

ORDINANCE NO. 043, 2019
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPROPRIATING PRIOR YEAR RESERVES IN THE
GENERAL FUND TO INCREASE STAFFING FOR OUTDOOR
RESIDENTIAL WOOD BURNING PROGRAM SUPPORT

WHEREAS, on December 1, 1987, the City Council adopted Ordinance No. 180, 1987, amending the City Code to include as a public nuisance certain types of air pollutants; and

WHEREAS, since the adoption of those Code provisions, as scientific knowledge has grown and citizen concerns have changed, subsequent City Councils have amended the Code to regulate different types of public nuisances with regard to air pollution; and

WHEREAS, in recent years, concerns have been reported to City Staff regarding nuisance impacts from wood fires in residential neighborhoods; and

WHEREAS, in May 2017, Council identified backyard fire pits as a priority issue, prompting efforts to explore policy options to help mitigate potential smoke impacts on air quality and public health, as well as improve neighborhood livability; and

WHEREAS, wood smoke is considered an air pollutant because it is made up of gases and particles, both of which can cause health concerns; and

WHEREAS, on December 19, 2006, City Council adopted Ordinance No. 198, 2006, which decriminalized certain provisions of the Code, including several provisions of Chapter 20, related to public nuisances, and designated many offenses against property as civil infractions; and

WHEREAS, on further review of Chapter 20, City Council believes violations of the air pollution nuisance Code should be civil rather than criminal in nature; and

WHEREAS, City Council believes adding requirements to the air pollution nuisance provision of the Code would help mitigate nuisance effects of wood burning in neighborhoods; and

WHEREAS, this appropriation benefits the public health, safety and welfare of the citizens of Fort Collins and serves the public purpose of mitigating air pollutant impacts to the citizens of Fort Collins; and

WHEREAS, Article V, Section 9 of the City Charter permits the City Council to appropriate by ordinance at any time during the fiscal year such funds for expenditure as may be available from reserves accumulated in prior years, notwithstanding that such reserves were not previously appropriated; and

WHEREAS, the City Manager has recommended the appropriation described herein and determined that this appropriation is available and previously unappropriated from the General


Fund and will not cause the total amount appropriated in the General Fund to exceed the current estimate of actual and anticipated revenues to be received in that fund during any fiscal year.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That there is hereby appropriated from prior year reserves in the General Fund the sum of THIRTEEN THOUSAND FOUR HUNDRED NINE DOLLARS (\$13,409) for expenditure in the General Fund for the Outdoor Residential Wood Burning Program.

Introduced, considered favorably on first reading, and ordered published this 5th day of March, A.D. 2019, and to be presented for final passage on the 19th day of March, A.D. 2019.



Mayor

ATTEST:



City Clerk



Passed and adopted on final reading on the 19th day of March, A.D. 2019.



Mayor

ATTEST:



City Clerk

