

EMERGENCY ORDINANCE NO. 070, 2020
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPROVING EMERGENCY RULES AND REGULATIONS
ENACTED BY THE CITY MANAGER PURSUANT TO THE
LOCAL COVID-19 EMERGENCY

WHEREAS, the City of Fort Collins is threatened with serious injury and damage, consisting of widespread human and economic impact caused by the Novel Coronavirus 2019 (COVID-19); and

WHEREAS, in early March declarations of emergency regarding COVID-19 were issued by President Trump, Governor Polis and the Larimer County Department of Public Health and Environment; and

WHEREAS, on March 13, 2020, in order to undertake emergency measures to protect the life, health, safety and property of the citizens of the City and persons conducting business therein, and in order to attempt to minimize the loss of human life and the preservation of property, the City Manager, as the Director of the City's Office of Emergency Management, proclaimed a "local emergency" in accordance with Section 2-671(a)(1) of the City Code and activated the Emergency Operations Plan established pursuant to Section 2-673 of the City Code; and

WHEREAS, the City Council extended the local emergency until such time as the City Manager determines in writing that the conditions justifying the local emergency no longer exist, with the adoption of Resolution 2020-030 on March 20, 2020; and

WHEREAS, having proclaimed a local emergency, the City Manager has issued emergency rules and regulations in order to protect the health and safety of City residents and visitors; and

WHEREAS, at its adjourned meeting on March 31, 2020, the City Council adopted Resolution 2020-032, approving the Emergency Rules and Regulations that had as of that date been issued by the City Manager, including the following:

- a. Emergency Regulation No. 2020-01, Authorizing Emergency Purchases pursuant to City Code Section 8-161(b)(1), dated March 17, 2020; and
- b. Emergency Regulation No. 2020-02, suspending certain legal requirements to allow the operation of a day shelter, homeless shelter, and/or seasonal overflow shelter at the Northside Aztlan Community Center, dated March 19, 2020; and
- c. Emergency Regulation No. 2020-03, suspending fares for all Transfort bus routes within the City, including FLEX and MAX routes and Dial-a-Ride trips, dated March 19, 2020; and
- d. Emergency Regulation No. 2020-04, suspending the operation of the requirements of City Code Chapter 26 related to disconnecting City non-telecommunication utility services to a premise upon non- or late payment of

utility service fees during the pendency of the local emergency or other applicable order, dated March 20, 2020; and

- e. First Amended Emergency Regulation No. 2020-05A, suspending the prohibition on occupying recreational vehicles on private property, with written permission from the property owner, for working, living, or sleeping purposes in order to use that recreational vehicle to promote physical distancing and/or quarantine, dated March 30, 2020;

and

WHEREAS, at its regular meeting on April 7, 2020, the City Council adopted Resolution 2020-036, approving the Emergency Rules and Regulations that had as of that date been issued by the City Manager, including the following:

- a. Emergency Regulation No. 2020-06, authorizing places of worship or assembly to conduct live religious services on their property so long as attendance is viewed remotely from on the property in vehicles provided physical distancing requirements are met and provided the arrangement is permitted by State and County “stay-at-home” orders, dated April 1, 2020; and
- b. Emergency Regulation No. 2020-07, limiting enforcement for certain types of parking violations (block face restrictions, overtime, expired tags, and residential parking permit violations) and easing certain requirements related to parking tickets, dated April 1, 2020; and
- c. Emergency Regulation No. 2020-08, authorizing certain temporary sign, banner and pennant encroachments by essential businesses during the local emergency, dated April 4, 2020;

and

WHEREAS, at its regular meeting on April 21, 2020, the City Council adopted Resolution 2020-038 approving the Emergency Rules and Regulations that as of that date been issued by the City Manager, including the following:

- a. Emergency Regulation No. 2020-09, designates an outdoor emergency shelter area at the Northside Aztlan Community Center and adopts Temporary Outdoor Shelter Regulations that will govern the use of the outdoor emergency shelter area, including a prohibition on the open carrying of firearms within the designated outdoor shelter area; and
- b. Emergency Regulation No. 2020-010, waiving the requirements of the City Land Use Code, Building Code and Fire Code for the property at 1125 W. Myrtle Street (the former Elderhaus property off of Shields Street owned by CSURF) so that it can be used to shelter people experiencing homelessness who test positive or are presumed to have COVID-19; and
- c. Emergency Regulation No. 2020-011, suspending the City Code requirement that solid waste collectors make curbside pickup of residential yard trimmings

available at least weekly from April 1 to November of each year, so no residential yard trimming pickup is *required* from April 1 to June 30, 2020, while allowing the haulers to offer this service if they are willing and able to; and

- d. Emergency Regulation No. 2020-012 authorizing scheduled route reductions for Transfort to respond to the pandemic as needed;

and

WHEREAS, the City Manager has since issued additional Emergency Rules and Regulations (collectively referred to as the “New Emergency Rules and Regulations”), as follows:

- a. Emergency Regulation No. 2020-013 authorizing the City Building Official to accept satisfactory evidence that an applicant has previously passed the 2009 version of the IBC contractor licensing examination because applicants are unable to test and receive a passing certificate for the current International Building Code (“IBC”) adopted by the City of Fort Collins (2018) during the current Local Emergency due to closure of licensing examination facilities, commencing immediately and continuing through the end of the Local Emergency or such time as the locally designated testing facilities that proctor compliant IBC general licensing examinations reopen, whichever first occurs; and
- b. Emergency Regulation No. 2020-014, permitting the continued use of the Community of Christ Church at 220 E. Oak Street as a seasonal overflow shelter during the COVID after the end of April;
- c. Amended Emergency Regulation No. 2020-015A, requiring the wearing of face coverings in enclosed areas to which the public is invited or in which workers are working, in City buildings and facilities and in certain outdoor locations;

and

WHEREAS, in addition, the City Manager has suspended the operation of Emergency Rules and Regulation No. 2020-09, regarding the operation of a temporary outdoor shelter area on City property near the Northside Aztlan Community Center, unless and until there is a further need for that temporary outdoor shelter facility to resume operation; and

WHEREAS, Section 2-671(a)(6)(a) of the City Code provides that the emergency rules and regulations must be confirmed at the earliest practical time by the City Council; and

WHEREAS, the Council has determined that each of the Emergency Regulations (No. 2020-01 through No. 2020-015A) described above is reasonably necessary to the protection of life, health, safety and property of the residents of and visitors to Fort Collins; and

WHEREAS, the Council has further determined that the enforcement of violations of Amended Emergency Regulation No. 2020-015A as civil infractions rather than criminal misdemeanors will better serve the purposes of the Regulation and further its effectiveness; and

WHEREAS, approval of all Emergency Rules and Regulations by ordinance will ensure that they are enforceable to the fullest extent of the law, and Council therefore wishes to approve them by the adoption of this Ordinance; and

WHEREAS, Article II, Section 6 of the City Charter authorizes the Council to adopt emergency ordinances, which shall be finally passed on first reading by the affirmative vote of at least five members of the Council and which shall contain a specific statement of the nature of the emergency.

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

Section 1. That the City Council hereby makes any and all determinations and findings contained in the recitals set forth above and finds that an emergency exists requiring the immediate adoption of this Ordinance under Article II, Section 6 of the City Charter to enable the City to carry out and fully enforce the terms of each of the above-described Emergency Rules and Regulations, in order to protect the health, safety and welfare of the people of Fort Collins in light of the above-described local emergency.

Section 2. That the City Council hereby finds that the City Manager's establishment of the Emergency Rules and Regulations, including the New Emergency Rules and Regulations attached hereto as Exhibit A, Exhibit B and Exhibit C and incorporated herein by this reference, was necessary in the interest of protecting the life, health, safety and property of the citizens of Fort Collins.

Section 3. That the City Council hereby confirms, ratifies and approves each of the above-described Emergency Rules and Regulations as of the date of their establishment by the City Manager, including modifications made by this Ordinance.

Section 4. That the City Council hereby approves the enforcement of violations of Amended Emergency Regulation No. 2020-015A as civil infractions under City Code Section 1-15(f), as an exception to the requirement in City Code Section 2-671(e) that such violations shall be punishable as criminal misdemeanors.

Section 5. That the City Clerk is hereby directed to cause the publication of this Emergency Ordinance in accordance with the Fort Collins City Charter.

Introduced, considered favorably by at least five (5) members of the Council of the City of Fort Collins and finally passed as an emergency ordinance and ordered published this 5th day of May, 2020.

DocuSigned by:
Wade Troxell
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Mayor

ATTEST:

DocuSigned by:
Silvan Calderon
DA94896740DA4BA...

City Clerk



EXHIBIT A
City Manager's Office
300 Laporte Avenue
PO Box 580
Fort Collins, CO 80522
970.221.6505
970.224.6107
fcgov.com

EMERGENCY RULES AND REGULATIONS

No. 2020-13

To all persons take notice:

That for the protection of life, health, safety and property as affected by reason of the Novel Coronavirus 2019 (COVID-19), which resulted in my declaration of a "local emergency" under the authority of Chapter 2, Article IX of the Code of the City of Fort Collins, (City) and which declaration of local emergency was filed with the City Clerk and with the Colorado Division of Emergency Management on March 13, 2020 and extended by City Council adoption of Resolution 2020-030 on March 20, 2020 (Local Emergency), I have hereby established, under the authority of City Code Sec. 2-671(a)(6)a, and 2-675 the following emergency rules and regulations (Emergency Regulation):

1. Because applicants are unable to test and receive a passing certificate for the current International Building Code ("IBC") adopted by the City of Fort Collins (2018) during the current Local Emergency due to closure of licensing examination facilities, commencing immediately and continuing through the end of the Local Emergency or such time as the locally designated testing facilities that proctor compliant IBC general licensing examinations reopen and resume testing, whichever first occurs, I authorize the City Building Official to accept satisfactory evidence that the applicant has previously passed the 2009 version of the IBC contractor licensing examination.
2. I find that this Emergency Regulation is reasonable and necessary to promote the physical and economic health, safety and welfare of the public as it will:
 - a. Temporarily take precedence over the requirements of section 5-26, Adoption of Standards and Section 15-157, supervisor certificate; fees; examinations; renewals; which currently require, a general contractor seeking to receive or renew their license through the City to present evidence of passing the most recent version of the IBC contractor licensing examination.
 - b. Recognize that construction continues to be considered a critical function and facilitate provision of necessary construction services to citizens of Fort Collins.
 - c. Allow essential construction business to continue to be provided by qualified contractors during closure of the locally designated testing facilities, protecting the economic and physical security of the residents of Fort Collins.



3. Pursuant to Section 2-671(e) of the City Code, the rules and regulations set forth herein shall be disseminated to local radio and television stations and to a newspaper having a general circulation within the City. A knowing violation of these rules and regulations shall be a misdemeanor punishable under Section 1-15 of the City Code.

This Emergency Regulation shall remain in effect as expressly set forth above or until superseded, rescinded or extended by a subsequent emergency regulation, or through the end of the Local Emergency or the reopening of the testing facilities, whichever first occurs.

DATED this 24 day of April, A.D. 2020.

DocuSigned by:

Darin A. Atteberry _____

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Darin A. Atteberry, City Manager

**EXHIBIT B**

City Manager's Office
 300 Laporte Avenue
 PO Box 580
 Fort Collins, CO 80522

970.221.6505
 970.224.6107
 fcgov.com

EMERGENCY RULES AND REGULATIONS**No. 2020-14**

To all persons take notice:

That for the protection of life, health, safety and property as affected by reason of the COVID-19 Event, which resulted in my declaration of a "local emergency" under the authority of Chapter 2, Article IX of the Code of the City of Fort Collins, (the "City") and which declaration of local emergency was filed with the City Clerk and with the Colorado Division of Emergency Management on March 13, 2020, and extended by City Council adoption of Resolution 2020-030 on March 20, 2020, I have hereby established, under the authority of Sec. 2-671(a)(6)a, the following rules and regulations:

1. Commencing on May 1, 2020, and until further notice, the requirements of the Fort Collins Land Use Code that limit the operation of "seasonal overflow shelters" to the period from the beginning of November to the end of April shall not apply to the use of the property owned by the Reorganized Church of Jesus Christ of Latter Day Saints, a Missouri nonprofit corporation d/b/a Community of Christ ("Owner") and located at 220 E. Oak Street, Fort Collins, Colorado 80524, as a temporary shelter for persons experiencing homelessness.
2. The Seasonal Overflow Shelter Operating Agreement dated November 1, 2019, between the City, the Owner, and Catholic Charities and Community Services of the Archdiocese of Denver, Inc., as required by Section 3.8.33(C)(1)(c) of the Land Use Code and related agreements may be extended by mutual agreement of the parties beyond April 30, 2020, but must terminate upon suspension of this emergency regulation.
3. Nothing in this emergency regulation shall prevent the City from utilizing such other legal mechanisms as are available to it, including, without limitation, the Fire Code, the Building Code, Chapter 20, Article I of the City Code and/or the Uniform Code for abatement of dangerous buildings in cases of emergency.

Pursuant to Section 2-671(e) of the City Code, the rules and regulations set forth herein shall be disseminated to local radio and television stations and to a newspaper having a general circulation within the City.

DATED this 28 day of April, A.D. 2020.

DocuSigned by:

Darin A. Atteberry

Darin A. Atteberry, City Manager



City Manager's Office
300 Laporte Avenue
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AMENDED EMERGENCY RULES AND REGULATIONS

No. 2020-15A

To all persons take notice:

That for the protection of life, health, safety and property as affected by reason of the Novel Coronavirus 2019 (COVID-19), which resulted in my declaration of a “local emergency” under the authority of Chapter 2, Article IX of the Code of the City of Fort Collins, (the “City”) and which declaration of local emergency was filed with the City Clerk and with the Colorado Division of Emergency Management on March 13, 2020, and extended by City Council adoption of Resolution 2020-030 on March 20, 2020, I have hereby established, under the authority of Sec. 2-671(a)(6)a, the following rules and regulations:

1. Purpose, Effective Area. This Emergency Regulation is being issued to limit the health impacts of COVID-19. This Regulation sets forth requirements for the public to utilize face coverings inside of public places, to slow the spread of the COVID-19 virus. This Order is effective within the entirety of the territory of the City of Fort Collins, Colorado.

2. Effective Date and Time, Limitations. The Emergency Regulation will become effective upon approval by the City Council of the City of Fort Collins-and will remain in effect until May 30, 2020.

3. Definitions.

- a. **Face Covering** shall mean a uniform piece of material that securely covers a person’s nose and mouth and remains affixed in place without the use of one’s hands. Face Coverings include, but are not limited to, bandanas, medical masks, cloth masks and gaiters.

4. Face Coverings required. All persons shall wear Face Coverings when entering and while inside:

- a. Any enclosed area, including retail and commercial businesses or on-site service providers, to which the public is invited or in which workers, including volunteers, from more than one household are present;
- b. Any City of Fort Collins building or indoor City facility;
- c. Any public transportation, including City Transfort buses and bus shelters;
- d. Any other public indoor place where persons are unable to maintain safe social distancing (six or more feet separation) from others not of their own household; or



e. Any outdoor seating or patio area of a place that falls within Section 4(a).

5. Face Coverings for workers. All employers shall require, and make reasonable efforts to provide, Face Coverings to employees, volunteers and other workers in their places of employment that fall within the scope of Section 4 of this Regulation.

6. Exceptions. Nothing herein shall require the wearing of face coverings by the following persons or on the following properties:

- a) Persons under the age of ten years or children within a childcare facility;
- b) Persons for whom a face covering would cause impairment due to an existing health condition and who present a doctor's note to that effect;
- c) Persons working in a professional office or other workspace who do not have any face-to-face interactions with or share workspace with other persons;
- d) If the person is undergoing a medical or dental procedure that requires access to the person's mouth or nose; and
- e) Property owned or operated by the federal, state or county governments.
- f) Persons who are customers of banks, financial institutions, and pawn shops, however, employees of these places must still wear face coverings.

7. General Information for all Persons. Pursuant to federal Centers for Disease Control guidance, the public is strongly encouraged to wear cloth Face Coverings that:

- Fit snugly but comfortably against the side of the face;
- Are secured with ties or ear loops;
- Include multiple layers of fabric;
- Allow for breathing without restriction; and
- Are able to be laundered and machine dried without damage or change to shape.

Information on making such masks can be found at: <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/diy-cloth-face-coverings.html>

THE PUBLIC IS DISCOURAGED FROM ATTEMPTING TO ACQUIRE HEALTH CARE AND INDUSTRIAL FACE COVERINGS THAT ARE NECESSARY TO PROTECT HEALTH CARE WORKERS DURING THE COVID-19 PANDEMIC.

These actions will limit the cascading impacts on critical services by limiting spread of COVID-19. This Regulation and actions will help hospitals, first responders, and other healthcare services continue to provide services for those who need them (along with utilities, human services, and businesses) in the coming weeks and months. Collective action can save lives and is in support of the most vulnerable in our community.

8. Most Restrictive Standard Controls. To the extent any State and/or Federal orders or laws are more restrictive than what is set forth herein, such orders control.



9. Signage Required. Any property that is subject to Section (4) of this emergency rule must display signage in a prominent area of the property that informs members of the public in both the English and Spanish languages about the requirement to wear Face Coverings while entering and within the property. Sample signage can be found at www.fcgov.com/coronavirus.

10. Enforcement Process. Any person with operational control of a property or area covered by this Regulation may notify any person entering that property or area of the requirement to wear a Face Covering and, if the person does not comply with the Face Covering request, such person must leave the property or area that requires a Face Covering.

11. Penalties.

Any person who, after being asked to wear a Face Covering, or to leave the property, continues to remain in the area or on the property requiring a Face Covering without wearing a Face Covering, shall be guilty of a civil infraction pursuant to Section 1-15(f) of the City Code.

12. Reporting Violations. Members of the public can report suspected violations of this emergency rule at www.fcgov.com/accessfortcollins or by calling (970)-416-2200. Please do not call 911 to report violations of this emergency rule.

13. Dissemination. Pursuant to Section 2-671(e) of the City Code, the rules and regulations set forth herein shall be disseminated to local radio and television stations and to a newspaper having a general circulation within the City.

DATED this 5th day of May, A.D. 2020.

This regulation was approved by Council with the adoption of Emergency Ordinance No. 070, 2020, on May 5, 2020.