

AGENDA ITEM SUMMARY

January 16, 2018

City Council

STAFF

Craig Dubin, Transfort Communications and Admin Mgr
Chris Van Hall, Legal

SUBJECT

First Reading of Ordinance No. 016, 2018 Amending Article 5, Section 23-140 of the Code of the City of Fort Collins to Add a Definition of "Facilities".

EXECUTIVE SUMMARY

The purpose of this item is to amend Section 23-140 of the City Code to add a definition of "Facilities" which includes buildings, structures, vehicles, buses, and public parking areas. This amendment will grant express authority to the City Manager to set administrative policy related to conduct on Transfort buses and other transit facilities.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

BACKGROUND / DISCUSSION

Under Section 23-140 of the City Code, the City Manager is authorized to establish rules and regulations governing the conduct of the general public's use of City-owned facilities. Currently, Section 23-140 does not expressly state that Transfort buses, structures and public parking areas are subject to rules and regulations set by the City Manager. Transfort transports approximately 18,000 passengers per day at peak service. Many of the riders are youth, seniors and persons with disabilities. While the overwhelming majority of customer experiences are peaceful, there are intermittently occasions where intoxicated or otherwise unruly passengers pose risks to other passengers. When staff is made aware of any potential safety or security risk by passengers exhibiting harassing or threatening behaviors, the only recourse currently is to have the passenger removed from the bus.

Adding a definition for "facilities" that includes buses, structures and public parking areas would expressly authorize the City Manager to establish rules allowing for the creation of an administrative policy that would outline prohibited conduct while on or in Transfort buses, structures and public parking areas. The change would also expressly authorize the City Manager to establish a process to suspend or ban individuals from using Transfort facilities for engaging in prohibited conduct, including an appeal process for the review of any suspension or ban. The change would also make it clear that Transfort buses, parking structures and public parking areas are "facilities" for purposes of the City's administrative policies, which would allow Transfort to follow established processes for City facilities that are set forth in those policies.

ORDINANCE NO. 016, 2018
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING ARTICLE 5, SECTION 23-140 OF THE CODE OF THE CITY
OF FORT COLLINS BY ADDING A DEFINITION OF “FACILITIES”

WHEREAS, the City has acquired and constructed various recreational, cultural, educational, transportation and other facilities, which it operates for the benefit of the citizens of Fort Collins; and

WHEREAS, the City is responsible for managing its facilities in a manner that protects and preserves the facility, protects City staff and property, and enhances the use and enjoyment of those facilities by the public for their intended purposes; and

WHEREAS, the City desires to manage the conduct of users of those facilities so that visitor enjoyment, safety and the facilities themselves are appropriately protected; and

WHEREAS, in order to provide for the specific day-to-day operations of those facilities, and to address the particular needs of each facility, which may vary substantially from one to another, the City Manager currently follows certain procedures to adopt administrative rules and regulations governing conduct of users of City facilities; and

WHEREAS, the City desires to add a definition of “facilities” to clarify that this procedure to adopt rules and regulation applies to all property owned or operated by the City.

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 Section 23-140 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 23-140. - Rules and regulations.

(a) For purposes of this article, the term “facility” shall include, but not be limited to, buildings, structures, vehicles, buses, and public parking areas, excluding streets, sidewalks and other City rights-of-way.

~~(a)~~(b) The City Manager is hereby authorized to establish such rules and regulations governing the conduct of the general public's use of facilities owned or operated by the City, ~~excluding streets, sidewalks and other City rights-of-way,~~ as the City Manager may determine are necessary and appropriate to serve one (1) or more of the following purposes:

- (1) The protection of such facilities, or any other City property or facility;

- (2) The protection of the safety, well-being and property of persons using such facilities;
- (3) The protection of the use and enjoyment of such facilities by the general public; or
- (4) The needs and objectives of the City in maintaining and operating such facilities, and/or the natural environment in general.

~~(b)~~(c) Such regulations may be established for selected individual facilities or groups of facilities, provided that the scope of any regulations shall be clearly stated therein, and shall become effective upon the filing of such regulations with the office of the City Clerk and the posting of a notice of the adoption of the regulations at all public entrances of the affected facilities. Such notice shall include the effective date of the regulations, and notice that the full text of the regulations is on file in the office of the City Clerk and at the affected facilities, and is available for public review. The City Manager, or his or her designee, shall have the power to exclude any and all persons who willfully or knowingly violate any such regulations from the use and benefit of any or all City facilities, subject to any enforcement procedures set forth in such regulations. No such regulations shall be deemed to apply to emergency or law enforcement operations, or to City management and maintenance activities, to the extent their application would impair the performance of the same.

Introduced, considered favorably on first reading, and ordered published this 16th day of January, A.D. 2018, and to be presented for final passage on the 6th day of February, A.D. 2018.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading on the 6th day of February, A.D. 2018.

Mayor

ATTEST:

City Clerk