

Trespass Ordinance Information

Business owners in Aurora need to know what to do in the event that someone trespasses on their private commercial property, regardless of whether or not the person performing the trespassing act is considered to be “housed” or “un-housed.” (Please check with your own legal counsel on what is recommended for your own private property.)

Panhandling is legal in Aurora, except in cases when the person steps off the curb onto the street to accept cash from a vehicle, putting themselves at risk, and in the instance of aggressive panhandling. On your private commercial property, the only tool in your tool box is the trespass ordinance.

Here are the three steps you need to take in order to allow Aurora police to enforce the trespass ordinance on your private commercial property: POSTING/LETTER/WARNING

- 1) **Posting proper signage:** Post proper “no trespassing” signs on your property. Signs should be readily visible by people coming onto your property (see sign example).
- 2) **Letter on file with Aurora Police:** Submit a letter to the Aurora police granting them permission to go onto your property to enforce the trespass ordinance (see sample with instructions).
- 3) **Warning:**

Tag vehicles as a warning first: For vehicles that are parked overnight in your commercial lot that you want removed, you can use the parking “tag” reminder. If the vehicle still is not moved, you can use the trespass ordinance (as above) to “trespass” **the people** associated with the vehicle. However, it is the responsibility of the property owner to have the vehicle towed off of a private parking lot. Aurora police cannot tow a vehicle off of a private lot. (See the attached sample tag wording)

A warning is issued first: Once you have the proper signage in place and the letter of consent on file with Aurora police, when you call the **police dispatch number 303-627-3100** to report a trespass incident, police will respond and make contact with the person who is trespassing on your private commercial property. Police will take down that person’s information and give them a warning, in writing, informing them that they are trespassing on private commercial property. Then, the next time that person comes onto your property and you call police to report the trespassing incident, police will be able to cite the person for trespassing.

Another alternative is coming soon--Street Outreach Update: Aurora City Council has approved the purchase of one van and the hiring of two counselors **each** for Aurora Mental Health and Comitis Crisis Center using marijuana tax revenues. Once the outreach teams are up and going, we will distribute a card with phone numbers for you to call to have the street outreach team come out to assess the needs of people who are trespassing on your property. The outreach team will be able to transport people up to services as needed. Of course, transport to services is voluntary. If someone refuses transport and help from the street outreach team and refuses to leave your property even after a warning, your options are to allow them to continue to remain on your property or use the trespass ordinance procedure noted above.

(Attached is a copy of the Trespass Ordinance)

We will pass along more information about the Street Outreach program with phone numbers for you to call once that info is available.

Gayle Jetchick, Executive Director
Havana Business Improvement District 303-360-7505

Sample "No Trespassing" Sign wording

THIS IS PRIVATE PROPERTY

NO TRESPASSING

Solicitations, loitering, panhandling,
urban camping or other unauthorized
uses are strictly prohibited on
this property.

**PARKING RESERVED FOR
CUSTOMERS ONLY**

Unattended vehicles will be towed
At Vehicle Owners Risk & Expense
This Private Property is NOT
responsible for Theft, Vandalism
or damage to Vehicles or Contents.

Name of your property

IS PRIVATE PROPERTY

NO TRESPASSING

Solicitation, loitering, panhandling or distribution of handbills is strictly prohibited on this property.

NO

Skateboards or rollerblades allowed on sidewalks or parking lot

PARKING RESERVED FOR CUSTOMERS ONLY

UNAUTHORIZED VEHICLES WILL BE TOWED AT VEHICLE OWNER'S RISK AND EXPENSE

Shopping Center is NOT responsible for Theft, Vandalism or Damage to Vehicles or Contents.

SAMPLE OF TRESPASS LETTER OF CONSENT FOR THE AURORA POLICE

YOUR BUSINESS LETTERHEAD

DATE: _____

TO: THE AURORA POLICE DEPARTMENT, 15001 E. Alameda PKWY, Aurora, CO 80012

RE: OWNERSHIP ENTITY (NAME OF PROPERTY AND ADDRESS)
MANAGING AGENT NAME
PROPERTY MANAGER AND/OR REPRESENTATIVE

Please let this letter serve as authorization to the Aurora Police Department for the purpose of protecting the Private Property know as _____ located at _____ (Please refer to attached site map for property location.)

The access to this private property is solely for the following:

- The conduct of business by center merchants, their employees and agents
- Customers while patronizing our tenants' businesses
- Pre-authorized activities on the common area of the center by non-profit organizations that have applied for, obtained and can produce their USE PERMIT issued by **PROPERTY OWNER'S NAME**
- Pre-authorized Public Speech activity on the common area of the property that have applied for, obtained and can produce their USE PERMIT issued by **PROPERTY OWNER'S NAME**

All other activity such as panhandling, loitering, soliciting, camping, overnight parking, etc., is unauthorized use of the common area of this property. As agent for the owner and property manager for the center, I authorize the Aurora Police Department to intervene and remove and/or cite all trespassers at any time of the day or night as the officer sees appropriate.

Thank you for your presence on our property and your cooperation in maintaining the safety of our property and its tenants.

SIGNED BY THE PROPERTY MANAGER
TITLE

Attachment (map of property)

Sample
"Tag"

NOTICE – PARKING VIOLATION

DATE: _____ TIME: _____

LICENSE NO.: _____

MAKE/MODEL: _____ COLOR: _____

THIS IS A COURTESY NOTIFICATION of a parking infraction on _____ property, as indicated below:

- Private Parking - Tenants and customers ONLY while shopping.
As posted:
**VIOLATION CONSTITUTES
TRESPASS – VIOLATORS SUBJECT TO
CITATION AND TOW**
- Handicapped - Unauthorized/no tag displayed
- Fire Lane
- Driveway
- Motorcycle Parked on Sidewalk
- Overnight Parking
- Advertising of vehicle(s) for sale on private property of others
- Blocking Dumpster
- Blocking Traffic
- Lease Violation. (Tenant or employee vehicle in prime customer parking (refer to Tenant map for authorized parking areas.) One courtesy notice only – repeat violation will result in towing of vehicle.

Please remove this vehicle by _____ a.m./p.m., Date _____, or it will be ticketed and/or towed.

License # recorded. Repeat violation will result in ticketing and towing of vehicle at owner's expense, without further notice.

(List Ownership Entity here)

Sec. 94-71. - Trespass.

- (a) It shall be unlawful to commit trespass in the city. Private property within this section shall include private property where the public is a business invitee. A person commits trespass if that person:
- (1) Enters upon or refuses to leave any private property of another, where such property has been posted with "no trespass" signs, which are visible to persons entering upon the private property or which have been posted at reasonable intervals along the property boundary.
 - (2) Enters upon or refuses to leave any private property of another, when immediately prior to such entry or refusal to leave oral or written notice is given by the owner, a police officer or firefighter acting in the course of his or her employment or person responsible for the care of the property that such entry or continued presence is prohibited.
 - (3) Enters upon or refuses to leave any public place after receiving a lawful order to leave from any police officer or firefighter acting in the course of assigned duties.
 - (4) Enters upon or refuses to leave the property of any parochial school, private school, or public school district where such property is used for the education of persons, after being told not to enter or after being told to leave by the principal, teacher, staff member, or by any person entrusted with the authority to maintain and supervise the property.
 - (5) Enters or remains in or upon premises which are enclosed in a manner designed to exclude intruders or which are fenced.
 - (6) Without being licensed, invited by a person with authority, or otherwise privileged, enters or remains in or upon premises of another.
 - (7) Enters or remains in or upon the building, property or premises of any parochial school, private, or public school where such property or premises has been posted with "no trespassing" signs at the public entries to the building, property, or premises and such person is not a student enrolled in that school, an employee of the school district, or a parent or custodian of a student enrolled in that school. For the purposes of this subsection, the term "student" shall not include any person who is enrolled in the school, but is suspended, expelled, or otherwise prohibited from attending classes on the date and time of the alleged violation.
 - (8) Enters or remains upon any private property or any building or property of any commercial establishment after such person has been given notice, in writing, signed by the owner or other person with authority to control access, that such person is prohibited from returning to such property or commercial establishment.
- (b) It shall be an affirmative defense to charges under subsections (a)(1) through (5) and (7) of this section that the defendant is licensed, invited by a person with authority, or otherwise privileged to so enter, remain, or refuse to leave.
- (c) As used in this section, the term "premises" means real property, buildings, and other improvements thereon and the stream banks and beds of any nonnavigable freshwater streams flowing through such real property.
- (d) It shall be an affirmative defense to charges under subsections (a) (1), (2), (5) and (6) of this section that it was necessary for the person to enter and remain upon the premises to perform a duty imposed by law.

(Code 1979, § 27-50; Ord. No. 2009-18, § 1, 4-13-2009)