

EMERGENCY ORDINANCE NO. 073, 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 Transport to respond to the pandemic as needed;

and

WHEREAS, at its regular meeting on May 5, 2020, the City Council adopted Emergency Ordinance No. 070, 2020, approving the Emergency Rules and Regulations that as of that date been issued by the City Manager, including the following:

- a. Emergency Regulation No. 2020-013 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, the City Manager has since issued an additional Emergency Rule and Regulation (collectively referred to as the “New Emergency Rules and Regulations”), as follows:

- a. Emergency Regulation No. 2020-016, waiving the requirement set forth in City Code Section 2-183(4) that proposed uses of Community Development Block Grant funds received from the Department of Housing and Urban Development be submitted to the Community Development Block Grant Commission (“CDBG Commission”) for

recommendations to City Council regarding the use of said funds, for proposed expenditures of special Community Development Block Grant Coronavirus (“CDBG-CV”) funds. In lieu of submission of the proposed use of CDBG-CV funds to the CDBG Commission, the Director of Social Sustainability (“Director”) or their designee shall consult with appropriate City staff regarding the effective use of the CDBG-CV funds consistent with the CDBG-CV program objectives and then submit recommendations to City Council for consideration;

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, 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 ORDAINED 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, 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 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 19th day of May, 2020.



Mayor

ATTEST:



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. 2020-16

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 City Code Section 2-671(a)(6)a, the following rules and regulations:

1. Commencing upon the date signed below, and until further notice, the requirement set forth in City Code Section 2-183(4) that proposed uses of Community Development Block Grant funds received from the Department of Housing and Urban Development be submitted to the Community Development Block Grant Commission ("CDBG Commission") so the CDBG Commission may make recommendations to City Council regarding the use of said funds, shall not apply to proposed expenditures of special Community Development Block Grant Coronavirus ("CDBG-CV") funds.
2. In lieu of submission of the proposed use of CDBG-CV funds to the CDBG Commission, the Director of Social Sustainability ("Director") or their designee shall consult with appropriate City staff regarding the effective use of the CDBG-CV funds consistent with the CDBG-CV program objectives and then submit recommendations to City Council for consideration.
3. I find that this emergency rule and regulation is reasonable and necessary to more quickly and efficiently identify priority needs and uses of this critical funding to assist with the response for, and recovery of, those in the community who have been negatively impacted by the COVID-19 pandemic. This emergency rule and regulation promotes the health, safety and welfare of the public because it will provide an expedited way for the City to fund CDBG-eligible uses, including assisting low- and moderate-income persons with immediate financial assistance.

Amended Emergency Rules and Regulations
May 7, 2020
Page 2 of 2



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.

DATED this 7th day of May, A.D. 2020.

DocuSigned by:

0F393F2B13454CC...
Dawn A. Atchberry, City Manager