply with the City of Loveland zoning requirements for major home occupations and not classified as an R-3 shall comply with the IEBC as a change of occupancy or with the IBC.

508.5.C Family Child Care Homes (1-6 children) complying with the Colorado Code of Regulations 12 CCR 2509-8 Section 7.707.22 are exempt from a permit.

508.5.D Large Family Child Care Homes (7-12 children) complying with the Colorado Code of Regulations 12 CCR 2509-8 Section 7.707.22 are exempt from a permit.

508.5.1 Limitations.

The following shall apply to Home Occupation areas:

1. The Home Occupation unit is permitted to be not greater than 3,000 square feet (279 m2) in area.
2. The nonresidential area is permitted to be not more than 50 percent of the area of each Home Occupation unit.
3. The nonresidential area function shall be limited to the first or main floor only of the Home Occupation unit.

508.5.2 Occupancies.

Home Occupation units shall be classified as a Group R-2 occupancy. Separation requirements found in Sections 420 and 508 shall not apply within the Home Occupation unit where the Home Occupation unit is in compliance with Section 508.5. Nonresidential uses that would otherwise be classified as either a Group H or S occupancy shall not be permitted in a Home Occupation.

Exception: Storage shall be permitted in the Home Occupation provided that the aggregate area of storage in the nonresidential portion of the Home Occupation unit shall be limited to 10 percent of the space dedicated to nonresidential activities.

[BE] 508.5.3 Means of egress.
Except as modified by this section, the means of egress components for a Home Occupation unit shall be designed in accordance with Chapter 10 for the function served.

[BE] 508.5.4 Egress capacity.
The egress capacity for each element of the Home Occupation unit shall be based on the occupant load for the function served in accordance with Table 1004.5.

[BE] 508.5.6 Vertical openings.
Floor openings between floor levels of a Home Occupation unit are permitted without enclosure.

[F] 508.5.7 Fire protection.
Home Occupation units in buildings constructed in accordance with this code shall be provided with all of the following:

1. An automatic sprinkler system in accordance with Section 903.3.1.1 or 903.3.1.2.

2. Smoke alarms in accordance with Section 907.2.11.

3. Where required by Section 907.2.9.1, a manual fire alarm system.

Home Occupation units in buildings constructed in accordance with the International Residential Code shall not be required to install an automatic sprinkler system but, Carbon Monoxide and smoke alarms are required. Smoke alarms shall comply with the International Residential Code section R310.

508.5.8 Structural.
Floors within a Home Occupation unit shall be designed for the live loads in Table 1607.1, based on the function within the space.

508.5.10 Ventilation.
The applicable ventilation requirements of the International Mechanical Code shall apply to each area within the Home Occupation unit for the function within that space.

508.5.11 Plumbing facilities.

The nonresidential area of the Home Occupation unit shall be provided with minimum plumbing facilities as specified by Chapter 29, based on the function of the nonresidential area. Where the nonresidential area of the Home Occupation unit is required to be accessible by Section 1108.6.2.1, the plumbing fixtures specified by Chapter 29 shall be accessible.

AA. Section 706.1.1 – Party walls – is amended by the deletion of exception 2.

BB. Section 901.1 – Scope - is amended to read as follows:

The provisions of this chapter shall specify where fire protection systems are required and shall apply to the design, installation, inspection, operation, testing and maintenance of all fire protection systems. When the requirements of this code and the adopted fire code are in conflict, the more restrictive shall apply.

CC. Section 903.2.8 – Group R - is amended by the addition of a new Section 903.2.8.4 to state as follows:

903.2.8.4 Dead-end roadways. Dead-end roadways – is added and reads as follows:

An approved automatic fire-sprinkler system shall be installed in all Group R occupancies (including one- and two-family residences and townhomes) when the structure is located more than six hundred sixty (660) feet from the entrance to a dead-end roadway, as measured from the centerline of the last roadway providing access to the dead-end roadway.

DD. Section 903.2.9 – Group S-1 - Paragraph 1 is amended by two new conditions to read as follows:

6. A Group S-1 fire area exceeds five thousand (5,000) square feet (464.5 m2) for self-storage buildings or structures.

7. A Group S-1 fire area for self-storage buildings or structures of any size where each individual unit is sold to an owner or owners. These buildings or structures are commonly referred to as "self-storage condominiums."

EE. Section 903.3.1.3 – NFPA 13D sprinkler systems – is amended to read as follows:

Automatic sprinkler systems installed in one- and two-family dwellings; Group R-3; Group R-4, Condition 1; and townhouses shall be installed throughout in accordance with NFPA 13D. All such structures with an attached garage shall include installation of at least one sprinkler above the door providing access from the garage to the structure.

FF. Section 903.3.9 – Floor control valves – is amended to read as follows:

Approved supervised indicating control valves shall be provided at the point of connection to

the riser on each floor in all multi-story structures and to each individual tenant space in multi-tenant structures.

GG. Section 907.5.2 – Alarm notification appliances – is amended to read as follows:

Alarm notification appliances shall provide full occupant notification throughout the entire building or structure, and shall be designed and installed in accordance with NFPA 72. Alarm notification appliances shall be listed for their purpose.

HH. Section 904.3.5 Monitoring – is amended to read as follows:

Where a building fire alarm system is installed, automatic fire-extinguishing systems shall be monitored by the building fire alarm system in accordance with NFPA 72. All automatic fire-extinguishing systems shall be monitored by an approved fire-alarm system.

II. Section 904.3 – Installation – is amended by a new section 904.3.6 to read as follows:

Section 904.3.6 Fire Alarm Graphic Map. All occupancies with a fire-alarm system shall have a graphic map installed in locations approved by the fire code official.

JJ. Section 905.4 – Location of Class I standpipe hose connections – Item 1 is amended to read as follows:

1. In every required interior exit stairway or exterior exit stairway, a hose connection shall be provided for each story above and below grade plane. Hose connections shall be located at the main floor landing or intermediate landing, as approved by the fire code official.

KK. Section 907.5.2 – Alarm notification appliances – is amended to read as follows:

Alarm notification appliances shall provide full occupant notification throughout the entire building or structure and shall be designed and installed in accordance with NFPA 72. All one- and two-family dwellings protected by an automatic sprinkler system shall be equipped with a minimum of one audible-visible alarm notification appliance inside the structure, in a normally occupied location. Alarm notification appliances shall be listed for their purpose.

LL. Section 1102.1 – Design – is amended to read as follows:

Buildings and facilities shall be designed and constructed to be accessible in accordance with this code and ICC A117.1, most current edition, and C.R.S. § 9-5-101, et seq., as amended.

MM. Section 1301 – General – is amended by the addition of a new subsection 1301.1.2 to read as follows:

1301.1.2 Design values. The exterior design values shall be as follows:

Winter Design Dry-bulb 4 degrees F

Summer Design Dry-bulb 93 degrees F
Summer Design Wet-bulb 63 degrees F
Degree Days Heating 6,600 degrees F
Degrees North Latitude 40 degrees 24 minutes
Air Freezing Index 906

NN. Section 1402.9 – Flood resistance – is amended by adding a second paragraph to read as follows:

For buildings in flood hazard areas as established in Section 1612.3, all construction shall comply with the provisions of Chapter 15.14, Floodplain Building Code of the City of Loveland Municipal Code and any Floodplain Overlay Areas established by the City of Loveland.

OO. Section 1505.1 – General – is amended by the addition of footnotes d and e to Table 1505.1, Minimum Roof Covering Classification for Types of Construction, to read as follows:

d. The roof covering on any new structure or on the re-roofing of fifty (50) percent or more during a one (1) year period of any existing structure located west of the following described line shall be upgraded from a Class C to a Class B: Starting at the intersection of the Wyoming border line and Range 69 West, then South nine miles to S.W. Corner of Section 31, Township 11, Range 69, then West three miles to N.W. Corner of Section 3, Township 10, Range 70 then South five miles to S.W. corner of Section 27, Township 10, Range 70, then East three miles to S.W. corner of Section 30, Township 10, Range 69, then South nine miles to S.W. corner of Section 7, Township 9, Range 69, then West one mile to N.W. corner of Section 13, Township 8, Range 70, then South four miles to S.W. corner of Section 36, Township 8, Range 70, then East two miles, to N.W. corner of Section 6, Township 7, Range 69, then South three miles to S.W. corner of Section 17, Township 7, Range 69, then East one mile to S.W. corner of Section 17, Township 7, Range 69, then South four miles to S.W. Corner of Section 4, Township 6, Range 69, then East one mile to S.W. corner of Section 4, Township 6, Range 69, then South four miles to S.W. corner of Section 27, Township 6, Range 69, then West one mile to S.W. corner of Section 28. Township 6, Range 69, then South three miles to intersection of U.S. Hwy. 34 then West following Hwy. 34 two miles to intersection with Range 69 West, then South seven and three quarter miles to S.W. corner of Section 18, Township 4, Range 69, then West one mile to S.W. corner of Section 13, Township 4, Range 70, then South three miles to where the S.W. corner of Section 36, Township 9, Range 70 meets the Boulder County Line.

Properties determined by the Colorado Wildfire Resiliency Code (WRC) and local authorities to be located in a wildfire hazard zone shall comply with the requirements for roofing, exterior siding, fencing, and other applicable materials and methods, as designated in the WRC or locally adopted International Fire Code, whichever is more restrictive.

PP. Section 1507.8 – Wood shingles – is amended by the addition of footnote a to Table 1507.8, Wood Shingle and Shake Installation, to read as follows:

e. For the purpose of using Table 1507.8, the City of Loveland shall be considered to be within

the temperate climate classification. Underlayment in temperate climate: shakes shall be applied over solid sheathing with an underlayment of type fifteen (15) felt and with not less than eighteen (18) wide strips of type thirty (30) felt applied shingle fashion between each course with no felt exposed below the butt of the shingle. Alternatively, shakes may be applied over solid sheathing with an underlayment of not less than two (2) type thirty (30) felts applied single fashion.

QQ. Section 1512.2 – Roof Replacement is amended by the addition of exception 2

1512.2 Roof replacement.

Roof replacement shall include the removal of all existing layers of roof assembly materials down to the roof deck.

1. Asphalt shingles are required to be Class 4 impact resistant that meet UL 2218 test.

2. Ice barrier shall be installed at all roof eaves starting at the low eave edge and extending upslope to a point at least twenty-four (24) inches beyond the interior edge of the exterior wall. For roofs with slopes eight to twelve (8:12) or steeper, the ice barrier shall also extend at least thirty-six (36) inches upslope from the eave edge.

3. Drip edge is required at eaves and gables (rake) of asphalt shingle roofs.

Exception:

1. Where the existing *roof assembly* includes an ice barrier membrane that is adhered to the *roof deck*, the existing ice barrier membrane shall be permitted to remain in place and covered with an additional layer of ice barrier membrane in accordance with Section 1507.

4. A partial roof replacement/repair where forty-nine percent (49%) or less of the total building roof area will be repaired/replaced, may install roof covering of the same or similar material even if non-impact resistant.

3. Replacement/repair of fifty percent (50%) or more of the total roof area will require Class 4 shingles installed.

RR. Section 1608.2 – Ground snow loads - is amended to read as follows:

The design ground snow load shall be 35 psf for the City of Loveland per the Colorado Design Snow Loads, published by the Structural Engineers Association of Colorado (dated April 2016, https://www.seacolorado.org/publications.php). The design roof snow load values shall be determined from Chapter 7, ASCE 7-16, including all applicable factors and loading and drifting considerations. In no case shall the final design roof snow load be less than a uniformly distributed load of 30 psf.

SS. Section 1609.3 – Basic wind speed - is amended to read as follows:

The Special Wind Region, as indicated in Figure 1609 of the 2024 Edition of the International Building Code, shall apply. Additional Wind Design Speed for any given project area shall reference the Colorado Front Range Basic Wind Speed Study Map.

Loveland is located in a Special Wind Region. The basic design wind speed, V, in mph, for the determination of the wind loads shall be established from the Colorado Front Range Gust Map - ASCE 7-10 Compatible, published by the Structural Engineers Association of Colorado (dated November 18, 2013, https://www.seacolorado.org/publications.php).

Note: Users designing for Risk Category II, East of Taft Street, may use a basic wind speed, V, of 130 mph.

Risk Category II:

All areas east of Taft Avenue shall be designed for 130 MPH Vult, or can be interpolated from the Front Range Gust Map (seven hundred (700) year recurrence), or designed for the next wind contour line located west of the building site. All areas west of Taft Avenue shall be interpolated from the Front Range Gust Map, or designed for the next wind contour line located west of the building site.

Risk Category I, III &IV:

All areas shall be interpolated from the applicable Front Range Gust Map (seventeen hundred (1700) year recurrence), or designed for the next wind contour line located west of the building site.

Wind Exposure:

Exposure B is the minimum.

Exposure C as applicable at sites with open terrain, as defined in the I Codes.

The project engineer shall designate exposure based on site-specific conditions and shall be approved by the Building Official. Except for structures meeting the definition of "manufactured home" pursuant to 24-32-3302(20)(c), C.R.S., as amended, the Additional Wind Design Speed and Ultimate Design Wind Speed for a project area shall comply with the Colorado Front Range Gust Map – ASCE 7-10 Compatible, published by the Structural Engineers Association of Colorado (dated November 18, 2013 or any subsequently published version). Wind Load design values shall be determined from section 1609 of the 2024 Edition of the International Building Code. Note: Exposure B may be allowed if the site plan and Colorado registered engineer's calculations show that exposure B is acceptable for the project location due to site conditions and it is approved by the Building Official.

TT. Section 1611.1 – Design rain loads - is amended by adding the following after the first paragraph, prior to the equation to read as follows:

Sixty (60) minute duration, one hundred (100) year event is 2.66 inches/hour; 0.0275 gpm/square foot.

UU. Section 1612.3 – Establishment of flood hazard areas - is amended to read as follows:

To establish flood hazard areas, the governing body shall adopt a flood hazard map and supporting data. The flood hazard map shall include, at a minimum, areas of special flood hazard as identified by the Federal Emergency Management Agency in an engineering report entitled "The Flood Insurance Study for the City of Loveland," as amended or revised with the accompanying Flood Insurance Rate Map (FIRM) and Flood Boundary and Floodway Map (FBFM) and related supporting data along with any revisions thereto. The adopted flood hazard map and supporting data are hereby adopted by reference and declared to be part of this section.

VV. Section 1705.5 is amended by the addition of section 1705.5.4

1705.5.4 Wood construction of three (3) or more stories will require a special inspection.

XX. Section 1705.18 is amended by deleting "Group R occupancies with an occupant load greater than two hundred and fifty (250)" and adding "Commercial and Industrial Occupancies" in place of the aforementioned:

1705.18 Fire-resistant penetrations and joints.

In high-rise buildings, in buildings assigned to Risk Category III or IV, or in *fire areas* containing Commercial and Industrial Occupancies, *special inspections* for *through-penetrations, membrane penetration* firestops, *fire-resistant joint systems* and perimeter fire containment systems that are tested and *listed* in accordance with Sections 714.4.1.2, 714.5.1.2, 715.3.1 and 715.4 shall be in accordance with Section 1705.18.1 or 1705.18.2.

YY. Section 1803.6 – Reporting - is amended by the addition of a new subparagraph 11 to read as follows:

11. An investigation of the potential for subsurface water and, if necessary, designs for the control of subsurface water.

ZZ. Section 1809.5 – Frost protection - is amended to read as follows:

Except where otherwise protected from frost, foundations and other permanent supports of buildings and structures shall be protected from frost by one or more of the following methods:

1. Extending below the frost line of the locality.

2. Constructing in accordance with ASCE 32.

3. Erecting on solid rock.

Exception: Free-standing buildings meeting all of the following conditions shall not be required to be protected:

1. Assigned to *Risk Category* I.

2. Area of six hundred (600) square feet (56 m^2) or less for light frame construction or four hundred (400) square feet (37 m^2) or less for other than light-frame construction.

3. Eave height of ten (10) feet (3048 mm) or less.

The frost line, for footing/foundation design, shall be a minimum of thirty (30) inches below finished grade line.

AAA. Table 2304.6.1 - Maximum allowable stress design wind speed - is amended by adding the following footnote e:

e. The use of staples is permitted provided the staples are tested and listed for the appropriate installation and/or specified by a Colorado licensed design professional.

BBB. Table 2902.1 – Minimum number of required plumbing fixtures – is amended by adding footnote g:

g. For business and mercantile occupancies with occupant loads of between fifteen (15) and one hundred (100), a water bottle dispenser or bottled water dispenser or similar appliance as approved by the *building official* shall be required.

15.08.030 – Violations and penalties.

It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure in the City of Loveland or cause the same to be done contrary to or in violation of any of the provisions of the building code, as adopted and modified by the City of Loveland. Any person, firm or corporation violating any of the provisions of the building code, as adopted and modified by the City of Loveland, shall be deemed guilty of a misdemeanor, and subject to penalties as set forth in Section 1.12.010 of the City of Loveland Municipal Code.

Section 2. That if any section, subsection, or portion of this ordinance is, for any reason, held to be unconstitutional or invalid for any reason, such decision shall not affect that validity of the remaining portions of this ordinance. City Council hereby declares that it would have passed

this ordinance, and each section, subsection, and portion hereof, regardless of whether any one or more sections, subsections, or portions may be declared unconstitutional or invalid.

Section 3. That nothing in this ordinance shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, liability incurred, or cause of action acquired or existing under any ordinance hereby repealed, nor shall any legal right or remedy of any character be impaired by this ordinance.

Section 4. That the City Clerk shall cause to be published twice in a newspaper of general circulation within the City, once at least fifteen (15) days preceding the public hearing, and once at least eight (8) days preceding the public hearing, the following notice:

> Public notice is hereby given that at 6:00 p.m. on February 3, 2026 in the City Council Chambers, City Hall, 500 East Third Street, Loveland, Colorado, the Loveland City Council will consider on second reading an Ordinance Repealing and Reenacting Chapter 15.08 and Adopting by Reference the International Building Code, 2024 Edition. A public hearing shall be held prior to said consideration. Copies of the above-referenced International Building Code, 2024 Edition and any codes adopted by reference within the code are on file with the Loveland City Clerk and are open to public inspection.

Section 5. That as provided in City Charter Section 4-9(a)(7), this Ordinance shall be published by title only by the City Clerk after adoption on second reading unless the Ordinance has been amended since first reading in which case the Ordinance shall be published in full or the amendments shall be published in full. This Ordinance shall be in full force and effect ten days after its final publication, as provided in City Charter Section 4-8(b).

ADOPTED this ___ day of January, 2026.

CITY OF LOVELAND, COLORADO:

_____
Patrick McFall, Mayor

ATTEST:

_____
Ashley Macdonald, City Clerk

APPROVED AS TO FORM:

_____
Assistant City Attorney

FIRST READING: January 6, 2026

SECOND READING: _____

ORDINANCE NO. 6809

AN ORDINANCE REPEALING AND REENACTING CHAPTER 15.10 OF THE LOVELAND MUNICIPAL CODE AND ADOPTING BY REFERENCE THE INTERNATIONAL RESIDENTIAL CODE, 2024 EDITION

WHEREAS, pursuant to Section 4-12 of the Charter of the City of Loveland, the City Council is authorized to adopt, by ordinance, any code by reference in accordance with the procedures established by state law; and

WHEREAS, the Construction Advisory Board has recommended that City Council adopt the 2024 Edition of the International Residential Code (the "2024 IRC"), and amendments thereto; and

WHEREAS, the City Council has conducted a public hearing pursuant to C.R.S. §31-16-203 concerning the adoption of the 2024 IRC by reference and finds and determines that it is necessary to the health, safety and general welfare of the public that the City regulate conditions hazardous to life and property by the adoption of the 2024 IRC, and certain amendments and modifications thereto.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO:

Section 1. Chapter 15.10 of the City of Loveland Municipal Code is hereby repealed in its entirety and reenacted to read as follows:

15.10.010 – International Residential Code, 2024 Edition – Adopted.

The International Residential Code, 2024 Edition, issued and published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795, including appendix BC only, is hereby adopted by reference as the residential code of the City of Loveland. This code is a complete code covering certain buildings hereafter constructed, erected, enlarged, altered or moved into the City of Loveland and its purpose is to provide minimum standards to safeguard life and limb, health, property and public welfare by regulating and controlling the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal and demolition of detached one and two family dwellings and multiple single family dwellings (townhouses) not more than three (3) stories in height with separate means of egress and their accessory structures, and providing for issuance of permits and collection of fees therefore. At least one (1) copy of the International Residential Code, 2024 Edition, which has been certified

by the Mayor and City Clerk, shall be on file in the office of the City Clerk and may be inspected during regular business hours.

15.10.020 - Modifications to International Residential Code, 2024 Edition.

The International Residential Code, 2024 Edition, adopted in this chapter, is modified as follows:

A. Section R101.1 – Title - is amended to read as follows:

These provisions shall be known as the Residential Code of the City of Loveland, hereinafter referred to as "this code" or "residential code."

B. Section R103 – Department of Building Safety - is deleted in its entirety. See LMC 15.04.050.
C. Section R104 – Duties and powers of the building official – is deleted in its entirety. See LMC 15.04.050.
D. Section R105.2 – Work exempt from permit - is amended as follows:

1. The following paragraphs shall be added under "Building" to read as follows:

11. Replacement and repair of nonstructural siding or siding which is not part of a required fire rated assembly on buildings classified as Group R-3 and U Occupancies.

12. Gutters, downspouts and storm windows (unless specified through design).

13. Detached pergolas under two hundred (200) square feet.

14. A partial roof replacement/repair that does not exceed one square (100 sq. ft.) can be repaired like for like without a permit. A partial roof replacement/repair that exceeds one square but does not exceed forty-nine percent (49%) of the total roof will require a roof permit constituting a like for like replacement/repair. A roof replacement/repair exceeding forty-nine (49%) of the total roof (a "full tear off") requires a permit that may not constitute a like for like replacement/repair.

Asphalt shingles are required to be Class 4 impact resistant that meet UL 2218 test 2. Material specifications shall be provided to the City to meet the aforementioned requirement.

2. The following new section is added to R105.2 to read as follows:

R105.2.3.1 Exemptions. Unless otherwise exempt by this code, separate plumbing, electrical, and mechanical permits will be required for the above exempted items.

Exemption from the permit requirements of this code shall not be deemed to grant authorization for work to be done in a manner in violation of the provisions of this code or any other laws or resolutions of the City of Loveland.

E. Section R105.3.2 – Time limitation of application – is deleted in its entirety. See LMC 15.04.190.
F. Section 105.4 – Validity of permit – is deleted in its entirety. See LMC 15.04.190.
G. Section R105.5 – Expiration - is amended to read as follows:

Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within one hundred eighty (180) days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of one hundred eighty (180) days after the time the work is commenced. All permits shall become null and void regardless of the provisions of this section within twelve (12) months of issuance. The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than one hundred eighty (180) days each. The extensions shall be requested in writing and justifiable cause demonstrated.

H. Section R105.6 – Suspension or revocation – is deleted in its entirety. See LMC 15.04.190.
I. Section R106.1 – Submittal documents – is amended to read as follows:

Submittal documents consisting of construction documents, and other data shall be submitted electronically with each application for a permit. The construction documents shall be prepared by a registered design professional where required by the statutes of the jurisdiction in which the project is to be constructed. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional.

J. Section R106.3 - Examination of documents - is amended by the addition of new subsections R106.3.4 and R106.3.5 to read as follows:

R106.3.4 Responsibility for preparation of plans and specifications. In accordance with this section, the building official shall require plans, computations, and specifications to be prepared, designed, and stamped by an engineer licensed by the State of Colorado in certain circumstances, including but not limited to the following:

1. Foundations are constructed on caissons or any other method.

2. Roof framing or wall framing.

3. Confirmation of beam sizes and spans, loading, or any structural element affecting the integrity of the building.

R106.3.5 Deferred submittals. – Deferred submittals shall not be allowed unless approved by the building official.

K. Section R108 – Fees – is deleted in its entirety. See LMC 15.04.190.
L. Section R109.1 – Types of inspections – is amended to read as follows:

For onsite construction, from time to time the building official, upon notification from the

permit holder or his or her agent, shall make or cause to be made any necessary inspections and shall either approve that portion of the construction as completed or shall notify the permit holder or his or her agent wherein the same fails to comply with this code. Work requiring a building permit shall not be commenced until the permit holder or his or her agent shall have posted an inspection record card in a conspicuous place on the premises and in a position to allow the building official to make the required entries conveniently thereon regarding inspection of the work. The address of the building site must be posted in a conspicuous place readily visible from the public road. This card shall be maintained in such a position by the permit holder until all inspections have been made and final approvals have been granted by the building official. No permanent electric meters will be released until the card has all the required signatures and verified by the building official.

M. Section R109.1 – Types of inspections - is amended by the addition of a new subsection R109.1.1.1 to read as follows:

R109.1.1.1 Drilled pier inspection. Drilled pier inspections will be made while the piers are being drilled. The design engineer of record or his or her authorized representative shall be present during the drilling operations and shall be available to the City of Loveland inspector during required inspections.

N. Section R109.1.3 – Floodplain inspections - is amended by the addition of a new subsection R109.1.3.1 to read as follows:

R109.1.3.1 Lowest floor elevation. The elevation certificate required in Section R109.1.3 shall be submitted when required by the building official or as required by Chapter 15.14 of the City of Loveland Municipal Code.

O. Section R109.1.5.1 – Fire-resistance-rated construction inspection - is amended by the addition of an exception to read in full as follows:

Lath or gypsum board inspections shall be made after lathing and gypsum board, interior and exterior, is in place, but before any plastering is applied or before gypsum board joints and fasteners are taped and finished.

Exception: Gypsum board that is not part of a fire-resistive assembly or a shear assembly.

P. Section R109.1.5 – Other inspections - shall be amended by the addition of new subsections R109.1.5.2, R109.1.5.3 and R109.1.5.4 to read as follows:

R109.1.5.2 Fire-resistant penetrations. Protection of joints and penetrations in fire-resistance-rated assemblies shall not be concealed from view until inspected and approved.

R109.1.5.3. Special inspections. For special inspections, Section 1704 of the International Building Code shall apply. The building official is authorized to accept reports of approved inspection agencies, provided such agencies satisfy the requirements as to qualifications and reliability as set forth in the International Building Code.

R109.1.5.4. Footing and foundation inspections. All new footing and foundation inspections shall be performed by a design professional licensed by the State of Colorado and to include, but not limited to, reinforcing, concrete-encased electrode (UFER ground), and when required damp-proofing and perimeter drain.

Q. Section R112 – Means of Appeals - is deleted in its entirety. See LMC 15.04.210.
R. Section R113 – Violations – is deleted in its entirety. See LMC 15.04.230.
S. Section R114 – Stop work order - is deleted in its entirety. See LMC 15.04.090.
T. Section R202 – Definitions - is amended by the addition of the following definitions of "Room, Sleeping (Bedroom)," "Utility Space (Room)," "Addition," "Accessory Dwelling Unit," "Townhouse," and "Family Child Care Home" and the deletion and replacement of the definition of "Fire Separation Distance":

Room, Sleeping (Bedroom). A habitable room within a dwelling unit designated primarily for the purpose of sleeping. Built in features such as closets and similar storage facilities shall not be considered as relevant factors in determining whether or not a room is a sleeping room.

Family Child Care Home is defined at C.R.S. § 26-6-102 (13). Types of family child care homes are further detailed at 12 CCR 2509-8 Section 7.707, "Rules Regulating Family Child Care Homes."

Utility Space (Room). A room designed or used to house heating, general maintenance equipment.

The definition of an "Addition" is amended by the inclusion of the following:

An extension or increase in floor area, number of stories or height of a building or structure. Additions where new living and cooking quarters are provided, a *communicating opening* is required.

The definition of a "*Communicating Opening*" shall be as follows:

- *Communicating Opening*:

  A permanently fixed opening between *habitable spaces* from the main dwelling to the addition. Minimum dimensions must provide a clear opening minimum width of thirty-two inches (32") and a minimum height of seventy-eight inches (78").

The definition of an Accessory Dwelling Unit is amended by the addition of:

ADU - Accessory Dwelling Unit means a residential dwelling unit (but not a manufactured home, mobile home, or recreational vehicle) that is subordinate in scale to, a single-family detached dwelling unit (the "Principal Dwelling Unit"). An accessory dwelling unit is located either within the same building as the Principal Dwelling Unit creating a two-family home or in a detached building on the same lot as the Principal Dwelling Unit.

The definition of a Townhouse unit is amended by the addition of:

Townhouse Unit – A single-family *dwelling unit* in a *townhouse* that extends from foundation to roof and that has a *yard* or *public way* on not less than two (2) sides. Townhouse Units ("Townhouses") shall have individual services, with no through penetrations from townhouse to townhouse, except NFPA fire sprinkler piping.

U. R301.1.3 is amended as follows:

R301.1.3 Engineered Design

Structural design of residential buildings shall be stamped by an engineer.

Where a building of otherwise conventional construction contains structural elements exceeding the limits of Section R301 or otherwise not conforming to this code, these elements shall be designed in accordance with accepted engineering practice. The extent of such design need only demonstrate compliance of nonconventional elements with other applicable provisions and shall be compatible with the performance of the conventional framed system. Engineered design in accordance with the International Building Code is permitted for buildings and structures, and parts thereof, included in the scope of this code.

V. Table R301.2 – Climatic and Geographic Design Criteria – is amended by deleting the table and replacing it with the following table and replacing footnotes d and o and adding a footnote (p) as stated below:

GROUND SNOW LOAD[o]	WIND DESIGN				SEISMIC DESIGN CATEGORY[f]	SUBJECT TO DAMAGE FROM			ICE BARRIER UNDERLAYMENT REQUIRED[h]	FLOOD HAZARDS[i]	AIR FREEZING INDEX[j]	MEAN ANNUAL TEMP[j]
	Speed[d] (mph)	Topographic effects[k]	Special wind region[l]	Windborne debris zone[m]		Weathering[a]	Frost line depth[b]	Termite[c]				
35	130 Vult	yes	yes	No	B	Severe	30 inches	slight	yes	yes	906	43.5

MANUAL J DESIGN CRITERIA[q]							
Elevation	Altitude correction factor[n]	Coincident wet bulb	Indoor winter design relative humidity	Indoor winter design dry-bulb temperature	Outdoor winter design dry-bulb temperature	Heating temperature difference
4997 Feet	.83	63 degree F	30%	72 degree F	4 degree F	68 degree F
Latitude	Daily range		Indoor summer design relative humidity	Indoor summer design dry-bulb temperature	Outdoor summer design dry-bulb temperature	Cooling temperature difference
40'24'	high		50%	75 degree F	91 degree F	16 degree F

Footnote d: Except for structures meeting the definition of "manufactured home" pursuant to § 24-32-3302(20)(c), C.R.S., as amended, the Ultimate Design Wind Speed for a project area shall comply with the Colorado Front Range Gust Map – ASCE 7-10 Compatible, published by the Structural Engineers Association of Colorado (dated November 18, 2013 or any

subsequently published version). Wind exposure category shall be determined on a site-specific basis in accordance with Section R301.2.1.4.

Footnote o: The design ground snow load for the City of Loveland shall be 35psf per the Colorado Design Snow Loads, published by the Structural Engineers Association of Colorado (dated April 2016). The design roof load snow load values shall be determined from Chapter 7, ASCE 7-16, including all applicable factors, and loading and drifting considerations. In no case shall the final design roof snow load be less than a uniformly distributed of 30psf.

Footnote p: Alternatively, the basic design wind speed V, in miles per hour, for the determination of wind speed may comply with the Colorado Front Range Gust Map- ASCE 7-10 compatible, published by the Structural Engineers Association of Colorado (dated November 18, 2013). Wind exposure category shall be determined on a site-specific basis in accordance with Section R301.2.1.4.

W. Section R301.2.1 – Wind design criteria – is amended by adding the following:

Risk Category I & II:

All areas east of Taft Avenue shall be designed for one hundred thirty mile per hour (130 MPH) Vult, or can be interpolated from the Front Range Gust Map (seven hundred (700) year recurrence), or designed for the next wind contour line located west of the building site.

All areas west of Taft Avenue shall be interpolated from the Front Range Gust Map, or designed for the next wind contour line located west of the building site.

Risk Category III &IV:

All areas shall be interpolated from the applicable Front Range Gust Map, or designed for the next wind contour line located west of the building site.

Wind Exposure:

Exposure B is the minimum.

Exposure C as applicable at sites with open terrain, as defined in the I Codes.

Flood Hazards: VARIES based on Chapter 15.14 Floodplain Building Code of City of Loveland Municipal Code.

X. Section 302.13 is amended by adding the following to exception 1:

R302.13 Fire protection of floors.

Floor assemblies that are not required elsewhere in this code to be fire-resistance rated, shall

be provided with a half inch (1/2") (12.7 mm) gypsum wallboard membrane, five eighths of an inch (5/8") (16 mm) *wood structural panel* membrane, or equivalent on the underside of the floor framing member. Penetrations or openings for ducts, vents, electrical outlets, lighting, devices, luminaires, wires, speakers, drainage, piping and similar openings or penetrations shall be permitted.

Exceptions:

1. Floor assemblies located directly over a space protected by an automatic sprinkler system in accordance with NFPA 13D.

   Engineered shop drawings for the fire protection system(s) shall be submitted to indicate conformance to this code and the construction documents and shall be approved prior to permit issuance. Shop drawings shall contain all information as required by the referenced installation standards in Chapter 9 of the IBC/IFC.

Y. Section R306.1.5 - Lowest floor - is amended by adding the following paragraph:

The elevation certificate required by this section shall be submitted when required by the building official or as required by Chapter 15.14 of the City of Loveland Municipal Code.

Z. Section R309 – Automatic fire sprinkler systems - is deleted in its entirety.

AA. Section R310.7 is amended by the deletion of the exception as follows:

R310.7 Alterations or repairs of existing basements. New sleeping rooms created in an existing basement shall be provided with emergency escape and rescue openings in accordance with Section R310.1. Other than new sleeping rooms, where existing basements undergo alterations or repairs an emergency escape and rescue opening is not required.

BB. Section R310.2.1 is amended by the addition of items 1 and 2.

R310.2.1 New construction.

Smoke alarms shall be provided in *dwelling units*.

1. An approved strobe shall be provided on the exterior of all one- and two-family dwellings and townhomes in a location readily visible from the roadway fronting the structure. This strobe shall alarm upon activation of any smoke or heat detection device.

   The code official is authorized to require exterior strobes to be provided on more than one (1) side of the structure.

2. In one- and two-family dwellings a heat detector shall be installed in the garage and

tied into the smoke/CO alarms in the residence, so that if one activates, they all activate.

CC. Section R319.5 – Replacement windows for emergency escape and rescue openings – is deleted in its entirety.

DD. Section R319.6 is amended by the deletion of exception 3 as follows:

R310.6 Dwelling additions. Where dwelling unit additions contain sleeping rooms, an emergency escape and rescue opening shall be provided in each new sleeping room. Where dwelling unit additions have basements, an emergency escape and rescue opening shall be provided in the new basement.

Exceptions:

1. An emergency escape and rescue opening is not required in a new basement that contains a sleeping room with an emergency escape and rescue opening.

2. An emergency escape and rescue opening is not required in a new basement where there is an emergency escape and rescue opening in an existing basement that is accessed from the new basement.

EE. Section R319.7.1 – Existing emergency escape and rescue openings – is deleted in its entirety.

FF. Section R401.2 – Requirements - is amended to read as follows:

Foundation construction shall be capable of accommodating all loads in accordance with Section R301 and of transmitting the resulting loads to the supporting soil. Fill soils that support footings and foundations shall be designed, installed and tested in accordance with accepted engineering practice. Investigation of the potential for subsurface water and, if necessary, designs for the control of subsurface water shall be required.

GG. Section R408.4 Under Floor Access is amended to read as follows:

Access shall be provided to all under-floor spaces. Access openings through the floor shall be not smaller than 18 inches by 24 inches (457 mm by 610 mm). Openings through a perimeter wall shall be not less than 16 inches by 24 inches (407 mm by 610 mm). Where any portion of the through-wall access is below grade, an areaway not less than 16 inches by 24 inches (407 mm by 610 mm) shall be provided. The bottom of the areaway shall be below the threshold of the access opening. Through wall access openings shall not be located under a door to the residence. See Section M1305.1.3 for access requirements where mechanical equipment is located under floors. Under floor access that is larger than the minimum size will be considered as storage spaces and may be subject to additional under floor fire protection requirements.

HH. Section R507.3.1 is amended to replace Table R507.3.1 with the table below:

30" DEEP CONC PIER-CHART #3					
	BEAM SPAN				
		6'	8'	10'	12'
JOIST SPAN IN FEET	8'	10" DIAMETER PIER			
	9'	10"	10"	10"	12"
	10'	10"	10"	12"	12"
	11'	10"	10"	12"	16"
	12'	10"	10"	12"	16"
	13'	10"	12"	16"	16"
	14'	10"	12"	16"	18"
	15'	10"	12"	16"	18"
	16'	10"	16"	16"	20"

II. Section R507.4 Deck posts is amended to replace table 507.4 with the table below:

TABLE R507.4
DECK POST HEIGHT[a]

DECK POST SIZE	MAXIMUM HEIGHT[a, b] (feet-inches)
4 × 4	6-9[c]
4 × 6	8
6 × 6	14
8 × 8	14

For SI: 1 inch = 25.4 mm, 1 foot = 304.8 mm, 1 pound per square foot = 0.0479 kPa.

a. Measured to the underside of the beam.

b. Based on 40 psf live load.

c. The maximum permitted height is 8 feet for one-ply and two-ply beams. The maximum permitted height for three-ply beams on post cap is 6 feet 9 inches.

JJ. Section 905.2.4 is amended by adding the following:

1. Asphalt shingles are required to be Class 4 impact resistant that meet UL 2218 test.

KK. Section 908.3 is amended by the addition of exception 2:

R908.3 Roof replacement.

Roof replacement shall include the removal of existing layers of roof coverings down to the roof deck.

Exception:

1. Where the existing roof assembly includes an ice barrier membrane that is adhered to the roof deck, the existing ice barrier membrane shall be permitted to remain in place and covered with an additional layer of ice barrier membrane in accordance with Section R905.

2. A partial roof replacement/repair that does not exceed one square (100 sq. ft.) can be repaired like for like without a permit. A partial roof replacement/repair that exceeds one square but does not exceed forty-nine percent (49%) of the total roof will require a like for like permit. A roof replacement/repair exceeding forty-nine (49%) of the total roof

(constituting a "full tear off") requires a permit. Asphalt shingles are required to be Class 4 impact resistant that meet UL 2218 test 2. Please provide material specifications meeting this requirement.

LL. Table N1101.7.2(2) [R301.3] – International Climate Zone Definitions – is amended with the addition of footnote j to read as follows:

The thermal design parameters shall be used for calculations required under this code as listed in Design Value section.

Winter Outdoor, Design Dry-bulb (^{0}F)	= 4
Winter Indoor, Design Dry-bulb (^{0}F)	= 70
Summer, Outdoor Design Dry-bulb (^{0}F)	= 94
Summer, Indoor Design Dry-bulb (^{0}F)	= 75
Summer, Design Wet-bulb (^{0}F)	= 63
Degree days heating	= 6600
Degree days cooling	= 479
Degrees North Latitude	= 40 degrees 35 minutes
Air Freeze Index	= 906

MM. Section M1307.1 – Appliance installation – is amended by the addition of a new subsection M1307.8 to read as follows:

M1307.8 Liquefied Petroleum Appliances. Equipment burning liquefied petroleum gas (LPG) shall not be located in a pit, basement, under floor space, below grade, attic or similar location where vapors or fuel may unsafely collect. Liquefied petroleum gases, including construction and temporary heating, shall only be installed per adopted fire code and per manufacturer's specifications and listing per appliances.

NN. Section P2603.5 – Freezing – is amended to state as follows:

In localities having a winter design temperature of thirty-two degrees Fahrenheit (32°F) (0°C) or lower as shown in Table R301.2(1) of this code, a water, soil or waste pipe shall not be installed outside of a building, in exterior walls, in *attics* or crawl spaces, or in any other place subjected to freezing temperature unless adequate provision is made to protect it from freezing by insulation or heat or both. Water service pipe shall be installed not less than fifty-four inches (54") deep.

OO. Section P2603.5.1 – Sewer depth – is amended to state as follows:

Building sewers shall be not less than twenty-four inches (24") below grade.

PP. Section P2904 – Dwelling Unit Sprinkler Systems – is deleted in its entirety.
QQ. Section P2910 – Non-potable water systems - is deleted in its entirety.
RR. Section P2911 – On-site non-potable water reuse systems - is deleted in its entirety.
SS. Section P2912 – Non-potable rainwater collection and distribution systems - is deleted in

its entirety.

TT. Section P2913 – Reclaimed water systems - is deleted in its entirety.

UU. Section P3009 – Graywater Soil Absorption Systems - is deleted in its entirety.

VV. Chapters 34 through 43 are deleted in their entirety and replaced as follows:

Newly installed electrical equipment and wiring relating to work done in any work area shall comply with all applicable requirements of NFPA 70.

WW. Section BC101.1.1 – Prohibited Conditions – is amended to state as follows:

Refer to the Unified Development Code for requirements.

XX. Section BC101.2 – Conditions – is amended to state as follows:

ADUs shall be permitted without requiring a change of occupancy where in compliance with the requirements in the Unified Development Code and with all of the following:

1. Not less than 190 square feet ($17.65m^2$) in area.
2. An ADU shall be provided with adequate provisions for electricity, water supply and sewage disposal.

YY. Section BC102.1 – Definitions – is amended to state as follows:

Refer to the Unified Development Code for definitions.

ZZ. Section BC104.1 – Design – is amended to state as follows:

Except as modified by this section, building planning shall be in accordance with Chapter 3 and building structure shall comply with the International Residential Code and the Unified Development Code.

15.10.030 – Violations and penalties.

It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure in the City of Loveland or cause the same to be done contrary to or in violation of any of the provisions of the residential code, as adopted and modified by the City of Loveland. Any person, firm or corporation violating any of the provisions of the residential code, as adopted and modified by the City of Loveland, shall be deemed guilty of a misdemeanor, and subject to penalties as set forth in Section 1.12.010 of the City of Loveland Municipal Code.

Section 2. That if any section, subsection, or portion of this ordinance is, for any reason, held to be unconstitutional or invalid for any reason, such decision shall not affect that validity of the remaining portions of this ordinance. City Council hereby declares that it would have passed this ordinance, and each section, subsection, and portion hereof, regardless of whether any one or more sections, subsections, or portions may be declared unconstitutional or invalid.

Section 3. That nothing in this ordinance shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, liability incurred, or cause of action acquired or existing under any ordinance hereby repealed, nor shall any legal right or remedy of any character be impaired by this ordinance.

Section 4. That the City Clerk shall cause to be published twice in a newspaper of general circulation within the City, once at least fifteen (15) days preceding the public hearing, and once at least eight (8) days preceding the public hearing, the following notice:

> Public notice is hereby given that at 6:00 p.m. on February 3, 2026 in the City Council Chambers, City Hall, 500 East Third Street, Loveland, Colorado, the Loveland City Council will consider on second reading an Ordinance Repealing and Reenacting Chapter 15.10 and Adopting by Reference the International Residential Code, 2024 Edition. A public hearing shall be held prior to said consideration. Copies of the above-referenced International Residential Code, 2024 Edition and any codes adopted by reference within the code are on file with the Loveland City Clerk and are open to public inspection.

Section 5. That as provided in City Charter Section 4-9(a)(7), this Ordinance shall be published by title only by the City Clerk after adoption on second reading unless the Ordinance has been amended since first reading in which case the Ordinance shall be published in full or the amendments shall be published in full. This Ordinance shall be in full force and effect ten days after its final publication, as provided in City Charter Section 4-8(b).

ADOPTED this ___ day of January, 2026.

CITY OF LOVELAND, COLORADO:

_____
Patrick McFall, Mayor

ATTEST:

_____
Ashley Macdonald, City Clerk

APPROVED AS TO FORM:

_____
Assistant City Attorney

FIRST READING: January 6, 2026

SECOND READING: _____

ORDINANCE NO. 6810

AN ORDINANCE REPEALING AND REENACTING CHAPTER 15.16 OF THE LOVELAND MUNICIPAL CODE AND ADOPTING BY REFERENCE THE INTERNATIONAL MECHANICAL CODE, 2024 EDITION

WHEREAS, pursuant to Section 4-12 of the Charter of the City of Loveland, the City Council is authorized to adopt, by ordinance, any code by reference in accordance with the procedures established by state law; and

WHEREAS, the Construction Advisory Board has recommended that City Council adopt the 2024 Edition of the International Mechanical Code (the "2024 IMC"), and amendments thereto; and

WHEREAS, the City Council has conducted a public hearing pursuant to C.R.S. §31-16-203 concerning the adoption of the 2024 IMC by reference and finds and determines that it is necessary to the health, safety and general welfare of the public that the City regulate conditions hazardous to life and property by the adoption of the 2024 IMC, and certain amendments and modifications thereto.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO:

Section 1. Chapter 15.16 of the City of Loveland Municipal Code is hereby repealed in its entirety and reenacted to read as follows:

15.16.010 – International Mechanical Code, 2024 Edition – Adopted.

The International Mechanical Code, 2024 Edition (the "2024 IMC"), issued and published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795, excluding all appendices, is hereby adopted by reference as the mechanical code of the City of Loveland as if fully set forth herein, with the modifications, if any, set forth in Section 15.16.020 below. This code is a complete code to safeguard public health, safety and welfare by regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of mechanical systems, and providing for issuance of permits and collection of fees therefore. At least one (1) copy of the 2024 IMC, which has been certified by the Mayor and City Clerk, shall be on file in the office of the City Clerk and may be inspected during regular business hours.

15.16.020 - Modifications to International Mechanical Code, 2024 Edition.

The International Mechanical Code, 2024 Edition, adopted in this chapter, is modified as follows:

A. Section 101.1 – Title - is amended to read as follows:

These regulations shall be known as the Mechanical Code of the City of Loveland, hereinafter referred to as "this code" or "mechanical code."

B. Section 103 – Code Compliance Agency - is deleted in its entirety. See LMC 15.04.050.

C. Section 104 – Duties and powers of the code official - is deleted in its entirety. See LMC 15.04.050.

D. Section 105.4 – Permit issuance – is deleted in its entirety. See LMC 15.04.090.

E. Section 106.1 – Construction documents – is amended to read as follows:

Construction documents, engineering calculations, diagrams and other data shall be submitted electronically with each application for a permit. The code official shall require construction documents, computations and specifications to be prepared and designed by a registered design professional where required by state law. Where special conditions exist, the code official is authorized to require additional construction documents to be prepared by a registered design professional. Construction documents shall be drawn to scale and shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that the work conforms to the provisions of this code. Construction documents for buildings more than two (2) stories in height shall indicate where penetrations will be made for mechanical systems, and the materials and methods for maintaining required structural safety, fire-resistance rating and fire blocking.

F. Section 108 – Fees – is deleted in its entirety. See LMC 15.04.190

G. Section 112 – Means of appeals - is deleted in its entirety. See LMC 15.04.210.

H. Section 113 – Board of appeals - is deleted in its entirety. See LMC 15.04.210.

I. Section 114 – Violations – is deleted in its entirety. See LMC 15.04.230.

J. Section 202 – General Definitions – is amended by the addition of the following definition of "Temporary":

Temporary. A time period no longer than 180 days.

K. Section 507 – Commercial Kitchen Hoods – is amended by the addition of a new section 507.4 and subsection 507.4.1 to read as follows:

507.4: Performance test.

A performance test shall be conducted upon completion and before final approval of the installation of a ventilation system serving commercial cooking appliances. The test shall verify the rate of exhaust airflow required by Section 507.5, makeup airflow required by Section 508 and proper operation as specified in this Chapter. The permit holder shall furnish the necessary test equipment and devices required to perform the tests.

507.4.1: Capture and containment test.

The permit holder shall verify capture and containment performance of the exhaust system. This field test shall be conducted with all appliances under the hood at operating temperatures, with all sources of outdoor air providing makeup air for the hood operating and with all sources of recirculated air providing conditioning for the space in which the hood is located operating. Capture and containment shall be verified visually by observing smoke or steam produced by actual or simulated cooking, such as that provided by smoke generators.

L. Section 1001 – General - is amended by the addition of a new subsection 1001.2 to read as follows:

1001.2 Operations and maintenance of boilers and pressure vessels. Boilers and pressure vessels shall be operated and maintained in conformity with requirements for adequate protection of the public according to nationally recognized standards. The State of Colorado Boiler Inspector shall notify the owner or the authorized representative of defects or deficiencies, which shall be properly and promptly corrected.

M. Section 1011 – Tests - is amended to read as follows:

An installation for which a permit is required shall not be put into service until it has been inspected and approved. It is the duty of the owner or his or her authorized representative to notify the State of Colorado Boiler Inspector or an authorized alternate that the installation is ready for inspection and test. The results of such test shall be submitted to the building official for acceptance.

15.16.030 – Violations and penalties.

It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure in the City of Loveland or cause the same to be done contrary to or in violation of any of the provisions of this code, as adopted and modified by the City of Loveland. Any person, firm or corporation violating any of the provisions of this code, as adopted and modified by the City of Loveland, shall be deemed guilty of a misdemeanor and subject to penalties as set forth in Section 1.12.010 of the City of Loveland Municipal Code.

Section 2. That if any section, subsection, or portion of this ordinance is, for any reason, held to be unconstitutional or invalid for any reason, such decision shall not affect that validity of the remaining portions of this ordinance. City Council hereby declares that it would

have passed this ordinance, and each section, subsection, and portion hereof, regardless of whether any one or more sections, subsections, or portions may be declared unconstitutional or invalid.

Section 3. That nothing in this ordinance shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, liability incurred, or cause of action acquired or existing under any ordinance hereby repealed, nor shall any legal right or remedy of any character be impaired by this ordinance.

Section 4. That the City Clerk shall cause to be published twice in a newspaper of general circulation within the City, once at least fifteen (15) days preceding the public hearing, and once at least eight (8) days preceding the public hearing, the following notice:

> Public notice is hereby given that at 6:00 p.m. on February 3, 2026 in the City Council Chambers, City Hall, 500 East Third Street, Loveland, Colorado, the Loveland City Council will consider on second reading an Ordinance Repealing and Reenacting Chapter 15.16 and Adopting by Reference the International Mechanical Code, 2024 Edition. A public hearing shall be held prior to said consideration. Copies of the above-referenced International Mechanical Code, 2024 Edition and any codes adopted by reference within the code are on file with the Loveland City Clerk and are open to public inspection.

Section 5. That as provided in City Charter Section 4-9(a)(7), this Ordinance shall be published by title only by the City Clerk after adoption on second reading unless the Ordinance has been amended since first reading in which case the Ordinance shall be published in full or the amendments shall be published in full. This Ordinance shall be in full force and ten days after its final publication, as provided in City Charter Section 4-8(b).

ADOPTED this ___ day of January, 2026.

CITY OF LOVELAND, COLORADO:

_____
Patrick McFall, Mayor

ATTEST:

_____
Ashley Macdonald, City Clerk

APPROVED AS TO FORM:

_____
Assistant City Attorney

FIRST READING: January 6, 2026

SECOND READING: _____

ORDINANCE NO. 6811

AN ORDINANCE REPEALING AND REENACTING CHAPTER 15.18 OF THE LOVELAND MUNICIPAL CODE AND ADOPTING BY REFERENCE THE INTERNATIONAL FUEL GAS CODE, 2024 EDITION

WHEREAS, pursuant to Section 4-12 of the Charter of the City of Loveland, the City Council is authorized to adopt, by ordinance, any code by reference in accordance with the procedures established by state law; and

WHEREAS, the Construction Advisory Board has recommended that City Council adopt the 2024 Edition of the International Fuel Gas Code (the "2024 IFGC"), and amendments thereto; and

WHEREAS, the City Council has conducted a public hearing pursuant to C.R.S. §31-16-203 concerning the adoption of the 2024 IFGC by reference and finds and determines that it is necessary to the health, safety and general welfare of the public that the City regulate conditions hazardous to life and property by the adoption of the 2024 IFGC, and certain amendments and modifications thereto.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO:

Section 1. Chapter 15.18 of the City of Loveland Municipal Code is hereby repealed in its entirety and reenacted to read as follows:

15.18.010 – International Fuel Gas Code – Adopted.

The International Fuel Gas Code, 2024 Edition issued and published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795, excluding all appendices, is hereby adopted by reference as the fuel gas code of the City of Loveland as if fully set forth herein, with the modifications, if any, set forth in Section 15.18.020 below. This code is a complete code and its purpose is to provide minimum standards to safeguard public health, safety, and welfare by regulating and controlling fuel gas systems and gas-fired appliances, and providing for issuance of permits and collection of fees therefore. At least one (1) copy of the 2024 IFGC, which has been certified by the Mayor and City Clerk, shall be on file in the office of the City Clerk and may be inspected during regular business hours.

15.18.020 - Modifications to International Fuel Gas Code, 2024 Edition.

The International Fuel Gas Code, 2024 Edition, adopted in this chapter, is modified as follows:

A. Section 101.1 – Title - is amended to read as follows:

These regulations shall be known as the Fuel Gas Code of the City of Loveland, hereinafter referred to as "this code" or "fuel gas code."

B. Section 103 – Code Compliance Agency - is deleted in its entirety. See LMC 15.04.050.

C. Section 104 – Duties and powers of the code official – is deleted in its entirety. See LMC 15.04.050.

D. Section 106.5 – Permit issuance - is deleted in its entirety. See LMC 15.04.190.

E. Section 109 – Fees - is deleted in its entirety. See LMC 15.04.190.

F. Section 115 – Violations - is deleted in its entirety. See LMC 15.04.230.

G. Section 113 – Means of appeals - is deleted in its entirety. See LMC 15.04.220.

H. Section 202 – General Definitions – is amended by the addition of the following definition of "Temporary":

Temporary. A time period no longer than 180 days.

I. Section 402.7.1 – Operation below negative five degrees Fahrenheit (-5°F) (-21°C) - is amended to read as follows:

LP-gas systems designed to operate below negative five degrees Fahrenheit (-5°F) (-21°C) or with butane or a propane-butane mix shall be designed to either accommodate liquid LP-gas or prevent LP-gas vapor from condensing into a liquid. Equipment burning liquefied petroleum gas (LPG) shall not be located in a pit, basement, under floor space, below grade, attic or similar location where vapors or fuel may unsafely collect. Liquid petroleum gases, including construction and temporary heating shall only be installed per the adopted fire code, manufacturer's specifications and listing of the appliance(s).

J. Section 406.4.1 – Test pressure – is amended to state as follows:

These inspections shall include a determination that the gas piping size, material, and installation meet the requirements of this code and shall be made after all piping authorized by the permit has been installed and before any portions thereof which are to be covered or concealed are so concealed and before any fixture, appliance, or shutoff valve has been attached thereto. This inspection shall include an air, CO2 or nitrogen pressure test, at which time the gas piping shall stand not less than ten (10) pounds per square inch (68.9 kPa) gauge pressure, or at the discretion of the building official, the piping and valves may be tested at a pressure of at least six (6) inches (152mm) of mercury, measured with a manometer or slope

gauge. Test pressures shall be held for a length of time satisfactory to the building official, but in no case for less than fifteen (15) minutes, with no perceptible drop in pressure.

K. Section 406.4.2 is amended to state as follows:

For piping two and a half inches (2.5") and larger, welded piping, and for piping carrying gas at pressure in excess of fourteen (14) inches (356 mm) water column pressure, the test pressure shall not be less than sixty (60) pounds per square inch (413.4 kPa) and shall be continued for a length of time satisfactory to the building official, but in no case for less than fifteen (15) minutes.

These tests shall be made using air, CO2, or nitrogen pressure only and shall be made in the presence of the building official. All necessary apparatus for conducting tests shall be furnished by the permit holder. Test gauges used in conducting tests shall comply with Chapter 4 of this code.

15.18.030 – Violations and penalties.

It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure in the City of Loveland or cause the same to be done contrary to or in violation of any of the provisions of this code, as adopted and modified by the City of Loveland. Any person, firm or corporation violating any of the provisions of this code, as adopted and modified by the City of Loveland, shall be deemed guilty of a misdemeanor and subject to penalties as set forth in Section 1.12.010 of the City of Loveland Municipal Code.

Section 2. That if any section, subsection, or portion of this ordinance is, for any reason, held to be unconstitutional or invalid for any reason, such decision shall not affect that validity of the remaining portions of this ordinance. City Council hereby declares that it would have passed this ordinance, and each section, subsection, and portion hereof, regardless of whether any one or more sections, subsections, or portions may be declared unconstitutional or invalid.

Section 3. That nothing in this ordinance shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, liability incurred, or cause of action acquired or existing under any ordinance hereby repealed, nor shall any legal right or remedy of any character be impaired by this ordinance.

Section 4. That the City Clerk shall cause to be published twice in a newspaper of general circulation within the City, once at least fifteen (15) days preceding the public hearing, and once at least eight (8) days preceding the public hearing, the following notice:

Public notice is hereby given that at 6:00 p.m. on February 3, 2026 in the City Council Chambers, City Hall, 500 East Third Street, Loveland, Colorado, the Loveland City Council will consider on second reading an Ordinance Repealing and Reenacting Chapter 15.18 and Adopting by Reference the International Fuel Gas Code, 2024 Edition. A public hearing shall be held prior to said consideration. Copies of the above-

referenced International Fuel Gas Code, 2024 Edition and any codes adopted by reference within the code are on file with the Loveland City Clerk and are open to public inspection.

Section 5. That as provided in City Charter Section 4-9(a)(7), this Ordinance shall be published by title only by the City Clerk after adoption on second reading unless the Ordinance has been amended since first reading in which case the Ordinance shall be published in full or the amendments shall be published in full. This Ordinance shall be in full force and effect ten days after its final publication, as provided in City Charter Section 4-8(b).

ADOPTED this ___ day of January, 2026.

CITY OF LOVELAND, COLORADO:

_____
Patrick McFall, Mayor

ATTEST:

_____
Ashely Macdonald, City Clerk

APPROVED AS TO FORM:

Assistant City Attorney

AN ORDINANCE REPEALING AND REENACTING CHAPTER 15.18 OF THE LOVELAND MUNICIPAL CODE AND ADOPTING BY REFERENCE THE INTERNATIONAL FUEL GAS CODE, 2024 EDITION

FIRST READING: January 6, 2026

SECOND READING: _____

ORDINANCE NO. 6812

AN ORDINANCE REPEALING AND REENACTING CHAPTER 15.20 OF THE LOVELAND MUNICIPAL CODE AND ADOPTING BY REFERENCE THE INTERNATIONAL PLUMBING CODE, 2024 EDITION

WHEREAS, pursuant to Section 4-12 of the Charter of the City of Loveland, the City Council is authorized to adopt, by ordinance, any code by reference in accordance with the procedures established by state law; and

WHEREAS, the Construction Advisory Board has recommended that City Council adopt the 2024 Edition of the International Plumbing Code (the "2024 IPC"), and amendments thereto; and

WHEREAS, the City Council has conducted a public hearing pursuant to C.R.S. §31-16-203 concerning the adoption of the 2024 IPC by reference and finds and determines that it is necessary to the health, safety and general welfare of the public that the City regulate conditions hazardous to life and property by the adoption of the 2024 IPC, and certain amendments and modifications thereto.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO:

Section 1. Chapter 15.20 of the City of Loveland Municipal Code is hereby repealed in its entirety and reenacted to read as follows:

15.20.010 – International Plumbing Code, 2024 Edition – Adopted.

The International Plumbing Code, 2024 Edition , issued and published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795, including appendix D only, is hereby adopted by reference as the plumbing code of the City of Loveland as if fully set forth herein, with the modifications, if any, set forth in Section 15.20.020 below. This code is a complete code to safeguard public health, safety and welfare by regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of plumbing systems, and providing for issuance of permits and collection of fees therefore. At least one (1) copy of the 2024 IPC, which has been certified by the Mayor and City Clerk, shall be on file in the office of the City Clerk and may be inspected during regular business hours.

15.20.020 – Modifications to International Plumbing Code, 2024 Edition.

The International Plumbing Code, 2024 Edition, adopted in this chapter, is modified as follows:

A. Section 101.1 - Title - is amended to read as follows:

These regulations shall be known as the Plumbing Code of the City of Loveland, hereinafter referred to as "this code" or "plumbing code."

B. Section 103 – Code Compliance Agency - is deleted in its entirety. See LMC 15.04.050.

C. Section 104 – Duties and powers of the code official – is deleted in its entirety. See LMC 15.04.050.

D. Section 105.5 – Permit issuance – is deleted in its entirety. See LMC 15.04.190

E. Section 106.1 – Construction documents – is amended to read as follows:

Construction documents, engineering calculations, diagrams and other such data shall be submitted electronically with each application for a permit. The code official shall require construction documents, computations and specifications to be prepared and designed by a registered design professional where required by state law. Construction documents shall be drawn to scale and shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that the work conforms to the provisions of this code. Construction documents for buildings more than two (2) stories in height shall indicate where penetrations will be made for pipes, fittings and components and shall indicate the materials and methods for maintaining required structural safety, fire-resistance rating and fire blocking.

F. Section 108 – Fees – is deleted in its entirety. See LMC 15.04.190.

G. Section 112 – Means of appeals - is deleted in its entirety. See LMC 15.04.210.

H. Section 113 – Board of appeals - is deleted in its entirety. See LMC 15.04.210.

I. Section 114 – Violations – is deleted in its entirety. See LMC 15.04.230.

J. Section 305.4 – Freezing - is amended to read as follows:

Water, soil and waste pipes shall not be installed outside of a building, in attics or crawl spaces, concealed in outside walls, or in any other place subjected to freezing temperatures unless adequate provision is made to protect such pipes from freezing by insulation or heat or both. Exterior water supply system piping shall be installed not less than fifty-four (54") below grade.

K. Section 305.4.1 – Sewer depth – is amended to read as follows:

Building sewers that connect to private sewage disposal systems shall be installed not less than

twenty-four inches (24") below finished grade at the point of septic tank connection. Building sewers shall be installed not less than twenty-four inches (24") below grade.

L. Section 312.6 – Water supply system test – is amended to state as follows:

Upon completion of a section of or the entire water supply system, the system, or portion completed, shall be tested and proved tight under a water pressure not less than the working pressure of the system; or, by an air test of not less than fifty (50) psi (344 kPa). This pressure shall be held for not less than fifteen (15) minutes. The water utilized for tests shall be obtained from a potable source of supply. The required tests shall be performed in accordance with this section and Section 108.

M. Table 403.1 – Minimum number of required plumbing fixtures - is amended by adding footnote (g):

Footnote g: For business and mercantile occupancies with occupant loads of between fifteen (15) and one hundred (100), a water bottle dispenser or bottled water dispenser or similar appliance as approved by the *building official* shall be required.

N. Section 504.6 – Requirements for discharge piping - is amended by the addition of subsections 504.6.1 and 504.6.2 as follows:

Section 504.6.1 Collection of Relief Valve Discharge: A means shall be provided to capture the discharge from a relief valve and convey it to the sanitary drainage system or exterior of the structure either by gravity or a pumped discharge.

Exceptions:

Replacements for existing water heaters.

Where a water sensing device wired to a normally closed solenoid valve installed in the water service piping is placed within the water heater drain pan.

Section 504.6.2 Pumped discharge of relief valve collection

Pumps used to discharge the clear water collection of relief valves shall have an operating temperature equal to or exceeding that of the relief valve discharge temperature and shall have a gpm rating equal to or greater than the discharge of the relief valve.

O. Section 701.2 – Connection to sewer required – is amended by deleting the exception.

P. Section 715.4 - Written instructions – is amended to state as follows:

Written instructions for the operation, maintenance, safety and emergency procedures shall be

provided to the building owner.

Q. Section 717.4 – Permitting – is amended by to state as follows:

717.4 Permitting. Prior to permit issuance, a professional engineer shall review and evaluate the pre-installation recorded video camera survey to determine if the piping system is able to be relined in accordance with the proposed lining system manufacturer's installation requirements and applicable referenced standards.

R. Section 717.7.1 – Material data report – is amended by to state as follows:

717.7.1 Material data report. The installer shall record the data as required by the relining material manufacture and applicable standards. The recorded data shall include but is not limited to the location of the project, relining material type, amount of product installed and conditions of the installation. A copy of the data report shall be provided to the professional engineer prior to final approval.

S. Section 717.8 – Post-installation recorded video camera survey – is amended by to state as follows:

717.8 Post-installation recorded video camera survey. The completed relined piping system shall be inspected internally by a recorded video camera survey after the system has been flushed and flow-tested with water. The video survey shall be submitted to the professional engineer prior to finalization of the permit. The video survey/special inspection letter from the professional engineer shall be provided stating verification that no defects exist. Any defects identified shall be repaired and replaced in accordance with this code.

T. Section 903.1.1 – Roof extension - is amended by inserting the number “6” in the brackets.

U. Section 1002.4.1.2 – Reclaimed or gray water-supplied trap seal primer valve – is deleted in its entirety.

V. Chapter 13 – Non-potable water – is deleted in its entirety.

W. Chapter 14 – Subsurface Graywater Soil Absorption Systems – is deleted in its entirety.

X. Appendix D – Degree day and design temperatures - is amended to add the following table:

Winter Design Dry-bulb	4 degrees F
Summer Design Dry-bulb	94 degrees F
Summer Design Wet-bulb	63 degrees F
Degree Days Heating	6,600 degrees F
Degrees North Latitude	40 degrees 24 minutes
Air Freezing Index	906

15.20.030 – Violations and penalties.

It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure in the City of Loveland or cause the same to be done contrary to or in violation of any of the provisions of this code, as adopted and modified by the City of Loveland. Any person, firm or corporation violating any of the provisions of this code, as adopted and modified by the City of Loveland, shall be deemed guilty of a misdemeanor and subject to penalties as set forth in Section 1.12.010 of the City of Loveland Municipal Code.

Section 2. That if any section, subsection, or portion of this ordinance is, for any reason, held to be unconstitutional or invalid for any reason, such decision shall not affect that validity of the remaining portions of this ordinance. City Council hereby declares that it would have passed this ordinance, and each section, subsection, and portion hereof, regardless of whether any one (1) or more sections, subsections, or portions may be declared unconstitutional or invalid.

Section 3. That nothing in this ordinance shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, liability incurred, or cause of action acquired or existing under any ordinance hereby repealed, nor shall any legal right or remedy of any character be impaired by this ordinance.

Section 4. That the City Clerk shall cause to be published twice in a newspaper of general circulation within the City, once at least fifteen (15) days preceding the public hearing, and once at least eight (8) days preceding the public hearing, the following notice:

> Public notice is hereby given that at 6:00 p.m. on February3, 2026 in the City Council Chambers, City Hall, 500 East Third Street, Loveland, Colorado, the Loveland City Council will consider on second reading an Ordinance Repealing and Reenacting Chapter 15.20 and Adopting by Reference the International Plumbing Code, 2024 Edition. A public hearing shall be held prior to said consideration. Copies of the above-referenced International Plumbing Code, 2024 Edition and any codes adopted by reference within the code are on file with the Loveland City Clerk and are open to public inspection.

Section 5. That as provided in City Charter Section 4-9(a)(7), this Ordinance shall be published by title only by the City Clerk after adoption on second reading unless the Ordinance

has been amended since first reading in which case the Ordinance shall be published in full or the amendments shall be published in full. This Ordinance shall be in full force and effect ten days after its final publication, as provided in City Charter Section 4-8(b).

ADOPTED this ___ day of January, 2026.

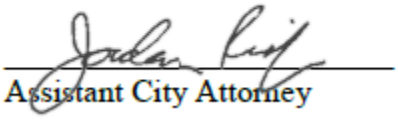
CITY OF LOVELAND, COLORADO:

_____
Patrick McFall, Mayor

ATTEST:

_____
Ashley Macdonald, City Clerk

APPROVED AS TO FORM:



Assistant City Attorney

AN ORDINANCE REPEALING AND REENACTING CHAPTER 15.20 OF THE LOVELAND MUNICIPAL CODE AND ADOPTING BY REFERENCE THE INTERNATIONAL PLUMBING CODE, 2024 EDITION

FIRST READING: January 6, 2026

SECOND READING: _____

ORDINANCE NO. 6813

AN ORDINANCE REPEALING AND REENACTING CHAPTER 15.48 OF THE LOVELAND MUNICIPAL CODE AND ADOPTING BY REFERENCE THE INTERNATIONAL ENERGY CONSERVATION CODE, 2024 EDITION

WHEREAS, pursuant to Section 4-12 of the Charter of the City of Loveland, the City Council is authorized to adopt, by ordinance, any code by reference in accordance with the procedures established by state law; and

WHEREAS, the Construction Advisory Board has recommended that City Council adopt the 2024 Edition of the International Energy Conservation Code (the "2024 IECC"), and amendments thereto; and

WHEREAS, the City Council has conducted a public hearing pursuant to C.R.S. §31-16-203 concerning the adoption of the 2024 IECC by reference and finds and determines that it is necessary to the health, safety and general welfare of the public that the City regulate conditions hazardous to life and property by the adoption of the 2024 IECC, and certain amendments and modifications thereto.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO:

Section 1. Chapter 15.48 of the City of Loveland Municipal Code is hereby repealed in its entirety and reenacted to read as follows:

15.48.010 – International Energy Conservation Code, 2024 Edition – Adopted.

The International Energy Conservation Code, 2024 Edition, issued and published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795, excluding all appendices, is hereby adopted by reference as the energy conservation code of the City of Loveland as if fully set forth herein, with the modifications, if any, set forth in Section 15.48.020 below. This code is a complete code to safeguard public health, safety and welfare by regulating and governing energy efficient building envelopes and installation of energy efficient mechanical, light, and power systems and providing for issuance of permits and collection of fees therefore. At least one (1) copy of the 2024 IECC, which has been certified by the Mayor and City Clerk, shall be on file in the office of the City Clerk and may be inspected during regular business hours.

15.48.020 – Modifications to International Energy Conservation Code, 2024 Edition.

The International Energy Conservation Code, 2024 Edition, adopted in this chapter, is modified as follows:

A. Sections C101.1 and R101.1 – Title - is amended to read as follows:

These regulations shall be known as the International Energy Conservation Code of the City of Loveland, hereinafter referred to as "this code".

B. Sections C103 and R103 – Code Compliance Agency – are deleted in their entirety. See LMC 15.04.050.

C. Sections C105 and R105 – Construction documents - are amended to read as follows:

Construction documents and other supporting data shall be submitted electronically with each application for a permit. The construction documents shall be prepared by a registered design professional where required by the statutes of the jurisdiction in which the project is to be constructed. Where special conditions exist, the code official is authorized to require necessary construction documents to be prepared by a registered design professional.

D. Sections C106 and R106 – Fees – are deleted in their entirety. See LMC 15.04.190.
E. Sections C109 and R109 – Means of appeals – are deleted in their entirety. See LMC 15.04.210.
F. Sections C110 and R110 – Stop work orders – are deleted in their entirety. See LMC 15.04.090.
G. Section C401.2.1 – International Energy Conservation Code – is amended by the addition of the following:

An approved third party shall submit initial energy documents. An approved third party shall verify that what was submitted on the original energy documents is what was then installed.

H. Section R401.2.1 – Prescriptive Compliance Option – is amended by the addition of the following:

All new construction using the prescriptive method must include at permit submittal a passing report based on the proposed design.

An approved third party shall submit initial energy documents. An approved third party shall verify that what was submitted on the original energy documents is what was then installed.

Exception: For the prescriptive path in residential projects, with the exception of new dwellings, the City of Loveland Building Department can perform the inspections.

I. Table N1102.1.3 (R402.1.3) – Insulation Minimum R-Values and Fenestration Requirements by Component – is amended to delete the column for Climate Zone 5 and replace in its entirety as follows:

TABLE N1102.1.3 (R402.1.3) INSULATION MINIMUM R-VALUES AND FENESTRATION REQUIREMENTS BY COMPONENT

Fenestration U-Factor	Skylight U-Factor	Glazed Fenestration SHGC	Ceiling R-Value	Wood Frame Wall R-Value	Mass Wall R-Value	Floor R-Value	Basement Wall R-Value	Slab R-Value & Depth	Crawl Space Wall R-Value
0.30	0.50	NR	49	30 or 20+5ci or 13+10ci or 0+20ci	13/17	30 or 19+7ci or 20ci	15ci or 19 or 13+5ci	10ci, 30 in or top of flooring	15ci or 19 or 13+5ci

J. Section C405.12 – Automatic Receptacle Control – is deleted in its entirety.

K. Section C405.15 – Renewable Energy Systems – is deleted in its entirety.

15.48.030 – Violations and penalties.

It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure in the City of Loveland or cause the same to be done contrary to or in violation of any of the provisions of this code, as adopted and modified by the City of Loveland. Any person, firm or corporation violating any of the provisions of this code, as adopted and modified by the City of Loveland, shall be deemed guilty of a misdemeanor and subject to penalties as set forth in Section 1.12.010 of the City of Loveland Municipal Code.

Section 2. That if any section, subsection, or portion of this ordinance is, for any reason, held to be unconstitutional or invalid for any reason, such decision shall not affect that validity of the remaining portions of this ordinance. City Council hereby declares that it would have passed this ordinance, and each section, subsection, and portion hereof, regardless of whether any one or more sections, subsections, or portions may be declared unconstitutional or invalid.

Section 3. That nothing in this ordinance shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, liability incurred, or cause of action acquired or existing under any ordinance hereby repealed, nor shall any legal right or remedy of any character be impaired by this ordinance.

Section 4. That the City Clerk shall cause to be published twice in a newspaper of general circulation within the City, once at least fifteen (15) days preceding the public hearing, and once at least eight (8) days preceding the public hearing, the following notice:

> Public notice is hereby given that at 6:00 p.m. on Februarey 3, 2026 in the City Council Chambers, City Hall, 500 East Third Street, Loveland, Colorado, the Loveland City Council will consider on second reading an Ordinance Repealing and Reenacting Chapter 15.48 and Adopting by Reference the International Energy Conservation Code, 2024 Edition. A public hearing shall be held prior to said consideration. Copies of the

above-referenced International Energy Conservation Code, 2024 Edition and any codes adopted by reference within the code are on file with the Loveland City Clerk and are open to public inspection.

Section 5. That as provided in City Charter Section 4-9(a)(7), this Ordinance shall be published by title only by the City Clerk after adoption on second reading unless the Ordinance has been amended since first reading in which case the Ordinance shall be published in full or the amendments shall be published in full. This Ordinance shall be in full force and ten days after its final publication, as provided in City Charter Section 4-8(b).

ADOPTED this ___ day of January, 2026.

CITY OF LOVELAND, COLORADO:

_____
Patrick McFall, Mayor

ATTEST:

_____
Ashely Macdonald, City Clerk

APPROVED AS TO FORM:

_____
Assistant City Attorney

AN ORDINANCE REPEALING AND REENACTING CHAPTER 15.48 OF THE LOVELAND MUNICIPAL CODE AND ADOPTING BY REFERENCE THE INTERNATIONAL ENERGY CONSERVATION CODE, 2024 EDITION

FIRST READING: January 6, 2026

SECOND READING: _____

ORDINANCE NO. 6814

AN ORDINANCE REPEALING AND REENACTING CHAPTER 15.52 OF THE LOVELAND MUNICIPAL CODE AND ADOPTING BY REFERENCE THE INTERNATIONAL EXISTING BUILDING CODE, 2024 EDITION

WHEREAS, pursuant to Section 4-12 of the Charter of the City of Loveland, the City Council is authorized to adopt, by ordinance, any code by reference in accordance with the procedures established by state law; and

WHEREAS, the Construction Advisory Board has recommended that City Council adopt the 2024 Edition of the International Existing Building Code (the "2024 IEBC"), and amendments thereto; and

WHEREAS, the City Council has conducted a public hearing pursuant to C.R.S. §31-16-203 concerning the adoption of the 2024 IEBC by reference and finds and determines that it is necessary to the health, safety and general welfare of the public that the City regulate conditions hazardous to life and property by the adoption of the 2024 IEBC, and certain amendments and modifications thereto.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO:

Section 1. Chapter 15.52 of the City of Loveland Municipal Code is hereby repealed in its entirety and reenacted to read as follows:

15.52.010 – International Existing Building Code, 2024 Edition – Adopted.

The International Existing Building Code, 2024 Edition, issued and published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795, excluding all appendices, is hereby adopted by reference as the existing building code of the City of Loveland is hereby adopted by reference as the energy conservation code of the City of Loveland as if fully set forth herein, with the modifications, if any, set forth in Section 15.52.020 below. This code is a complete code to safeguard public health, safety and welfare by regulating and governing the conditions and maintenance of all property, relocation of existing buildings and structures by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use, and providing for issuance of permits and collection of fees therefore. At least one (1) copy of the International Existing Building Code, 2024 Edition, which has been certified by the Mayor and City Clerk, shall

be on file in the office of the City Clerk and may be inspected during regular business hours.

15.52.020 - Modifications to International Existing Building Code, 2024 Edition.

The International Existing Building Code, 2024 Edition, adopted in this chapter, is modified as follows:

A. Section 101.1 – Title - is amended to read as follows:

These regulations shall be known as the Existing Building Code of the City of Loveland, hereinafter referred to as "this code".

B. Section 103 – Code Compliance Agency - is deleted in its entirety. See LMC15.04.050.
C. Section 104 – Duties and powers of code official – is deleted in its entirety. See LMC 15.04.050.
D. Section 105.3 – Application for permit - is amended by amendment of the first sentence to read as follows:

To obtain a permit, the applicant shall first file an application therefore in writing on a form furnished by the Building Division for that purpose.

E. Section 105.3.2 – Time limit of application - is deleted in its entirety. See LMC 15.04.190.
F. Section 105.5 – Expiration - is deleted in its entirety. See LMC 15.04.190.
G. Section 105.6 – Suspension or revocation - is deleted in its entirety. See LMC 15.04.190.
H. Section 106.1 – General - is amended to read as follows:

Submittal documents consisting of construction documents and other data shall be submitted electronically with each application for a permit. The construction documents shall be prepared by registered design professionals licensed in the State of Colorado consistent with the City's authority granted by the Colorado General Assembly in C.R.S. § 12-120-403(2). Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional.

I. Section 108 – Fees - is deleted in its entirety. See LMC 15.04.190.
J. Section 112 – Means of appeals - is deleted in its entirety. See LMC 15.04.210.
K. Section 113 – Violations - is deleted in its entirety. See LMC 15.04.230.
L. Section 114 – Stop work order - is deleted in its entirety. See LMC. 15.04.090.
M. All references in the City of Loveland Municipal Code to "the ICC Electrical Code" shall be deleted and amended to read as follows: "the National Electrical Code (NEC) as adopted and enforced by the State of Colorado."

N. Section 202 – General Definitions – is amended by the addition of the following definition of "Temporary":

Temporary. A time period no longer than 180 days.

O. Section 301.3 is amended to read as follows:

301.3 Alteration, addition or change of occupancy.

The *alteration*, *addition* or *change of occupancy* of all *existing buildings* shall comply with the work area method in Section 301.3.2.

Exception: Subject to the approval of the *code official*, *alterations* complying with the laws in existence at the time the building or the affected portion of the building was built shall be considered in compliance with the provisions of this code. New structural members added as part of the *alteration* shall comply with the *International Building Code*. This exception shall not apply to the following:

1. *Alterations* for accessibility required by Section 306.

2. Structural provisions of Section 304 or to the structural provisions of Sections 706, 805 and 906.

P. Section 301.3.1 – Prescriptive compliance method - is deleted in its entirety.
Q. Section 301.3.3 – Performance compliance method - is deleted in its entirety.
R. Chapter 5 – Prescriptive compliance method - is deleted in its entirety.
S. Section 601.1.1 is amended to read as follows:

601.1.1 Compliance with other alternatives.

Alterations, *additions* and *changes of occupancy* to *existing structures* shall comply with the provisions of Chapters 7 through 12.

T. Section 601.2 - Work area - is amended to read as follows:

The work area, as defined in Chapter 2, shall be identified on the construction documents. When within any twenty-four (24)-month period, renovation, remodeling, modification or additions to any existing occupancy exceeds fifty percent (50%) of the floor area, the entire occupancy shall comply with the requirements of chapter 9 of the International Fire and the International Existing Building Codes.

U. Section 702.5 is amended to read as follows:

702.5 Replacement window for emergency escape and rescue openings.

Windows are required to provide *emergency escape and rescue openings* in Group R-2 and R-

3 occupancies and one- and two-family dwellings and townhouses as regulated by the *International Residential Code*.

V. Section [BS]705.2 – Roof Replacement – is amended to read as follows:

Roof replacement shall include the removal of all existing layers of roof coverings down to the roof deck.

1. Asphalt shingles are required to be Class 4 impact-resistant that meet UL 2218 test.
2. Ice barrier shall be installed at all roof eaves starting at the low eave edge and extending upslope to a point at least twenty-four (24) inches beyond the interior edge of the exterior wall. For roofs with slopes eight to twelve (8:12) or steeper, the ice barrier shall also extend at least thirty-six (36) inches upslope from the eave edge.
3. Drip edge is required at eaves and gables (rake) of asphalt shingle roofs.

Exception:

1. Where the existing roof assembly includes an ice barrier membrane that is adhered to the roof deck, the existing ice barrier membrane shall be permitted to remain in place and covered with an additional layer of ice barrier membrane in accordance with Section 1507 of the IBC.
2. A partial roof replacement/repair where forty-nine percent (49%) or less of the total building roof area will be repaired/replaced, may install roof covering of the same or similar material even if non-impact resistant.
3. Replacement/repair of fifty percent (50%) or more of the total roof area will require Class 4 shingles installed.

W. Section 803.2 – Automatic sprinkler systems – is amended to read as follows:

Automatic sprinkler systems shall be provided in accordance with the requirements of Sections 803.2.1 through 803.2.5. Installation requirements shall be in accordance with the International Building Code ("IBC"). Changes in occupancy to residential dwelling units or buildings subject to the IBC resulting in an occupancy group meeting the definition of an R-3, R-4, E or I-4 are required to follow the IBC section 420.

X. Section 803.2.2 – Groups A, B, E, F-1, H, I, M, R-1, R-2, R-4, S-1 and S-2. – is amended to read as follows:

In buildings with occupancies in Groups A, B, E, F-1, H, I, M, R-1, R-2, R-4, S-1 and S-2, work areas that have exits or corridors serving an occupant load greater than thirty (30) shall be provided with automatic sprinkler protection where both of the following conditions occur:

1. The work area is required to be provided with automatic sprinkler protection in accordance

with the International Building Code as applicable to new construction.

2. The work area exceeds fifty percent (50%) of the floor area.

Y. Section 804.1 – Scope – is amended to read as follows:

The requirements of this section shall be limited to work areas that include exits or corridors within the work area in which Level 2 alterations are being performed, and where specified they shall apply throughout the floor on which the work areas are located or otherwise beyond the work area.

Z. Section 804.5.1 – Minimum number – is amended to read as follows:

Every story utilized for human occupancy on which there is a work area that includes exits or corridors within the work area shall be provided with the minimum number of exits based on the occupancy and the occupant load in accordance with the International Building Code. In addition, the exits shall comply with Sections 805.3.1.1 and 805.3.1.2.

AA. Section 804.6 – Egress doorways – is amended to read as follows:

Egress doorways in any work area shall comply with Sections 804.6.4 through 804.6.10.

BB. Section 804.6.4 is amended to read as follows:

804.6.4 Panic and fire exit hardware.

In any *work area*, and in the egress path from any *work area* to the exit discharge, in buildings or portions thereof of Group A assembly occupancies with an occupant load greater than fifty (50), all required exit doors equipped with latching devices shall be equipped with *approved* panic or fire exit hardware in accordance with Section 1010.2.9 of the *International Building Code*.

804.6.4.1 Supplemental requirements for panic hardware.

Where the *work area* exceeds fifty percent (50) of the floor area, panic hardware shall comply with Section 804.5.4 throughout the floor.

Exception: Means of egress within a tenant space that is entirely outside the *work area*.

CC. Section 804.6 – Egress doorways – is amended by the addition of new subsections 804.6.6, 804.6.7, 804.6.8, 804.6.9 and 804.6.10 as follows:

804.6.6 Door operations. Except as specifically permitted by this section, egress doors shall

be readily openable from the egress side without the use of a key or special knowledge or effort.

804.6.7 Hardware. Door handles, pulls, latches, locks and other operating devices on doors required to be accessible by Chapter 11 shall not require tight grasping, tight pinching or twisting of the wrist to operate.

804.6.8 Locks and latches. Locks and latches shall be permitted to prevent operation of doors where any of the following exist:

1. Places of detention or restraint.

2. In buildings in occupancy Group A having an occupant load of three hundred (300) or less, Groups B, F, M and S, and in places of religious worship, the main door or doors are permitted to be equipped with key-operated locking devices from the egress side provided:

   2.1. The locking device is readily distinguishable as locked.

   2.2. A readily visible durable sign is posted on the egress side on or adjacent to the door stating: "THIS DOOR TO REMAIN UNLOCKED WHEN THIS SPACE IS OCCUPIED." The sign shall be in letters one inch (1") (25 mm) high on a contrasting background.

804.6.9 Bolt locks. Manually operated flush bolts or surface bolts are not permitted.

Exceptions:

1. On doors not required for egress in individual dwelling units or sleeping units.

2. Where a pair of doors serves a storage or equipment room, manually operated edge- or surface-mounted bolts are permitted on the inactive leaf.

3. Where a pair of doors serves an occupant load of less than fifty (50) persons in a Group B, F or S occupancy, manually operated edge- or surface- mounted bolts are permitted on the inactive leaf. The inactive leaf shall not contain doorknobs, panic bars or similar operating hardware.

4. Where a pair of doors serves a Group B, For S occupancy, manually operated edge- or surface- mounted bolts are permitted on the inactive leaf provided such inactive leaf is not needed to meet egress capacity requirements and the building is equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1. (of the IBC) The inactive leaf shall not contain doorknobs, panic bars or similar operating hardware.

804.6.10 Unlatching. The unlatching of any door or leaf shall not require more than one (1) operation.

DD. Section 806 – Electrical – is deleted in its entirety and amended to read as follows:

806.1 New Installations.

Newly installed electrical equipment and wiring relating to work done in any work area shall comply with all applicable requirements of NFPA 70.

EE. Section 904.2.2 – Automatic fire detection - is amended to read as follows:

Where required by the International Building Code for new buildings, automatic fire detection systems shall be provided throughout the work area. Where mixed-use buildings include one- and two-family dwellings, an automatic fire detection system shall be installed in the residential units and any adjacent tenant space within the building.

FF. Section 1002 – Special Use and Occupancy – is amended by the addition Section 1002.5 to read as follows:

1002.5. Changes in occupancy to residential dwelling units or buildings subject to the International Building Code resulting in an occupancy group meeting the definition of an R-3, R-4, E or I-4 are required to follow the International Building Code Section 420.

GG. Section 1011.2.1 – Fire sprinkler system – is amended to delete number one (1) and read as follows:

1011.2.1 Fire sprinkler system.

Where a change in occupancy classification occurs or where there is a *change of occupancy* within a space where there is a different fire protection system threshold requirement in Chapter 9 of the *International Building Code* that requires an automatic fire sprinkler system to be provided based on the new occupancy in accordance with Chapter 9 of the *International Building Code.* The installation of the automatic sprinkler system shall be required within the area of the *change of occupancy* and areas of the building not separated horizontally and vertically from the change of occupancy by one of the following:

1. Fire partition.
2. Smoke partition.
3. Smoke barrier.
4. Fire barrier.
5. Fire wall.

Exceptions:

1. An automatic sprinkler system shall not be required in a one- or two-family dwelling constructed in accordance with the *International Residential Code*.

2. Automatic sprinkler system shall not be required in a townhouse constructed in accordance with the *International Residential Code*.

3. The townhouse shall be separated from adjoining units in accordance with Section R302.2 of the *International Residential Code*.

In addition, where the change of occupancy to a grade level Group A occupancy meets all of the following:

1. Total area of occupancy change is not more than two thousand five hundred (2,500) square feet.

2. Occupant load of the public use area is less than one hundred (100).

3. The total area where the occupancy change occurs is protected throughout with an automatic fire-alarm system and detection in compliance with Chapter 9 of the International Fire Code.

HH. Section 1011.5.1 – is amended by deleting item number 7 to read as follows:

1011.5.1 Means of egress for change to a higher-hazard category.

Where a change of occupancy classification is made to a higher-hazard category (lower number) as shown in Table 1011.5, the means of egress shall comply with the requirements of Chapter 10 of the *International Building Code*.

Exceptions:

1. Stairways shall be enclosed in compliance with the applicable provisions of Section 903.1.

2. Existing stairways including handrails and guards complying with the requirements of Chapter 9 shall be permitted for continued use subject to approval of the *code official*.

3. Any stairway replacing an existing stairway within a space where the pitch or slope cannot be reduced because of existing construction shall not be required to comply with the maximum riser height and minimum tread depth requirements.

4. Existing corridor walls constructed on both sides of wood lath and plaster in good condition

or one-half inch (1/2")--thick (12.7 mm) gypsum wallboard shall be permitted. Such walls shall either terminate at the underside of a ceiling of equivalent construction or extend to the underside of the floor or roof next above.

5. Existing corridor doorways, transoms and other corridor openings shall comply with the requirements in Sections 804.7.1, 804.7.2 and 804.7.3.

6. Existing dead-end corridors shall comply with the requirements in Section 804.8.

II. Section 1011.5.6 – Existing emergency escape and rescue openings - is deleted in its entirety.

JJ. Chapter 13 – Performance compliance methods – is deleted in its entirety.

15.52.030 – Violations and penalties.

It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure in the City of Loveland or cause the same to be done contrary to or in violation of any of the provisions of this code, as adopted and modified by the City of Loveland. Any person, firm or corporation violating any of the provisions of this code, as adopted and modified by the City of Loveland, shall be deemed guilty of a misdemeanor and subject to penalties as set forth in Section 1.12.010 of the City of Loveland Municipal Code.

Section 2. That if any section, subsection, or portion of this ordinance is, for any reason, held to be unconstitutional or invalid for any reason, such decision shall not affect that validity of the remaining portions of this ordinance. City Council hereby declares that it would have passed this ordinance, and each section, subsection, and portion hereof, regardless of whether any one or more sections, subsections, or portions may be declared unconstitutional or invalid.

Section 3. That nothing in this ordinance shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, liability incurred, or cause of action acquired or existing under any ordinance hereby repealed, nor shall any legal right or remedy of any character be impaired by this ordinance.

Section 4. That the City Clerk shall cause to be published twice in a newspaper of general circulation within the City, once at least fifteen (15) days preceding the public hearing, and once at least eight (8) days preceding the public hearing, the following notice:

> Public notice is hereby given that at 6:00 p.m. on February 3, 2026 in the City Council Chambers, City Hall, 500 East Third Street, Loveland, Colorado, the Loveland City Council will consider on second reading an Ordinance Repealing and Reenacting Chapter 15.52 and Adopting by Reference the International Existing Building Code, 2024 Edition. A public hearing shall be held prior to said consideration. Copies of the above-referenced International Existing Building Code, 2024 Edition and any codes adopted by reference within the code are on file with the Loveland City Clerk and are

open to public inspection.

Section 5. That as provided in City Charter Section 4-9(a)(7), this Ordinance shall be published by title only by the City Clerk after adoption on second reading unless the Ordinance has been amended since first reading in which case the Ordinance shall be published in full or the amendments shall be published in full. This Ordinance shall be in full force and effect ten days after its final publication, as provided in City Charter Section 4-8(b).

ADOPTED this ___ day of January, 2026.

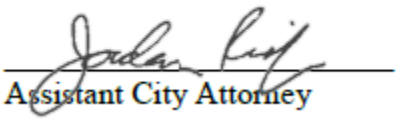
CITY OF LOVELAND, COLORADO:

_____
Patrick McFall, Mayor

ATTEST:

_____
Ashley Macdonald, City Clerk

APPROVED AS TO FORM:



Assistant City Attorney

AN ORDINANCE REPEALING AND REENACTING CHAPTER 15.52 OF THE LOVELAND MUNICIPAL CODE AND ADOPTING BY REFERENCE THE INTERNATIONAL EXISTING BUILDING CODE, 2024 EDITION

FIRST READING: January 6, 2026

SECOND READING: _____

ORDINANCE NO. 6815

AN ORDINANCE REPEALING AND REENACTING CHAPTER 15.54 OF THE LOVELAND MUNICIPAL CODE AND ADOPTING BY REFERENCE THE INTERNATIONAL SWIMMING POOL AND SPA CODE, 2024 EDITION

WHEREAS, pursuant to Section 4-12 of the Charter of the City of Loveland, the City Council is authorized to adopt, by ordinance, any code by reference in accordance with the procedures established by state law; and

WHEREAS, the Construction Advisory Board has recommended that City Council adopt the 2024 Edition of the International Swimming Pool and Spa Code (the "2024 ISPSC"), and amendments thereto; and

WHEREAS, the City Council has conducted a public hearing pursuant to C.R.S. §31-16-203 concerning the adoption of the 2024 ISPSC by reference and finds and determines that it is necessary to the health, safety and general welfare of the public that the City regulate conditions hazardous to life and property by the adoption of the 2024 ISPSC, and certain amendments and modifications thereto.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO:

Section 1. Chapter 15.54 of the City of Loveland Municipal Code is hereby repealed in its entirety and reenacted to read as follows:

15.54.010 – International Swimming Pool and Spa Code, 2024 Edition – Adopted.

The International Swimming Pool and Spa Code, 2024 Edition, issued and published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795, excluding all appendices, is hereby adopted by reference as the swimming pool and spa code of the City of Loveland as if fully set forth herein, with the modifications, if any, set forth in Section 15.54.020 below. This code is a complete code to safeguard public health, safety and welfare by regulating and governing the design, construction, quality of materials, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of swimming pools and spas, and providing for issuance of permits and collection of fees therefore. At least one (1) copy of the 2024 ISPSC, which has been certified by the Mayor and City Clerk, shall be on file in the office of the City Clerk and may be inspected during regular business hours.

15.54.020 - Modifications to International Swimming Pool and Spa Code, 2024 Edition.

The International Swimming Pool and Spa Code, 2024 Edition, adopted in this chapter, is modified as follows:

A. Section 101.1 – Title - is amended to read as follows:

These regulations shall be known as the Swimming Pool and Spa Code of the City of Loveland, hereinafter referred to as "this code" or "swimming pool and spa code."

B. Section 103 – Code compliance agency – is deleted in its entirety. See LMC 15.04.050.
C. Section 104 – Duties and powers of the code official – is deleted in its entirety. See LMC 15.04.050.
D. Section 105.4 – Time limit of application – is deleted in its entirety. See LMC 15.04.190.
E. Section 105.5 – Permit issuance – is deleted in its entirety. See LMC 15.04.190.
F. Section 105.6 – Fees – is deleted in its entirety. See LMC 15.04.190.
G. Section 107 – Violations – is deleted in its entirety. See LMC 15.04.230.
H. Section 108 – Means of appeal – is deleted in its entirety. See LMC 15.04.210.
I. Section 302.1 – Electrical – is amended to read as follows:

Electrical requirements for aquatic facilities shall be in accordance with NFPA 70.

Newly installed electrical equipment and wiring relating to work done in any work area shall comply with all applicable requirements of NFPA 70.

Exception: Internal wiring for portable residential spas and portable residential exercise spas listed and labeled in accordance with UL 1563 or CSA C22.2 No. 218.1.

15.54.030 – Violations and penalties.

It shall be unlawful for any person, firm or corporation to erect, construct, alter, repair, remove, demolish or use any system in the City of Loveland or cause the same to be done contrary to or in violation of any of the provisions of this code, as adopted and modified by the City of Loveland. Any person, firm or corporation violating any of the provisions of this code, as adopted and modified by the City of Loveland, shall be deemed guilty of a misdemeanor and subject to penalties as set forth in Section 1.12.010 of the City of Loveland Municipal Code.

Section 2. That if any section, subsection, or portion of this ordinance is, for any reason, held to be unconstitutional or invalid for any reason, such decision shall not affect that validity of the remaining portions of this ordinance. City Council hereby declares that it would have passed this ordinance, and each section, subsection, and portion hereof, regardless of whether any one or more sections, subsections, or portions may be declared unconstitutional or invalid.

Section 3. That nothing in this ordinance shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, liability incurred, or cause of action acquired or existing under any ordinance hereby repealed, nor shall any legal right or remedy of any character be impaired by this ordinance.

Section 4. That the City Clerk shall cause to be published twice in a newspaper of general circulation within the City of Loveland, once at least fifteen (15) days preceding the public hearing, and once at least eight (8) days preceding the public hearing, the following notice:

> Public notice is hereby given that at 6:00 p.m. on February 3, 2026 in the City Council Chambers, City Hall, 500 East Third Street, Loveland, Colorado, the Loveland City Council will consider on second reading an Ordinance Amending Chapter 15.54 of the City of Loveland Municipal Code and Adopting by Reference the International Swimming Pool and Spa Code, 2024 Edition. A public hearing shall be held prior to said consideration. Copies of the above-referenced International Swimming Pool and Spa Code, 2024 Edition and any codes adopted by reference within the code are on file with the Loveland City Clerk and are open to public inspection.

Section 5. That as provided in City Charter Section 4-9(a)(7), this Ordinance shall be published by title only by the City Clerk after adoption on second reading unless the Ordinance has been amended since first reading in which case the Ordinance shall be published in full or the amendments shall be published in full. This Ordinance shall be in full force and effect ten days after its final publication, as provided in City Charter Section 4-8(b).

ADOPTED this ___ day of January, 2026.

CITY OF LOVELAND, COLORADO:

_____
Patrick McFall, Mayor

ATTEST:

_____
Ashley Macdonald, City Clerk

APPROVED AS TO FORM:

_____
Assistant City Attorney

AN ORDINANCE REPEALING AND REENACTING CHAPTER 15.54 OF THE LOVELAND MUNICIPAL CODE AND ADOPTING BY REFERENCE THE INTERNATIONAL SWIMMING POOL AND SPA CODE, 2024 EDITION

FIRST READING: January 6, 2026

SECOND READING: _____

ORDINANCE NO. 6816

AN ORDINANCE ADOPTING CHAPTER 15.50 OF THE LOVELAND MUNICIPAL CODE AND ADOPTING BY REFERENCE THE COLORADO MODEL ELECTRIC READY AND SOLAR READY CODE

WHEREAS, pursuant to Section 4-12 of the Charter of the City of Loveland, the City Council is authorized to adopt, by ordinance, any code by reference in accordance with the procedures established by state law; and

WHEREAS, the Construction Advisory Board has recommended that City Council adopt the Colorado Model Electric Ready and Solar Ready Code, published June 1, 2023 (the "CMERSRC"), and amendments thereto; and

WHEREAS, the City Council has conducted a public hearing pursuant to C.R.S. §31-16-203 concerning the adoption of the CMERSRC by reference and finds and determines that it is necessary to the health, safety and general welfare of the public that the City regulate conditions hazardous to life and property by the adoption of the CMERSRC, and certain amendments and modifications thereto; and

WHEREAS, the City Council hereby finds that adopting Chapter 15.50 is in the best interest of the City and its citizens.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO:

Section 1. That Chapter 15.50 of the Loveland Municipal Code is hereby enacted to read as follows:

15.50.010 – Colorado Model Electric Ready and Solar Ready Code – Adopted.

The Colorado Model Electric Ready and Solar Ready Code, published June 1, 2023, issued and published by the Colorado Energy Office of the Colorado Department of Local Affairs, 1600 Broadway, Suite 1960, Denver, Colorado 80202, is hereby adopted by reference as the electric ready and solar ready code of the City of Loveland. This code is a complete code to safeguard life and limb, health, property and public welfare by regulating the design and construction of buildings to prepare new buildings for solar photovoltaic or solar thermal, electric vehicle charging infrastructure, and electrification of building systems, providing flexibility and balancing upfront construction costs with the future cost to retrofit buildings to accommodate these systems. At least one (1) copy of the Colorado Model Electric Ready and Solar Ready Code, which has been certified by the Mayor and City Clerk, shall be on file in the office of the City Clerk and may be

inspected during regular business hours.

15.50.020 – Modifications to Colorado Model Electric Ready and Solar Ready Code.

The Colorado Model Electric Ready and Solar Ready Code, adopted in this chapter, is modified as follows:

A. Replace all instances of "[NAME OF JURISDICTION]" with "The City of Loveland."

B. Section 202 – General Definitions – is amended by the addition of the following definition of "Major Renovation":

MAJOR RENOVATION. Substantial building upgrades or modifications where costs meet or exceed $250,000.

15.50.030 – Violations and penalties.

It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure in the City of Loveland or cause the same to be done contrary to or in violation of any of the provisions of the electric ready and solar ready code, as adopted and modified by the City of Loveland. Any person, firm or corporation violating any of the provisions of this code, as adopted and modified by the City of Loveland, shall be deemed guilty of a misdemeanor, and subject to penalties as set forth in Section 1.12.010 of the City of Loveland Municipal Code.

Section 2. That if any section, subsection, or portion of this ordinance is, for any reason, held to be unconstitutional or invalid for any reason, such decision shall not affect that validity of the remaining portions of this ordinance. City Council hereby declares that it would have passed this ordinance, and each section, subsection, and portion hereof, regardless of whether any one or more sections, subsections, or portions may be declared unconstitutional or invalid.

Section 3. That nothing in this ordinance shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, liability incurred, or cause of action acquired or existing under any ordinance hereby repealed, nor shall any legal right or remedy of any character be impaired by this ordinance.

Section 4. That the City Clerk shall cause to be published twice in a newspaper of general circulation within the City, once at least fifteen (15) days preceding the public hearing, and once at least eight (8) days preceding the public hearing, the following notice:

> Public notice is hereby given that at 6:00 p.m. on February 3, 2026 in the City Council Chambers, City Hall, 500 East Third Street, Loveland, Colorado, the Loveland City Council will consider on second reading an Ordinance Enacting Chapter 15.50 and Adopting by Reference the Colorado Model Electric Ready and Solar Ready Code, published June 1, 2023. A public hearing shall be held prior to said consideration. Copies of the above-referenced Colorado Model Electric Ready and Solar Ready Code

and any codes adopted by reference within the code are on file with the Loveland City Clerk and are open to public inspection.

Section 5. That as provided in City Charter Section 4-9(a)(7), this Ordinance shall be published by title only by the City Clerk after adoption on second reading unless the Ordinance has been amended since first reading in which case the Ordinance shall be published in full or the amendments shall be published in full. This Ordinance shall be in full force and effect ten days after its final publication, as provided in City Charter Section 4-8(b).

ADOPTED this ___ day of January , 2026.

CITY OF LOVELAND, COLORADO:

_____
Patrick McFall, Mayor

ATTEST:

_____
Ashley Macdonald, City Clerk

APPROVED AS TO FORM:

Assistant City Attorney

AN ORDINANCE ADOPTING CHAPTER 15.50 OF THE LOVELAND MUNICIPAL CODE AND ADOPTING BY REFERENCE THE COLORADO MODEL ELECTRIC READY AND SOLAR READY CODE

FIRST READING: January 6, 2026

SECOND READING: _____

ORDINANCE NO. 6817

AN ORDINANCE AMENDING CHAPTER 15.04 OF THE LOVELAND MUNICIPAL CODE REGARDING BUILDINGS AND CONSTRUCTION

WHEREAS, Title 15 of the Loveland Municipal Code contains the City of Loveland's building regulations. The City is in the process of amending Title 15 by adopting by reference the 2024 editions of various International Code Council codes, such as the International Building Code and International Plumbing Code (the "International Codes"); and

WHEREAS, many of the International Codes contain duplicative provisions regarding administration and enforcement of such codes, and the City consolidated these provisions as much as possible within Chapter 15.04 of the Loveland Municipal Code; and

WHEREAS, the proposed amendments to Chapter 15.04 will clarify permit expirations, permit transfer requirements, specialty license requirements, and appeal processes; and

WHEREAS, the Construction Advisory Board has recommended that City Council adopt the proposed amendments to Chapter 15.04; and

WHEREAS, the City Council desires to amend Chapter 15.04 in order to clarify permit expirations, permit transfer requirements, specialty license requirements, and appeal processes as such amendment is in the best interests of the City and its citizens.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO:

Section 1. Section 15.04.190(E) of the City of Loveland Municipal Code is deleted and replaced in its entirety as follows:

E. *Expiration of permits*. Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. The Building Official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each, if the Building Official determines in his or her sole discretion that adequate progress is being made under the permit. The extension shall be requested in writing and justifiable cause demonstrated. In order to renew action on an expired permit the Building Official may charge an additional permit

fee. Such fee shall be as established by the City Council.

Both prior to and subsequent to the effective date of this section, any permit issued by the Building Official for work that involves the construction or alteration of an exterior building component, assembly, or finish material, such as the foundation, wall and roof framing, sheathing, siding, fenestration, and roof covering, shall be fully finished and completed for permanent outdoor exposure within 12 months after the issuance of the permit.

Section 2. Section 15.04.190 of the City of Loveland Municipal Code is amended with the addition of subsection H, to read as follows:

15.04.190 – Permits generally

H. *Transfer of permits*. A current, valid building permit may be transferred from one party to another upon written application to the Building Official with the consent of both parties. When any changes are made to the original plans and specifications substantially differ from the plans submitted with the permit, as determined by the Building Official, a new plan check fee shall be paid.

Section 3. Section 15.04.200(C) of the City of Loveland Municipal Code is deleted and replaced in its entirety as follows:

4. The following persons are exempt from the licensing requirements of this section:
   a. A person working under the direct supervision of any other person licensed in the relevant trade under this chapter;
   b. A homeowner who builds, constructs, alters, repairs, adds to or demolishes any building or structure or any portion thereof that constitutes the owner's primary residence, or a building or structure accessory thereto, and that is intended for the owner's personal use. This section shall not apply to the installation or repair of fire alarms and fire sprinklers.
   c. A public utility company and its employees, when engaged in the installation, operation and maintenance of its equipment used for the production, generation or distribution of the utility, product or service through the facilities owned or operated by the public utility company to the point of customer service.
   d. A homeowner who contracts with contractors to build, construct, alter, repair, add to or demolish any building or structure or any portion thereof that constitutes an accessory dwelling unit, as defined in Title 18, to the owner's primary residence, provided, however, the contractors the homeowner contracts with must be licensed as required by this section.

Section 4. Section 15.04.200(G)(4) of the City of Loveland Municipal Code is deleted and replaced in its entirety as follows:

4. *Class S, Specialty License*. These licenses entitle the licensee to perform only the

type or types of work described below:

a. *S-1: Roofing Contractor/Subcontractor*. Installation and replacement of roof coverings.
b. *S-2: Swimming Pools and Spas*. Installation of swimming pools and spas.
c. *S-3: Fire Alarms*. Installation of fire and burglar alarms.
d. *S-4: Fire Suppression*. Installation of fire extinguishing systems.
e. *S-5: Framing (F).* Installation of framing.
f. *S-5: Solar.* Installation and replacement of solar energy systems. NABCEP certification required.
g. *Other*: The Building Official shall have the authority to grant other specialty licenses as the Building Official determines appropriate in his or her sole discretion.

Section 5. Section 15.04.200(H)(3) of the City of Loveland Municipal Code is deleted and replaced in its entirety as follows:

3. Examinations are required for the following licenses:
   a. Standard General Building Contractor (A);
   b. Standard Building Contractor (B);
   c. Standard Residential Building Contractor (C);
   d. Standard Master Mechanical;
   e. S-1 Roofing Contractor/Subcontractor; and
   f. Framing (F)
   g. Solar (NABCEP Certified)

Section 6. Section 15.04.210(A) of the City of Loveland Municipal Code is deleted and replaced in its entirety as follows:

A. *Basis of appeal*. A person may appeal a decision or other action of the Building Official or his or her duly authorized representative or of a duly authorized code enforcement officer to the Construction Advisory Board for the following types of decisions or actions: (a) denial of a permit or certificate of occupancy; (b) revocation or suspension of a permit or certificate of occupancy; (c) issuance of an order to discontinue use and vacate; (d) notice of abatement; (e) issuance of a stop work order; and (f) determination of alternative materials and methods.

Section 7. That if any section, subsection, or portion of this ordinance is, for any reason, held to be unconstitutional or invalid for any reason, such decision shall not affect that validity of the remaining portions of this ordinance. City Council hereby declares that it would have passed this ordinance, and each section, subsection, and portion hereof, regardless of whether any one or more sections, subsections, or portions may be declared unconstitutional or invalid.

Section 8. That nothing in this ordinance shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, liability incurred, or cause of action

acquired or existing under any ordinance hereby repealed, nor shall any legal right or remedy of any character be impaired by this ordinance.

Section 9. That as provided in City Charter Section 4-9(a)(7), this Ordinance shall be published by title only by the City Clerk after adoption on second reading unless the Ordinance has been amended since first reading in which case the Ordinance shall be published in full or the amendments shall be published in full. This Ordinance shall be in full force and ten days after its final publication, as provided in City Charter Section 4-8(b).

ADOPTED this ___ day of January , 2026.

CITY OF LOVELAND, COLORADO:

_____
Patrick McFall, Mayor

ATTEST:

_____
Ashley Macdonald, City Clerk

APPROVED AS TO FORM:

Assistant City Attorney

AN ORDINANCE AMENDING CHAPTER 15.04 OF THE LOVELAND MUNICIPAL CODE REGARDING BUILDINGS AND CONSTRUCTION

FIRST READING: January 6, 2026

SECOND READING: _____

ORDINANCE NO. 6818

AN ORDINANCE REPEALING AND REENACTING TITLE 15.12 OF THE LOVELAND MUNICIPAL CODE AND ADOPTING BY REFERENCE THE INTERNATIONAL PROPERTY MAINTENANCE CODE, 2024 EDITION AND AMENDING CERTAIN SECTIONS OF TITLE 15.04 REGARDING APPEALS

WHEREAS, pursuant to Section 4-12 of the Charter of the City of Loveland, the City Council is authorized to adopt, by ordinance, any code by reference in accordance with the procedures established by state law; and

WHEREAS, City staff reviewed the 2024 Edition of the International Property Maintenance Code (the "2024 IPMC"), and, in an effort to maintain a certain level of consistency with neighboring jurisdictions, proposed similar amendments to the 2024 IPMC. The Loveland Construction Advisory Board reviewed the proposed adoption and amendments, and recommended that the City Council adopt the 2024 IPMC; and

WHEREAS, the City Council introduced this ordinance on first reading pursuant to C.R.S. §31-16-203 on October 21, 2025 and plans to conduct a public hearing pursuant to the same on December 2, 2025 concerning the adoption of the 2024 IPMC by reference and finds and determines that it is necessary to the health, safety and general welfare of the public that the City regulate conditions hazardous to life and property by the adoption of the 2024 IPMC, and certain amendments and modifications thereto.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO:

Section 1. The International Property Maintenance Code, 2024 Edition, issued and published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795, including Appendix A is hereby adopted by reference as the property maintenance code of the City. This code is a complete code to safeguard life and limb, health, property and public welfare by regulating and governing the conditions and maintenance of all property, buildings and structures by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use, and providing for issuance of permits and collection of fees therefore. At least one copy of the International Property Maintenance Code, 2024 Edition, which has been certified by the Mayor and City Clerk, shall be on file in the office of the City Clerk and may be inspected during regular business hours.

Section 2. That Section 15.12.020 of the Loveland Municipal Code which contains the City's modifications to the 2024 International Property Maintenance Code shall be amended as follows:

A. **Section 101.1 - Title** - is amended to read as follows: These regulations shall be known as the Property Maintenance Code of the City of Loveland, hereinafter referred to as "this code" or "property maintenance code."
B. **Section 102.2 – Maintenance – is amended to read as follows:** Equipment, systems, devices and safeguards required by this code or a previous regulation or code under which the *structure* or *premises* was constructed, altered or repaired shall be maintained in good working condition. An *owner*, *owner*'s authorized agent, *operator* or *occupant* shall not cause any service, facility, equipment or utility that is required under this section to be removed from, shut off from or discontinued for any occupied dwelling, except for such temporary interruption as necessary while repairs or alterations are in progress. The requirements of this code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing *structures*. Except as otherwise specified herein, the *owner* or the *owner's* authorized agent shall be responsible for the maintenance of buildings, *structures* and *premises*.
C. **Section 102.3 - Application of other codes** - is amended to read as follows: Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the currently adopted building and fire codes. Nothing in this code shall be construed to cancel, modify or set aside any provision of the adopted City of Loveland Unified Development Code.
D. **Section 103** - Department of property maintenance inspection - is deleted in its entirety. *See* Loveland Municipal Code Section 15.04.070.
E. **Section 105.5 – Notices and orders** – is deleted in its entirety. *See* Loveland Municipal Code Section 16.44.010.
F. **Section 105.7 – Liability** – is deleted in its entirety. *See* Loveland Municipal Code Section 15.04.180.
G. **Section 106 – Means of Appeals** – is deleted in its entirety. *See* Loveland Municipal Code Section 15.04.210
H. **Section 107 – Violations** - is deleted in its entirety. *See* Loveland Municipal Code Section 15.12.030
I. **Section 108 – Stop work order** – is deleted in its entirety. *See* Loveland Municipal Code Section 15.04.090.
J. **Section 109.4 – Notice –** is deleted in its entirety. *See* Loveland Municipal Code Section 16.44.010 - Notice and order to abate.
K. **Section 110.5 - Costs of emergency repairs** – is amended to read in full as follows: For the purposes of this section, the code official shall employ, or cause to be employed, the necessary labor and procure materials to perform the work required as expeditiously as possible. Costs incurred in the performance of emergency work shall be paid by the jurisdiction. The legal counsel of the jurisdiction shall institute appropriate action, including a lien upon the property, against the owner of the premises or owner's authorized agent where the unsafe structure is or was located for the recovery of such costs.

L. **Section 111.2 - Notices and orders –** is deleted in its entirety. *See* Loveland Municipal Code Section 16.44.010.

M. **Section 201.3 - Terms defined in other codes –** is amended to read in full as follows: Where terms are not defined in this code and are defined in the Loveland Municipal Code, the Unified Development Code and any other code adopted by reference in the Loveland Municipal Code, including *International Building Code*, *International Existing Building Code*, *International Fire Code*, *International Fuel Gas Code*, *International Mechanical Code*, the *International Plumbing Code* to the extent adopted by the *Colorado Plumbing Code*, *International Residential Code*, or NFPA 70, such terms shall have the meanings ascribed to them as stated in those codes.

N. **Section 202 - General definitions –** is amended to add the definitions of "abandoned," "good condition," "hazardous" and "vacant" as follows:

ABANDONED. Any building or *premises* covered under this code that is unoccupied or *vacant* and in such a state of disrepair, lack of maintenance, or neglect as to pose a public nuisance.

GOOD CONDITION. A condition that is fully functional, operational and substantially free from decay, deterioration, damage or other defects and capable of performing the tasks for which designed and in the manner intended without risk of injury or damage to persons or adjoining property resulting from detachment or failure of such elements or components thereof.

HAZARDOUS. Whatever is dangerous to human life or is detrimental to the public health as determined by the code official.

VACANT. The state of premises or a structure thereon being indefinitely uninhabited or unoccupied by lawfully authorized tenants, owners, and other persons.

O. **Section 302.2 – Grading and drainage** – is deleted in its entirety.

P. **Section 302.4 – Weeds –** is deleted in its entirety. *See* Loveland Municipal Code Section 16.32.020.

Q. **Section 304.14 - Insect screens –** is amended to read in full as follows: Every door, window and other outside opening required for *ventilation* of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with *approved* tightly fitting screens of minimum 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

Exception: Screens shall not be required for owner-occupied dwelling units where no rooms are leased or rented.

Section 3. Loveland Municipal Code Section 15.04.210(A) - Appeals to the construction advisory board – is hereby amended to read in full as follows:

A. *Basis of appeal.* A person may appeal a decision or other action of the Building Official or his or her duly authorized representative or of a duly authorized code enforcement officer to the Construction Advisory Board for the following types of decisions or actions: (a) denial of a permit or certificate of occupancy; (b) revocation or suspension of a permit or certificate of occupancy; (c) notice of abatement; (d) issuance of a stop work order; (e) determination of alternative materials and methods; and (f) an order for demolition of a structure; and (g) an order for condemnation of a structure, premises, or equipment based on findings that it is unsafe, unfit for human occupancy, unlawful, or otherwise hazardous.

Section 4. That if any section, subsection, or portion of this ordinance is, for any reason, held to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance. City Council hereby declares that it would have passed this ordinance, and each section, subsection, and portion hereof, regardless of whether any one or more sections, subsections, or portions may be declared unconstitutional or invalid.

Section 5. That nothing in this Ordinance shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, liability incurred, or cause of action acquired or existing under any ordinance hereby repealed, nor shall any legal right or remedy of any character be impaired by this ordinance.

Section 6. That the City Clerk shall cause to be published twice in a newspaper of general circulation within the City, once at least fifteen days preceding the public hearing, and once at least eight days preceding the public hearing, the following notice:

Public notice is hereby given that at 6:00 p.m. on February 3, 2026, in the City Council Chambers, City Hall, 500 East Third Street, Loveland, Colorado, the Loveland City Council will consider on second reading an Ordinance Repealing and Reenacting Chapter 15.12 and Adopting by Reference the International Property Maintenance Code, 2024 Edition and Amending Certain Sections of Title 15.04 Regarding Appeals. A public hearing shall be held prior to said consideration. Copies of the above-referenced International Property Maintenance Code, 2024 Edition and any codes adopted by reference within the code are on file with the Loveland City Clerk and are open to public inspection.

Section 7. That copies of this Ordinance and the 2024 International Property Maintenance Code shall be kept on file with the Loveland City Clerk and are open to public inspection.

Section 8. That as provided in City Charter Section 4-9(a)(7), this Ordinance shall be published by title only by the City Clerk after adoption on second reading unless the Ordinance has been amended since first reading in which case the Ordinance shall be published in full or the amendments shall be published in full. This Ordinance shall be in full force and effect ten days after its final publication, as provided in City Charter Section 4-8(b).

ADOPTED this ____ day of January, 2026.

Patrick McFall, Mayor

ATTEST:

Ashley Macdonald, City Clerk

APPROVED AS TO FORM:

Laurie Wilson, Deputy City Attorney

AN ORDINANCE REPEALING AND REENACTING TITLE 15.12 OF THE LOVELAND MUNICIPAL CODE AND ADOPTING BY REFERENCE THE INTERNATIONAL PROPERTY MAINTENANCE CODE, 2024 EDITION AND AMENDING CERTAIN SECTIONS OF TITLE 15.04 REGARDING APPEALS



City of Loveland

Building Code Amendments

City Council Meeting January 6, 2026

Development Services Department

Theresa Campbell, Chief Building Official
Steve Hefling, Building Inspector Supervisor
Jessica Eads, Code Administrator

DEVELOPMENT CENTER
Planning + Permitting + Building

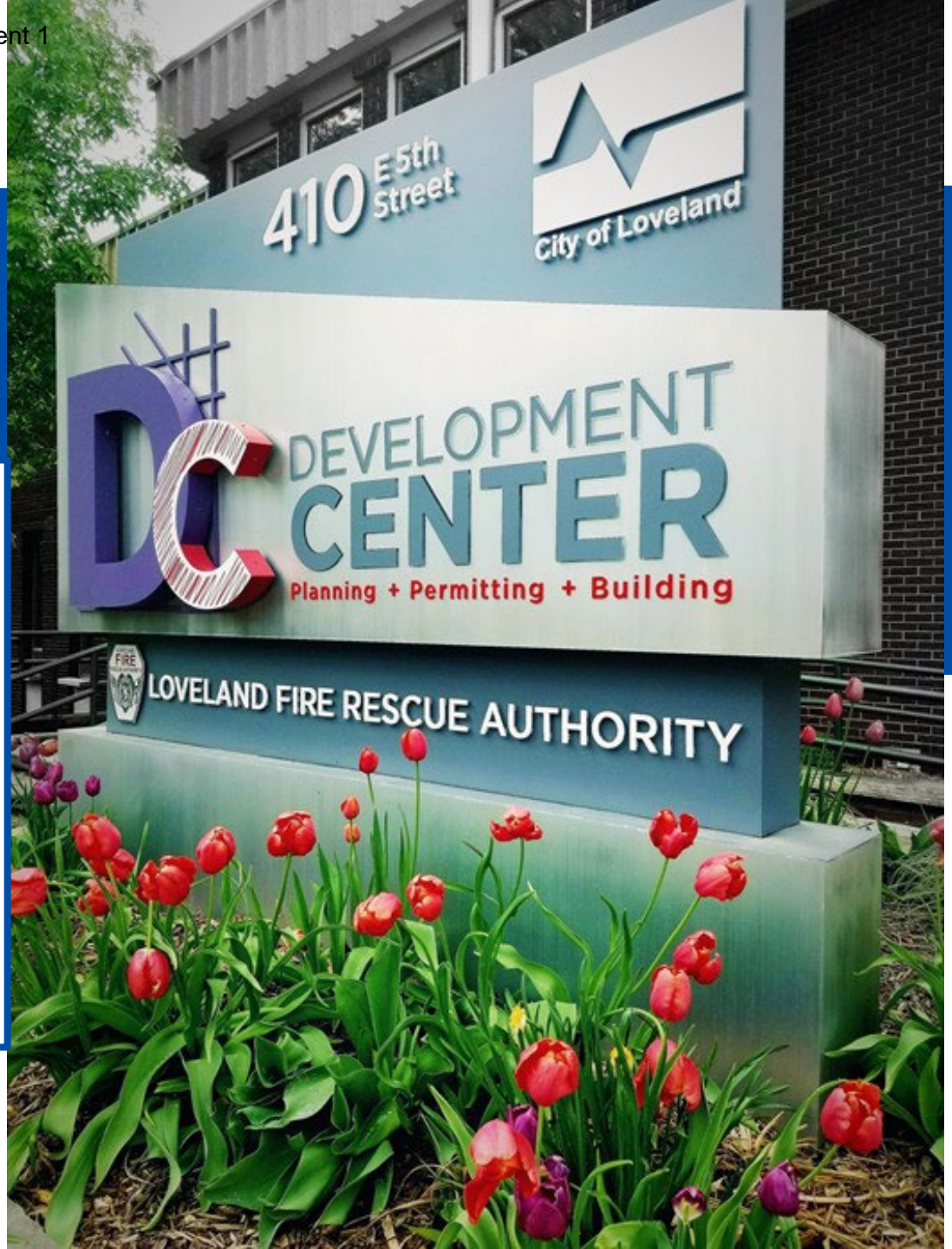
Agenda

- Why Update?
- Background
- Amendment Overview and Highlights
- Questions

City of Loveland

Why Update?

- International Code Council (ICC): updates are every three years
- Stay more consistent with other jurisdictions
- Building a Safe Community
- Adopting state-mandated energy codes
- ISO Rating: Reduces Insurance Rates (3-5 Year Audits)



City of Loveland

Background

In early 2025, the Loveland Building Staff began meeting weekly with Larimer County, Fort Collins, Wellington, LFRA, and other members of the building community to discuss the 2024 International Code Council (ICC) changes and proposed amendments.

If adopted, information regarding the updates and changes will be available on the City's website: https://www.lovgov.org/services/development-services/building-division/loveland-building-code



City of Loveland

Background Timeline

2024

ICC adopts a new building code,
and the State adopts energy codes

September 2025

CAB final review and approval for recommendation to Council

Jan. 6, 2026

City Council 1st Reading Ordinance

Feb. 3, 2026

City Council 2nd Reading Ordinance and Public Hearing
(effective March 1, 2026)

City of Loveland

Amendment Overview

2024 ICC Adoption into LMC Title 15

Colorado Model Electric Ready and Solar Ready Code

International Building Code 15.08

International Residential Code 15.10

International Property Maintenance Code 15.12

International Mechanical Code 15.16

City of Loveland

Amendment Overview

2024 ICC Adoption into LMC Title 15

International Fuel Gas Code 15.18

International Plumbing Code 15.20

International Energy Conservation Code 15.48

International Existing Building Code 15.52

International Swimming Pool and Spa Code 15.54

City of Loveland

Amendment Highlights

Colorado Model Electric Ready EV Ready and Solar Ready Code

- State required adoption under House Bill 22-1362

International Fuel Gas Code and International Plumbing Code

- Follow state plumbing code

International Mechanical Code

- Added an option for testing commercial hoods

City of Loveland

International Building Code

- State-licensed facilities are exempt from a permit
- “Live-work units” replaced with “home occupations”
- Structural design loads updated

City of Loveland

International Residential Code

- Time limitation for extending permits
- Time limitation to get the project's exterior finished
- Updated design criteria table
- Under-floor access requirement
- Accessory dwelling unit requirements



City of Loveland

International Energy Conservation Code

- Added third-party inspection requirements for commercial and residential projects
- Deleted requirements for renewable energy systems and for additions/alterations
- Deleted the need for additional efficiency credits on additions and alterations
- Updated Table R402.1.3

City of Loveland

Amendment Highlights

International Existing Building Code

- Added roof amendment for consistency between codes
- New electrical installations to follow the adopted edition of the NEC

International Swimming Pool and Spa Code

- New electrical installations to follow the adopted edition of the NEC

Administration

- New Contractor license for Framing and Solar
- Accessory Dwelling Unit (ADU) general contractor change

City of Loveland

International Property Maintenance Code (IPMC) Amendments

Maintenance

- Equipment, Systems, Devices, and Safeguards

Emergency Repair Costs

- Requirement of work to be done as soon as possible

Insect Screens

- Exception for owner-occupied dwelling units

Appeals

- Orders for demolition or condemnation of a structure, premises, or equipment

City of Loveland

International Property Maintenance Code (IPMC) Definitions

Adding the following to the definitions clarifies and enhances enforcement effectiveness.

- Abandoned
- Good Condition
- Hazardous
- Vacant

City of Loveland

Summary

- ICC updates are every three years
- Consistency with other jurisdictions
- Improve overall safety
- State energy codes must be adopted by mid-2026
- Reduces insurance rates



City of Loveland

PUBLIC COMMENT AND COUNCIL QUESTIONS

lovgov.org

City of Loveland

THANK YOU!

lovgov.org

City of Loveland

COLORADO
Energy Office

Colorado Model Electric Ready and Solar Ready Code

Published: June 1, 2023

COLORADO
Department of Local Affairs

Chapter 1 Scope and Administration

SECTION 101 SCOPE AND GENERAL REQUIREMENTS.

101.1 Title. This code shall be known as the Electric Ready and Solar Ready Code of City of Loveland, and shall be cited as such. It is referred to herein as “this code”.

101.2 Scope. This code applies to all buildings and dwelling units, and the buildings’ sites and associated systems and equipment.

101.3 Intent. This code shall regulate the design and construction of buildings to prepare new buildings for solar photovoltaic or solar thermal, electric vehicle charging infrastructure, and electrification of building systems. This code is intended to provide flexibility and balance upfront construction costs with the future cost to retrofit buildings to accommodate these systems. This code is not intended to abridge safety, health or environmental requirements contained in other applicable codes or ordinances.

101.4. Applicability. Where, in any specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall govern.

101.4.1 Residential Buildings. Residential buildings must comply with the Residential Chapters of this code.

101.4.2 Commercial Buildings. Commercial buildings must comply with the Commercial Chapters of this code.

SECTION 102 WAIVER AND VARIANCE.

102.1 Scope. The following waivers shall be permitted to be requested if buildings meet the following requirements.

102.1.1 Commercial Buildings Greater than 10,000 sq. ft. Commercial buildings that have a gross floor area greater than 10,000 sq. ft. shall be eligible to request

a partial waiver to the requirements of this code if they meet the requirements of Section 102.2.

102.1.2 Buildings Impacted by a Natural Disaster. City of Loveland is permitted to authorize, upon appeal in specific cases, a waiver from the requirements of this code where, owing to a declared natural disaster that has destroyed buildings or resulted in other exceptional and extraordinary circumstances as determined by City of Loveland and City of Loveland determines enforcement of the provisions of this code will result in unnecessary hardship.

102.2 Substantial Cost Differential Waiver.

102.3 City of Loveland shall be permitted to authorize, upon appeal, a waiver from the requirements of this code for an applicant that asserts that compliance with this code will result in a substantial cost differential. City of Loveland, when authorizing such a waiver, shall be permitted to waive certain requirements of this code only until the cost differential for compliance with the remaining requirements reaches one percent or less. The burden of proof is upon the applicant to provide substantiation of a cost differential, such as quotes or other licensed design professional analyses as approved by City of Loveland.

102.3.1 Substantial Cost Differential. For the purposes of Section 102.2, “substantial cost differential” means costs incurred as a result of compliance with the requirements of this code would exceed one percent of total mechanical, electrical, and plumbing construction costs inclusive of materials and labor.

SECTION 103 CONSTRUCTION DOCUMENTS.

103.1 General. Construction documents and other supporting data shall be submitted in one or more sets, or in a digital format where allowed by the code official, with each application for a permit. The construction documents shall be prepared by a registered design professional where required by the statutes of the jurisdiction in which the project is to be constructed. Where special conditions exist, the code official is authorized to require necessary construction documents to be prepared by a registered design professional.

Exception: The code official is authorized to waive the requirements for construction documents or other supporting data if the code official determines they are not necessary to confirm compliance with this code.

103.2 Information on Construction Documents. Construction documents shall be drawn to scale on suitable material. Electronic media documents are permitted to be submitted where approved by the code official. Construction documents shall be of sufficient clarity to indicate the location, nature, and extent of the work proposed, and show in sufficient detail pertinent data and features of the building, systems, and equipment as herein governed. Details shall include, but are not limited to, the following as applicable:

1. Location and size of the solar-ready zone.
2. Structural design loads of roof dead load and roof live load.
3. Pathways for routing of conduit from the solar-ready zone to the electrical service panel.
4. Number and location of EV capable light spaces.
5. Number and location of EV capable spaces.
6. Number and location of EV ready spaces.
7. Number and location of EVSE installed spaces.
8. Locations of conduit and termination points serving the aforementioned parking spaces.
9. Location for condensate drainage where combustion equipment for space heating and water heating is installed.

103.3 Examination of Documents. The code official shall examine or cause to be examined the accompanying documents and shall ascertain whether the construction indicated and described is in accordance with the requirements of this code and other pertinent laws or ordinances. The code official is authorized to utilize a registered design professional, or other approved entity not affiliated with the building design or construction, in conducting the review of the plans and specifications for compliance with the code.

103.3.1 Approval of Construction Documents. When the code official issues a permit where construction documents are required, the construction documents shall be endorsed in writing and stamped "Reviewed for Code

Compliance". Such approved construction documents shall not be changed, modified, or altered without authorization from the code official. Work shall be done in accordance with the approved construction documents.

One set of "Reviewed for Code Compliance" construction documents shall be retained by the code official. The other set shall be returned to the applicant, kept at the site of work, and shall be open to inspection by the code official or a duly authorized representative.

103.3.2 Previous Approvals. This code shall not require changes in the construction documents, construction, or designated occupancy of a structure for which a lawful permit has been heretofore issued or otherwise lawfully authorized, and the construction of which has been pursued in good faith within 180 days after the effective date of this code and has not been abandoned; except that the code official is authorized to grant one or more extensions of time for additional periods not exceeding 180 days each.

103.3.3 Phased Approval. The code official shall have the authority to issue a permit for the construction of part of a solar ready, EV ready, or electric ready installation before the construction documents for the entire system have been submitted or approved, provided that adequate information and detailed statements have been filed complying with all pertinent requirements of this code. The holders of such permit shall proceed at their own risk without assurance that the permit for the entire solar ready, EV ready, or electric ready installation will be granted.

l03.4 Amended Construction Documents. Changes made during construction that are not in compliance with the approved construction documents shall be resubmitted for approval as an amended set of construction documents.

103.5 Retention of Construction Documents. One set of approved construction documents shall be retained by the code official for a period of not less than 180 days from the date of completion of the permitted work, or as required by state or local laws.

103.6 Building Documentation and Closeout Submittal Requirements. The construction documents shall specify that the documents described in this section be

provided to the building owner or owner's authorized agent within 90 days of the date of receipt of the certificate of occupancy.

Exception: Residential buildings.

103.6.1 Record Documents. Construction documents shall be updated to convey a record of the completed work. Such updates shall include mechanical, electrical, and control drawings that indicate all changes to size, type, and location of components, equipment, and assemblies.

103.6.2 Compliance Documentation. Compliance documentation and supporting calculations shall be delivered in one document to the building owner as a part of the project record documents or manuals, or as a standalone document. This document shall include the specific energy code edition utilized for compliance determination for each system.

SECTION 104 INSPECTIONS.

104.1 General. Construction or work for which a permit is required shall be subject to inspection by the code official, his or her designated agent or an approved agency, and such construction or work shall remain visible and able to be accessed for inspection purposes until approved. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid. It shall be the duty of the permit applicant to cause the work to remain visible and/or able to be accessed for inspection purposes. Neither the code official nor the jurisdiction shall be liable for expenses entailed in the removal or replacement of any material, product, system or building component required to allow an inspection to validate compliance with this code.

104.2 Required Inspections. The code official, his or her designated agent or an approved agency, upon notification, shall make the inspections set forth in Sections 104.2.1 through 104.2.4.

104.2.1 Solar Ready. Inspections shall verify all of the following as required by this code, approved plans, and specifications:

1. The location and size of the solar-ready zone or the capacity of an installed on-site renewable energy system.
2. Electrical capacity and reserved physical space for circuit breakers in the main electrical service panel that are properly labeled.

104.2.2 Electric Vehicle Ready. Inspections shall verify all of the following as required by this code, approved plans, and specifications:

1. EV power transfer infrastructure requirements.
2. Electrical equipment associated with each parking space type, including branch circuits, conduit and/or raceway, junction boxes, receptacles, and EVSE are properly labeled and installed.
3. Electrical capacity and reserved physical space for circuit breakers in the main electrical service panel are properly labeled, if applicable.

104.2.3 Electric Ready. Inspections shall verify all of the following as required by this code, approved plans, and specifications:

1. Branch circuits, conduit and/or raceway, wiring, junction boxes, and receptacles for future electric equipment or appliances are properly labeled and installed, as applicable.
2. Reserved physical space for future electric equipment or appliances.
3. Electrical capacity and reserved physical space for circuit breakers in the main electrical service panel are properly labeled.

104.2.4 Final Inspection. The final inspection shall include verification of the installation and proper labeling of all requirements of this code.

104.3 Reinspection. A building shall be reinspected where determined necessary by the code official.

104.4 Approved Inspection Agencies. The code official is authorized to accept reports of third-party inspection agencies not affiliated with the building design or construction, provided that such agencies are approved as to qualifications and reliability relevant to the building components and systems that they are inspecting.

104.5 Inspection Requests. It shall be the duty of the holder of the permit or their duly authorized agent to notify the code official when work is ready for inspection. It shall

be the duty of the permit holder to provide access to and means for inspections of such work that are required by this code.

104.6 Reinspection and Testing. Where any work or installation does not pass an initial test or inspection, the necessary corrections shall be made to achieve compliance with this code. The work or installation shall then be resubmitted to the code official for inspection and testing.

SECTION 105 NOTICE OF APPROVAL.

105.1 Approval. After the prescribed inspections indicate that the work complies in all respects with this code, a notice of approval shall be issued by the code official.

105.2 Revocation. The code official is authorized to suspend or revoke, in writing, a notice of approval issued under the provisions of this code wherever the certificate is issued in error, or on the basis of incorrect information supplied, or where it is determined that the building or structure, premise, or portion thereof is in violation of any ordinance or regulation or any of the provisions of this code.

SECTION 106 VALIDITY.

106.1 General. If a portion of this code is held to be illegal or void, such a decision shall not affect the validity of the remainder of this code.

SECTION 107 REFERENCED STANDARDS.

107.1 General. The codes and standards referenced in this code shall be listed in Section 107.2, and such codes and standards shall be considered as part of the requirements of this code to the prescribed extent of each such reference.

107.2 Referenced Codes and Standards. The codes and standards referenced in this code are as follows:

1. International Building Code
    a. Chapter 3
    b. Chapter 11
2. International Energy Conservation Code
3. International Fire Code

4. International Residential Code
5. National Electrical Code Article 625
6. UL2202 and 2594

107.2.1 Conflicts. Where conflicts occur between provisions of this code and referenced codes and standards, the provisions of this code shall apply.

107.2.2 Provisions in Referenced Codes and Standards. Where the extent of the reference to a referenced code or standard includes subject matter that is within the scope of this code, the provisions of this code, as applicable, shall take precedence over the provisions in the referenced code or standard.

107.3 Applications of References. References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section, or provision of this code.

107.4 Other Laws. The provisions of this code shall not be deemed to nullify any provisions of local, state, or federal law.

SECTION 108 STOP WORK ORDER.

108.1 Authority. Where the code official finds any work regulated by this code being performed in a manner contrary to the provisions of this code or in a dangerous or unsafe manner, the code official is authorized to issue a stop work order.

108.2 Issuance. The stop work order shall be in writing and shall be given to the owner of the property, the owner's authorized agent, or the person performing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order and the conditions under which the cited work is authorized to resume.

108.3 Emergencies. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work.

108.4 Failure to Comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to fines established by City of Loveland.

SECTION 109 BOARD OF APPEALS.

109.1 General. In order to hear and decide appeals of orders, decisions, or determinations made by the code official relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The code official shall be an ex officio member of said board but shall not have a vote on any matter before the board. The board of appeals shall be appointed by the governing body and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the appellant with a duplicate copy to the code official.

109.2 Limitations on Authority. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equally good or better form of construction is proposed. The board shall not have the authority to waive the requirements of this code.

109.3 Qualifications. The board of appeals shall consist of members who are qualified by experience and training and are not employees of City of Loveland.

Chapter 2 Definitions

SECTION 201 GENERAL.

201.1 Scope. Unless stated otherwise, the following words and terms in this code shall have the meanings indicated in this chapter.

201.2 Interchangeability. Words used in the present tense include the future; words in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural includes the singular.

201.3 Terms Defined in Other Codes. Terms that are not defined in this code but are defined in the International Building Code, International Fire Code, International Fuel Gas Code, International Mechanical Code, International Plumbing Code, International Energy Conservation Code, or International Residential Code shall have the meanings ascribed to them in those codes.

201.4 Terms not Defined. Terms not defined by this chapter or the codes listed under 201.3 shall have ordinarily accepted meanings such as the context implies.

SECTION 202 GENERAL DEFINITIONS.

APPROVED. Acceptable to the code official.

APPROVED AGENCY. An established and recognized agency that is regularly engaged in conducting tests or furnishing inspection services, or furnishing product certification, where such agency has been approved by the code official.

CODE OFFICIAL. The officer or other designated authority charged with the administration and enforcement of this code, or a duly authorized representative.

COMBUSTION EQUIPMENT. For this code, any equipment or appliance used for space-heating, service water heating, cooking, clothes drying or lighting that uses fuel gas or fuel oil.

COMMERCIAL BUILDING. For this code, all commercial buildings and R-Occupancies that are covered by the International Building Code.

CORE AND SHELL. The first phase of a commercial project that has the outer building envelope constructed and may contain interior lighting and heating and has not received a permanent Certificate of Occupancy.

DIRECT CURRENT FAST CHARGER (DCFC) EVSE. Equipment capable of fast charging on a 100A or higher 480VAC three-phase branch circuit. AC power is converted into a controlled DC voltage and current within the EVSE that will then directly charge the electric vehicle.

ELECTRIC VEHICLE (EV). An automotive-type vehicle for on-road use, including but not limited to, passenger automobiles, buses, trucks, vans, neighborhood electric vehicles, and electric motorcycles, primarily powered by an electric motor that draws current from a building electrical service, EVSE, a rechargeable storage battery, a fuel cell, a photovoltaic array, or another source of electric current. Off-road, self-propelled electric mobile equipment, including but not limited to, industrial trucks, hoists, lifts, transports, golf carts, airline ground support equipment, tractors, and boats are not considered electric vehicles.

ELECTRIC VEHICLE CAPABLE LIGHT SPACE (EV CAPABLE LIGHT SPACE). A designated vehicle parking space that has conduit and/or raceway installed to support future implementation of electric vehicle charging installation, and has sufficient physical space adjacent to the existing electrical equipment for future electric upgrades.

ELECTRIC VEHICLE CAPABLE SPACE (EV CAPABLE SPACE). A designated vehicle parking space that has the electric panel capacity and conduit and/or raceway installed to support future implementation of electric vehicle charging.

ELECTRIC VEHICLE READY SPACE (EV READY SPACE). A designated vehicle parking space that has the electric panel capacity, raceway wiring, receptacle, and circuit overprotection devices installed to support future implementation of electrical vehicle charging.

ELECTRIC VEHICLE SUPPLY EQUIPMENT (EVSE). An electric vehicle charging system or device that is used to provide electricity to a plug-in electric vehicle or plug-in hybrid electric vehicle, is designed to ensure that a safe connection has been made between the electrical grid and the vehicle, and is able to communicate with the vehicle's control system so that electricity flows at an appropriate voltage and current level.

ELECTRIC VEHICLE SUPPLY EQUIPMENT INSTALLED SPACE (EVSE INSTALLED SPACE). A vehicle parking space that is provided with a dedicated EVSE connection.

FIRST TENANT FINISH. The first tenant finish(es) in a new structure or core and shell building that is credited towards meeting the requirements of this Chapter.

FUEL GAS. A natural gas, manufactured gas, liquefied petroleum gas, or mixtures of these gasses.

FUEL OIL. Kerosene or any hydrocarbon oil having a flash point of not less than 100°F (38°C).

FUTURE ELECTRIC EQUIPMENT. Equipment or appliances necessary to support future all-electric space and water heating, cooking, or clothes drying.

PLUG-IN HYBRID ELECTRIC VEHICLE. An electric vehicle having a second source of motive power.

MAJOR RENOVATION- substantial building upgrades or modifications where costs meet or exceed $250,000

RESIDENTIAL BUILDING. For this code, one- and two-family dwellings and townhouses as defined in the International Residential Code.

SOLAR-READY ZONE. A section or sections of the roof or building overhang designated and reserved for future installation of a solar photovoltaic system or solar thermal system.

Chapter 3 Electric Ready

PART 1 RESIDENTIAL ELECTRIC READY

SECTION RE301 SCOPE

RE301.1 General. These provisions shall be applicable for all new buildings, and major renovations and additions.

SECTION RE302 ADDITIONAL ELECTRIC INFRASTRUCTURE

RE302.1 Additional Electric Infrastructure. Combustion equipment in residential buildings must meet the requirements of Sections RE302.2 through RE302.6.

Exceptions:

1. Interior fireplaces that do not serve as a primary source of heating.
2. Exterior fireplaces and firepits.

RE302.2 Combustion Equipment. Combustion equipment shall be provided with all of the following:

1. A dedicated, appropriately phased branch circuit sized to accommodate future electric equipment or appliances to serve a comparable capacity to meet the heating load.
2. An electric receptacle or junction box that meets the requirements of Section RE302.5, and is connected to the electrical panel through the branch circuit. Each electrical receptacle or junction box shall have reasonable access to the combustion equipment or dedicated physical space for future electric equipment with no obstructions other than the current combustion equipment.

3. Where combustion equipment is used for space or water heating, dedicated physical space shall be provided for future electric equipment, including an electric resistance backup coil for ducted systems, if applicable.

   Exception: Dwelling units with installed air conditioning systems are not required to provide additional dedicated physical space for an outdoor heat pump.

RE302.3 Electrical Panel Space. The electrical panel shall have a reserved space for a minimum two-pole circuit breaker for each branch circuit provided for future electric equipment or appliances.

RE302.4 Labeling. The junction box or receptacle and the dedicated circuit breaker space serving future electric equipment or appliances in the electrical panel shall be labeled for their intended use.

RE302.5 Adjacency. The electrical receptacle or junction box must be provided within 3 feet of the combustion equipment or appliances, or within 3 feet of the dedicated physical space for future electric equipment or appliances.

Exception: For combustion equipment dedicated to space or water heating, the electrical receptacle or junction box shall be located not more than 6 feet from the combustion equipment or the dedicated physical space for future electric equipment.

RE302.6 Condensate Drain. Where combustion equipment for space heating and water heating is installed, a location shall be provided for condensate drainage.

PART 2 COMMERCIAL ELECTRIC READY

SECTION CE301 SCOPE

CE301.1 General. These provisions shall be applicable for all new buildings, additions, and first tenant finish permits.

CE301.1.1 First Tenant Finishes. In the case that a first tenant finish to a commercial core and shell building or unfinished space is credited towards meeting the requirements of this Chapter, the code official shall not issue a

Certificate of Occupancy to the tenant until the requirements of Section CE302 are met.

SECTION CE302 ADDITIONAL ELECTRIC INFRASTRUCTURE

CE302.1 Additional Electric Infrastructure. Combustion equipment in commercial buildings shall meet the electric infrastructure requirements of Sections CE302.2 or CE302.3.

Exceptions:

1. Interior fireplaces that do not serve as a primary source of heating.
2. Exterior fireplaces and fire pits.
3. Additions to buildings that do not provide new space-heating equipment will not be required to provide additional electrical infrastructure to the existing space-heating equipment.

CE302.2 Commercial Buildings Less than 10,000 sq. ft. and all R-Occupancies. Commercial buildings that have a gross floor area of less than 10,000 sq. ft., and all R-occupancies of any size, shall comply with Sections CE302.2.1 through CE302.2.5.

CE302.2.1 Combustion Equipment. Combustion equipment shall be provided with all of the following:

1. A dedicated, appropriately phased branch circuit sized to accommodate future electric equipment or appliances to serve a comparable capacity to meet the heating load.

2. An electric receptacle or junction box that meets the requirements of Section CE302.2.5, and is connected to the electrical panel through the branch circuit. Each electrical receptacle or junction box shall have reasonable access to the combustion equipment or dedicated physical space for future electric equipment with no obstructions other than the current combustion equipment.

3. Where combustion equipment is used for space or water heating, dedicated space shall be provided for all future electric equipment,

including an electric resistance backup coil for ducted systems if applicable.

Exception: Buildings with installed air conditioning systems are not required to provide additional dedicated physical space for an outdoor heat pump.

CE302.2.2 Electrical Panel Space. The electrical panel shall have reserved physical space for a minimum two-pole or three-pole circuit breaker for each branch circuit provided for future electric equipment or appliances. The physical space in the electrical panel for each circuit breaker shall be sized with sufficient breaker capacity to meet the electrical demand of the future electric equipment or appliance that is sized to serve a comparable capacity to meet the heating load.

CE302.2.3 Labeling. The junction box or receptacle and the dedicated circuit breaker space serving future electric equipment or appliances in the electrical panel shall be labeled for their intended use.

CE302.2.4 Adjacency. The electrical receptacle or junction box must be provided within 3 feet of the combustion equipment or appliances or within 3 feet of the dedicated physical space for future electric equipment or appliances.

Exception: For combustion equipment dedicated to space or water heating, the electrical receptacle or junction box shall be located not more than 6 feet from the combustion equipment or the dedicated physical space for future electric equipment.

CE302.2.5 Condensate Drain. Where combustion equipment dedicated to space heating and water heating is installed, a location shall be provided for condensate drainage.

CE302.3 Commercial Buildings 10,000 sq. ft. or Greater. All commercial buildings that have a gross floor area of 10,000 sq. ft. or greater shall comply with the following requirements.

Exception: R-occupancies.

CE302.3.1 Combustion Equipment or Appliances. All combustion equipment shall be provided with the following:

1. A junction box that is located in the same physical space as the combustion equipment and is reasonably accessible, and that is connected to the electrical panel by continuous conduit and/or raceways.
2. Dedicated electrical panel space for an appropriately phased branch circuit sized to accommodate future electric equipment or appliances to serve a comparable capacity to meet the heating load.
3. Where combustion equipment is used for space and water heating, dedicated physical space shall be provided for all future electric equipment.

CE302.3.2 Electrical Panel Space. The electrical panel shall have reserved physical space for a minimum two-pole or three-pole circuit breaker for each branch circuit provided for future electric equipment or appliances. The physical space in the electrical panel for each circuit breaker shall be sized with sufficient breaker capacity to meet the electrical demand of the future electric equipment or appliance that is sized to serve a comparable capacity to meet the heating load.

CE302.3.3 Labeling. The dedicated circuit breaker space serving future electric equipment or appliances in the electrical panel shall be labeled ”For future electric equipment”.

CE302.3.4 Physical Space. Dedicated physical space shall be provided for additional electric equipment, including but not limited to transformers and cabinets, necessary for electrical service to future electric equipment or appliances.

Chapter 4 Solar Ready

PART 1 RESIDENTIAL SOLAR READY.

SECTION RS401 SCOPE.

RS401.1 General. These provisions shall be applicable for new buildings, and major renovations and additions.

SECTION RS402 SOLAR READY ZONE.

RS402.1 General. New residential buildings with not less than 600 square feet of roof area oriented between 110 degrees and 270 degrees of true north or that is a low-sloped roof, shall comply with Sections RS402.2 through RS402.8.

Exceptions:

1. New residential dwelling units with a permanently installed on-site renewable energy system that provides electricity to the dwelling unit's electrical system.
2. A building where all areas of the roof that would otherwise meet the requirements of Section RS402 are in full or partial shade for more than 70 percent of daylight hours annually.

RS402.2 Construction Document Requirements for Solar-Ready Zone. Construction documents shall indicate the solar-ready zone.

RS402.3 Solar-Ready Zone Areas. The total solar-ready zone area for each dwelling unit shall be not less than 300 square feet exclusive of mandatory access or setback areas as required by the International Fire Code. The solar-ready zone shall be composed of areas not less than 5 feet in width and not less than 80 square feet exclusive of access or setback areas as required by the International Fire Code.

Exception: New townhouses three stories or less in height above grade plane and with a total floor area less than or equal to 2,000 square feet of conditioned space per townhouse unit shall have a solar-ready zone area of not less than 150 square feet.

RS402.4 Obstructions. Solar-ready zones shall be free from obstructions, including but not limited to, vents, chimneys, and roof-mounted equipment.

RS402.5 Shading. The solar-ready zone shall be set back from any existing or new permanently affixed object on the building or site that is located south, east, or west of the solar-ready zone a distance not less than two times the object's height above the nearest point on the roof surface. Such objects include, but are not limited to, taller portions of the building itself, parapets, chimneys, antennas, signage, rooftop equipment, trees, and roof plantings either existing at the time of permit application or planned for on the construction documents.

RS402.6 Roof Load Documentation. The structural design loads of roof dead load and roof live load shall be clearly indicated on the construction documents.

RS402.7 Interconnection Pathway. Construction documents shall indicate at least one potential pathway for routing of conduit and/or raceway from the solar-ready zone to the electrical service panel and shall be labeled as "Potential Pathway" on the construction documents.

RS402.8 Electrical Service Reserved Space. The main electrical service panel shall have sufficient reserved space to allow the installation of a dual pole circuit breaker for future solar electric installation and shall be labeled "For Future Solar Electric." The reserved space shall be positioned at the opposite (load) end from the input feeder location or main circuit location.

RS402.9 Construction Documentation Certificate. A permanent certificate, indicating the solar-ready zone and other requirements of this Part, shall be posted near the electrical distribution panel, water heater, or other conspicuous location.

PART 2 COMMERCIAL SOLAR READY

SECTION CS401 SCOPE

CS401.1 General. These provisions shall be applicable for new buildings, and major renovations and additions.

SECTION CS402 SOLAR-READY ZONE

CS402.1 General. A solar-ready zone shall be located on the roof of all new commercial buildings that are oriented between 110 and 270 degrees of true north or have low-sloped roofs. Solar-ready zones shall comply with Sections CS402.2 through CS402.7.

Exceptions:

1. A building with a permanently-installed, on-site renewable energy system that meets the following criteria.
    a. The system produces the energy output equivalent to covering 40 percent of the net roof area with solar photovoltaic calculated as the horizontally projected gross roof area less the area covered by skylights, occupied roof decks, vegetative roof areas, and mandatory access or set back areas as required by the International Fire Code.
    b. The system is located on the roof or overhang of the building or on the roof or overhang of another structure located within 250 feet of the building, on the building premises, on covered parking, or another approved location installed with the building project and under the same property ownership.
2. A building with a solar-ready zone that is shaded for more than 70 percent of daylight hours annually.
3. A building where a licensed design professional certifies that the incident solar radiation available to the building is not suitable for a solar-ready zone.
4. A building where a licensed design professional certifies that the solar-ready zone area required by Section CS402.3 cannot be met because of extensive rooftop equipment, skylights, vegetative roof areas, or other obstructions.

CS402.2 Construction Document Requirements for a Solar-Ready Zone. Construction documents shall indicate the solar-ready zone.

CS402.3 Solar-Ready Zone Area. The total solar-ready zone area shall not be less than 40 percent of the roof area calculated as the horizontally projected gross roof area less the area covered by skylights, occupied roof decks, vegetative roof areas, and mandatory access or set back areas as required by the International Fire Code. The solar-ready zone shall be a single area or smaller, separated sub-zone areas. Each sub-zone area shall be not less than 5 feet in width in the narrowest dimension.

The solar-ready zone shall be located on the roof or overhang of the building or on the roof or overhang of another structure located within 250 feet of the building, on the building premises, on covered parking, or another approved location installed with the building project and under the same property ownership .

CS402.4 Obstructions. Solar-ready zones shall be free from obstructions, including pipes, vents, ducts, HVAC equipment, skylights, and roof-mounted equipment.

CS402.5 Roof Loads and Documentation. The structural design loads for roof dead load and roof live load shall be indicated on the construction documents.

CS402.6 Interconnection Pathway. Construction documents shall indicate at least one potential pathway for routing of conduit and/or raceway from the solar-ready zone to an electrical service panel and shall be labeled as “Potential Pathway” on the construction documents.

CS402.7 Electrical Service Reserved Space. The main electrical service panel shall have a minimum bus bar rating of not less than 200 amps. The main electrical service panel shall have a reserved space to allow installation of a dual-pole circuit breaker for future solar electric. This space shall be labeled “For Future Solar Electric.” The reserved space shall be positioned at the end of the panel that is opposite from the panel supply conductor connection.

PART 3 RESIDENTIAL SOLAR PANEL CAPACITY

SECTION RS410 SCOPE

RS410.1 General. These provisions shall be applicable for all new buildings, and major renovations and additions.

RS410.2 Electric Service Reserved Space. The main electrical service panel shall have sufficient reserved space to allow installation of a dual pole circuit breaker for future solar electric installation and shall be labeled “For Future Solar Electric.” The reserved space shall be positioned at the opposite (load) end from the input feeder location or main circuit location.

> Exception: A dwelling unit that already must comply with the solar ready provisions in Chapter 4 or that has a permanently installed on-site renewable energy system that provides electricity to the dwelling unit’s electrical system.

PART 4 COMMERCIAL SOLAR PANEL CAPACITY

SECTION CS410 SCOPE

CS410.1 General. These provisions shall be applicable for new buildings, and major renovations and additions.

CS410.2 Electric Service Reserved Space. The main electrical service panel shall have a minimum bus bar rating of not less than 200 amps. The main electrical service panel shall have sufficient reserved space to allow installation of a dual pole circuit breaker for future solar electric installation and shall be labeled “For Future Solar Electric.” The reserved space shall be positioned at the opposite (load) end from the input feeder location or main circuit location.

> Exception: A building that already must comply with the solar ready provisions in Chapter 4 or that has a permanently installed on-site renewable energy system that provides electricity to the building’s electrical system.

Chapter 5 Electric Vehicle Ready

PART 1 RESIDENTIAL ELECTRIC VEHICLE READY

SECTION RV501 SCOPE

RV501.1 General. These provisions shall be applicable for all new buildings, and major renovations and additions.

SECTION RV502 ELECTRIC VEHICLE POWER TRANSFER INFRASTRUCTURE

RV502 Electric Vehicle Power Transfer Infrastructure. New vehicle parking spaces for residential buildings shall be provided in accordance with Sections RV502.1 and RV502.3.

RV502.1 One- and Two-family Dwellings and Townhouses. Each dwelling unit with a dedicated attached or detached garage or other onsite designated parking provided for the dwelling unit shall be provided with one EV ready space per dwelling unit.

RV502.2 EV Ready Spaces. Each EV ready space shall have a branch circuit that complies with all of the following:

1. Terminates at a receptacle, located within 3 feet of each EV ready space it serves. EV ready includes two adjacent parking spaces if the receptacle for the electrical facilities of this section is installed adjacent to and between both parking spaces.
2. Has a minimum circuit capacity of 8.3 kVA (40A 208/240V).
3. The electrical panel, electrical distribution equipment directory, and all outlets or enclosures shall be marked “For future electric vehicle supply equipment”.

   Exception: A receptacle need not be provided if a hard-wired EVSE is installed.

RV502.3 Identification. Construction documents shall designate the EV ready space and indicate the locations of raceway and/or conduit and the termination points serving them. The circuits or spaces reserved in the electrical panel for EV ready spaces shall be clearly identified in the panel or subpanel directory.

PART 2 COMMERCIAL ELECTRIC VEHICLE READY

SECTION CV501 SCOPE

CV501.1 General. These provisions shall be applicable for all new buildings, and major renovations and additions.

SECTION CV502 ELECTRIC VEHICLE POWER TRANSFER INFRASTRUCTURE

CV502 Electric Vehicle Power Transfer Infrastructure. Where new parking is provided for commercial buildings, it shall be provided with electric vehicle power transfer infrastructure in compliance with Sections CV502.1 through CV502.9.

CV502.1 Quantity. The number of required EVSE installed spaces, EV ready spaces, EV capable spaces, and EV capable light spaces shall be determined in accordance with this Section and Table CV502.1 based on the total number of provided vehicle parking spaces and shall be rounded up to the nearest whole number. This includes all covered parking under carports or detached garages.

CV502.1.1 Where more than one parking lot is provided on a building site, the number of provided vehicle parking spaces required to have EV power transfer infrastructure shall be calculated separately for each parking lot.

CV502.1.1.1 R-2 Occupancies, as defined in Chapter 3 of the International Building Code, shall use the total parking requirement for the entire development to determine the EV power transfer infrastructure requirements using Table CV502.1.

CV502.1.2 For commercial buildings that install a DCFC EVSE, each DCFC EVSE installed shall be permitted to be substituted for other space types as follows:

1. Commercial buildings other than R-2 Occupancies shall be permitted to substitute up to 10 spaces when the building provides a minimum of 20 percent of parking spaces as a combination of EV Capable, EV ready, or EVSE installed spaces.
2. R-2 Occupancies shall be permitted to substitute up to 5 spaces when the building provides a minimum of 60 percent of parking spaces as a combination of EV Capable light, EV Capable, EV ready, or EVSE installed spaces.

CV502.1.3 EVSE installed spaces that exceed the minimum requirements of this section are permitted to be used to meet minimum requirements for EV ready spaces, EV capable spaces, and EV capable light spaces.

CV502.1.4 EV ready spaces that exceed the minimum requirements of this section are permitted to be used to meet minimum requirements for EV capable spaces and EV capable light spaces.

CV502.1.5 EV capable spaces that exceed the minimum requirements of this section are permitted to be used to meet the minimum requirements for EV capable light spaces.

CV502.1.6 All attached garages with direct connection to a dwelling unit will be required to have one EV ready space.

Table CV502.1: EV Power Transfer Infrastructure Requirements

Building Type / Space Type	EVSE Installed Space	EV Ready Space	EV Capable Space	EV Capable Light Space
All commercial buildings, except for R-2 occupancies, with 10 or less parking spaces.	0	2 spaces	0	0
Commercial buildings, except for R-2 occupancies, with greater than 10 parking spaces.	2% of spaces	8% of spaces	10% of spaces	10% of spaces
R-2 occupancies with 10 or less parking spaces	0	15% of spaces	10% of spaces	10% of spaces
R-2 occupancies with greater than 10 parking spaces.	5% of spaces	15% of spaces	10% of spaces	30% of spaces

CV502.2 EV Capable Light Spaces. Each EV capable light space shall comply with all of the following:

1. A continuous raceway and/or conduit shall be installed between a suitable electrical panel or other electrical distribution equipment and terminate within 3 feet of the EV capable light space and shall be capped. EV capable light includes two adjacent parking spaces if the raceway and/or conduit terminates adjacent to and between both parking spaces.
2. Installed raceway and/or conduit shall be sized and rated to supply a minimum of 208 volts and a minimum of 40-ampere rated circuits.
3. Dedicated physical space to accommodate all equipment necessary for electrical service to future EVSE.
4. The routing of the raceway and/or conduit must be noted on the construction documents and the raceway shall be permanently and visibly marked “EV CAPABLE” at the load center and termination point locations.

CV502.3 EV Capable Spaces. Each EV capable space shall comply with all of the following:

1. A continuous raceway and/or conduit shall be installed between a suitable electrical panel or other electrical distribution equipment and terminate within 3 feet of the EV capable space and shall be capped. EV capable includes two adjacent parking spaces if the raceway and/or conduit terminates adjacent to and between both parking spaces.
2. The installed raceway and/or conduit shall be sized and rated to supply a minimum of 208 volts and a minimum of 40-ampere rated circuits.
3. The electrical panel or other electrical distribution equipment to which the raceway and/or conduit connects shall have sufficient dedicated space and spare electrical capacity to supply a minimum of 208 volts and a minimum of 40-ampere rated circuits.
4. The termination point of the conduit and/or raceway and the electrical distribution equipment directory shall be marked: “For future electric vehicle supply equipment (EVSE).”
5. Reserved capacity shall be no less than 8.3 kVA (40A 208/240V) for each EV capable space.

CV502.4 EV Ready Spaces. Each EV ready space shall have a branch circuit that complies with all of the following:

1. Terminates at a receptacle or junction box located within 3 feet of each EV ready space it serves. EV ready includes two adjacent parking spaces if the receptacle is installed adjacent to and between both parking spaces.
2. Has a minimum circuit capacity of 8.3 kVA (40A 208/240V).
3. The electrical panel, electrical distribution equipment directory, and all outlets or enclosures shall be marked “For future electric vehicle supply equipment (EVSE).”

CV502.5 Electric Vehicle Supply Equipment (EVSE). All EVSE shall meet all of the following requirements:

1. The installed EVSE shall meet one of the following requirements:
    a. A power capacity of at least 6.2 kVa (or 30A at 208/240V) and has the ability to connect to the internet.
    b. An inductive charging system for battery-powered electric vehicles that:
        i. Is ENERGY STAR certified; and
        ii. Has the ability to connect to the internet.
2. An electric vehicle charging system shall be wall-mounted or pedestal style and may provide multiple cords to connect with electric vehicles.
3. An electric vehicle charging system shall be listed and labeled for EV charging and must comply with the current version of Article 625 of the National Electrical Code.

CV502.6 EVSE Installed Spaces. An installed EVSE with multiple output connections shall be permitted to serve multiple EVSE installed spaces. Each EVSE installed serving either a single EVSE installed space or multiple EVSE installed spaces, shall comply with all of the following:

1. Have a minimum charging rate in accordance with Section CV502.7.
2. Be located within 3 feet of each EVSE installed space it serves.
3. Be installed in accordance with Section CV502.8.
4. Have a minimum circuit capacity of 8.3 kVA (40A 208/240V).
5. Must meet the requirements of Section CV502.5.

CV502.7 EVSE Minimum Charging Rate. Each installed EVSE shall comply with one of the following:

1. Be capable of charging at a minimum rate of 6.2 kVA (or 30A at 208/240V).
2. When serving multiple EVSE installed spaces and controlled by an energy management system providing load management, be capable of simultaneously sharing each EVSE installed space at a minimum charging rate of no less than 3.3 kVA.

CV502.8 EVSE Installation. EVSE shall be installed in accordance with NFPA 70 and shall be listed and labeled in accordance with UL 2202 or UL 2594. When serving an accessible parking space, EVSE shall be accessible in accordance with the International Building Code Chapter 11.

CV502.9 Identification. Construction documents shall designate all EVSE installed spaces, EV ready spaces, EV capable spaces, and EV capable light spaces, and indicate the locations of raceway and/or conduit and termination points serving them. The circuits or spaces reserved for EVSE installed spaces, EV ready spaces, and EV capable spaces shall be clearly identified in the panel or subpanel directory. The raceway and/or conduit for EV ready spaces, EV capable spaces and EV capable light spaces shall be clearly identified at both the panel or subpanel and the termination point at the parking space.

MEETING DATE:	January 6, 2026
TO:	City Council
DEPARTMENT:	Economic Development
DIRECTOR:	Marcie Willard
PRESENTER:	Marcie Willard Director and Scott Schorling Business Development Manager
STRATEGIC PLAN FOCUS AREA:	Economic Vitality

AGENDA ITEM:
EXECUTIVE SESSION TO DISCUSS BUSINESS ASSISTANCE AGREEMENT REQUEST FOR CONFIDENTIAL BUSINESS PROSPECT

RECOMMENDED CITY COUNCIL ACTION:
Pursuant to Colorado State law and the City of Loveland Charter, I move that the Loveland City Council recess into executive session concerning a confidential business proposal with a request, made to the City, for a business assistance agreement, which may result in business development in eastern Loveland.

The executive session would be held:

- To determine a position relative to issues subject to negotiation, to receive reports on negotiation progress and status, to develop negotiation strategy, and to instruct negotiators as authorized by CRS § 24-6-402 (4)(e) and Charter Section 4-4(c)(1); AND

- To consider and discuss documents and materials related to these matters that are not subject to public inspection under the Colorado Open Records Act, as authorized by CRS § 24-6-402(4)(g); AND

- To discuss matters of attorney-client privilege, to receive legal advice from an attorney representing the City, and for matters required by law to be kept confidential as authorized by CRS Section 24-6-402 (4)(b) and Charter Section 4-4(c)(3).

OPTIONS:

COUNCIL ACTION OPTIONS	CONSEQUENCE
Approve the Motion	City Council will receive information on a proprietary business proposal regarding this matter
Deny the motion or take no action	City Council will not recess into Executive Session
Adopt a Modified Action	Specify in the motion
Refer back to Staff	City Council may refer back to City staff for further consideration

SUMMARY:

Purpose: City staff will provide City Council with information regarding a proprietary and confidential business proposal

Objective: Staff wishes to obtain direction from Council regarding next steps in the negotiations

Impact: Direction from City Council will assist staff in future negotiations

Council Follow-up: None

BUDGET IMPACT:

Budgetary Impact?	Funds Impacted: N/A
	Source(s) of Funding: N/A
Grant Funding?	Grantor(s) (State or Fed): N/A
	City Matching Requirement: N/A
	On-going or One-Time: N/A
	If On-going, when does the grant sunset? N/A
Additional Comments:	There is no impact on the general fund at this time

STRATEGIC PLAN FOCUS AREA

Focus	Economic Vitality
Strategy (if applicable)	Attract New Businesses & Visitors
Priority (if applicable)	New Business Attraction
Notes	

COUNCIL OR BOARD/COMMISSION REVIEW:
Type of Meeting: N/A

Date of Meeting: August 5, 2025

Resulting Vote: N/A

Discussion: N/A

BACKGROUND:
History:
N/A

Outreach and Notification Efforts: N/A

Conditions met/or anticipated: N/A

Start and End Dates (of studies, design, construction, or in service/operational): N/A

ANALYSIS TABLE:

Yes: ☐ **No:** ☒

LIST OF ATTACHMENTS:
None