

AGENDA ITEM SUMMARY

April 21, 2020

City Council

STAFF

Darin Atteberry, City Manager
Jim Byrne, Office of Emergency Management
Carrie Daggett, City Attorney

SUBJECT

Resolution 2020-038 Approving Emergency Rules and Regulations Enacted by the City Manager Pursuant to the Local COVID-19 Emergency Between April 6 and April 16~~17~~, 2020.

EXECUTIVE SUMMARY

The purpose of this item is to approve emergency rules and regulations enacted by the City Manager between April 6 and April 16~~17~~, 2020, in response to the COVID-19 emergency. 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. This Resolution seeks Council's approval and ratification of the emergency measures.

STAFF RECOMMENDATION

Staff recommends adoption of the Resolution.

BACKGROUND / DISCUSSION

The City of Fort Collins continues to be threatened with serious injury and damage, consisting of widespread human and economic impact caused by the Novel Coronavirus 2019 (COVID-19). 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. 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.

Council has since adopted Resolution 2020-032 and Resolution 2020-036, approving Emergency Rules and Regulations Nos. 2020-01 through 2020-08. Subsequently, the City Manager has issued the following additional emergency rules and regulations in order to protect the health and safety of City residents and visitors, as follows:

- 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
- Emergency Regulation No. 2020-010, waiving the requirements of the City Land Use Code, Building Code and Fire Code for the property at 1125 West 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

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

RESOLUTION 2020-038
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 BETWEEN APRIL 6 AND APRIL 17~~16~~, 2020

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

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

- 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, 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 Emergency Regulations No. 2020-01 through No. 2020-011 are reasonably necessary to the protection of life, health, safety and property of the residents of and visitors to Fort Collins.

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.

Section 2. That the City Council hereby finds that the City Manager's establishment of the Emergency Rules and Regulations, attached hereto as Exhibit A, Exhibit B, ~~and Exhibit C~~ **and Exhibit D** 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 Emergency Rules and Regulations No. 2020-09, No. 2020-010, ~~and No. 2020-011~~ **and No. 2020-012**, as of the date of their establishment by the City Manager.

Passed and adopted at a regular meeting of the Council of the City of Fort Collins this 21st day of April, A.D. 2020.

Mayor

ATTEST:

City Clerk



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. 2020-09

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. Commencing on April 10, 2020, and until further notice, the attached Temporary Outdoor Shelter Regulations shall govern use of the City-designated temporary outdoor emergency shelter area at Old Fort Collins Heritage Park adjacent to the Northside Aztlán Community Center.
2. Although the temporary outdoor emergency shelter area is located in a City park, it is temporarily unavailable to the public for use as a park, and Sec. 17-181 of the City Code regarding camping on public property shall not apply within the designated boundaries of the outdoor emergency shelter area through the duration of this emergency regulation.
3. Pursuant to the City's authority under Section 29-11.7-104 of the Colorado Revised Statutes, the open carrying of firearms within the designated temporary outdoor emergency shelter area is prohibited.
4. 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. A knowing violation of these rules and regulations shall be subject to the enforcement provisions outlined in the Temporary Outdoor Shelter Regulations, and may also be a misdemeanor punishable under Section 1-15 of the City Code.

DATED this 10th day of April, A.D. 2020.

DocuSigned by:

Darin A. Atteberry

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TEMPORARY OUTDOOR SHELTER REGULATIONS

I) **Authority for Regulations:** These regulations are established pursuant to Secs. 2-671(a)(6)a and 23-140 of the Code of the City of Fort Collins, and Emergency Rules and Regulations No. 2020-09

II) **Purpose and Scope of the Regulations:** These regulations apply to the temporary outdoor shelter area located at the Old Fort Collins Heritage Park property. During the term of Emergency Rules and Regulations No. 2020-09 this area is not being maintained as a City park and is not available for use by the public as a City park. Only activities consistent with use of the property as a shelter are permitted.

As used in these regulations, “Staff Member” or “Staff” refers to a City staff person who is present at or working at the temporary outdoor shelter area as a part of his or her job duties, or staff of the nonprofit service providers operating the emergency indoor shelter at Northside Aztlan Community Center (NACC) pursuant to the Facility Use Agreement for such purpose.

III) Prohibited Acts

The City Manager finds that any of the following acts, if taken or made by any person, whether the act is completed or not, would or could disrupt, impair, interfere with, or obstruct the lawful mission, processes, procedures or functions being carried on in or at the temporary outdoor shelter area. Therefore, any act designated in this Section (Prohibited Acts) may result in the immediate ejection of such person. Any person ejected from the temporary outdoor shelter area must immediately leave both the NACC property and the temporary outdoor shelter site, and may not return for a minimum of 24 hours.

- 1) **Illegal Act.** Any action, event, or group of events that constitutes a violation of federal, state or local law;
- 2) **Damaging or Property.** Conduct intended to cause or with reckless disregard, causes or attempts to cause the destruction, damage or theft of City property, or the property of others;
- 3) **Public Indecency.** Public indecency, indecent exposure, or obscenity (for purposes of this Subsection, indecency does not include the female breast);
- 4) **Fighting.** Any action which, in the reasonable judgment of Staff, constitutes an attempt to inflict or does inflict injury to other persons or damage to property, or which poses an unreasonable risk of such injury or damage, such as fighting or instigating an altercation;
- 5) **Intimidating Behavior.** Any conduct or expression that in the reasonable judgment of Staff, is intended to intimidate or would be reasonably expected to intimidate, or intimidates others, or encourages or incites unlawful or otherwise prohibited conduct;



- 6) Alcohol or Drugs. Use or possession of alcohol or illegal drugs;
- 7) Abusive Behavior. Physical or verbal abuse of staff or guests;
- 8) Fires and Open Flames. No fires or open flames are allowed on the property.
- 9) Unleashed, Aggressive or Dangerous Animals. Compliance with all City animal licensing and control ordinances is required.
- 10) Weapons. Possession of any illegal weapon, displaying a deadly weapon in a manner calculated to alarm, open carrying of a firearm and discharging a firearm are prohibited.
- 11) Abandoning Property. Do not leave personal property unattended. Abandoned property may be removed and disposed of in accordance with City of Fort Collins policies.

Process Steps for Staff Action

Any person committing a Prohibited Act may be asked to leave the temporary outdoor shelter area immediately. Failure to do so will result in Law Enforcement being called and the person being charged with a violation of the City's Trespass Ordinance or other appropriate charges.

IV) Enforcement Procedures:

These regulations will be enforced by City and service provider staff. *Law enforcement officials will be available to assist with enforcement of these regulations and applicable laws and to monitor and oversee activities in the outdoor shelter area.* Violations of these regulations that constitute a criminal act may result in arrest and/or the filing of criminal charges. The City may also take additional action as it deems necessary or appropriate in response to violations of the regulations.

If at any time a Staff person or Volunteer feels threatened or for any emergency situation, they may call 911.

1. Staff will evaluate the safety of approaching the individual and whether to ask another staff member or supervisor to assist.
2. Staff will ask the person to immediately leave the premises, and not to return for at least 24 hours.
3. The person will be suspended from both the temporary outdoor shelter site and the NACC property.



Guidelines for Suspension Lengths

Staff may suspend a guest for any length of time from 24 hours up to one month for prohibited acts. The following factors should be considered when determining how long a suspension should last:

1. The seriousness of the incident;
2. The history of complaints with the guest;
3. Whether, how many times, and how recently the guest has been previously suspended;
4. Whether people were injured during the incident;
5. Whether property was damaged during the incident;
6. Whether criminal charges were or will be filed in relation to the incident;
7. The guest's current health status (persons with COVID symptoms should be urged to consider isolation at the NACC);
8. Whether the guest has expressed an understanding of the need to comply with these regulations.

V) Right to Appeal:

The "Appeal Committee" will consist of representatives of the City's NACC/Heritage Park Oversight Team, which includes staff from City Parks, Recreation, Police, and Social Sustainability, and representatives from Homeward 2020 and Homeward Alliance.

A guest who has been suspended for more than 24 hours may appeal the suspension decision or the conditions for reinstatement to the Appeal Committee by giving staff at the NACC indoor shelter a written statement of appeal, including the basis of appeal. The Appeal Committee will review the appeal, and its decision will be given to the guest in writing, along with an explanation of the basis for the decision. That decision will be considered received on the day it is hand-delivered to the guest and will be the Committee's final decision on the matter.

Effective April 10, 2020

City Manager's Office
300 Laporte Avenue
PO Box 580
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EMERGENCY RULES AND REGULATIONS No. 2020-10

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 April 10, 2020, and until further notice, the requirements of the Fort Collins Land Use Code, Building Code and Fire Code related to the permitting and use of property as a day shelter, homeless shelter, and/or seasonal overflow shelter, shall not apply to the use of the property owned by the Colorado State University Research Foundation located at 1105 W. Myrtle Street, Fort Collins, Colorado as a temporary shelter for persons experiencing homelessness.
2. Nothing in this emergency regulation shall prevent the City from utilizing such other legal mechanisms as are available to it, including, without limitation, 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 10th day of April, A.D. 2020.

DocuSigned by:

Darin A. Atteberry

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Darin A. Atteberry, City Manager



EXHIBIT C
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. 2020-11

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, the following emergency rules and regulations (Emergency Regulation):

1. Commencing on April 1, 2020, and continuing through May 31, 2020 (Suspension Period), I am suspending the application of City Code Section 14-414(a) that requires curbside collection of residential yard trimmings at least once per week from April 1 through November of each year upon a customer's request. During the Suspension Period, each solid waste collector licensed by the City shall collect residential yard trimmings on a service frequency determined by the collector (including not providing the service at all). Commencing on June 1, 2020 and thereafter, each solid waste collector licensed by the City shall collect residential yard trimmings on the schedule set forth in City Code Section 14-414(a), unless I extend this Emergency Regulation in writing.
2. I find that this Emergency Regulation is reasonable and necessary to promote the health, safety and welfare of the public as it will allow licensed solid waste collectors to continue essential functions in an economically viable manner and reduce adverse economic impact for all such collectors during the Local Emergency.
3. Nothing in this Emergency Regulation shall suspend or prevent the City from enforcing any other provision of the City Code, including but not limited to those related to licensing requirements applicable to solid waste collectors set forth in Chapter 15, Article 15 and those regarding collection and disposal of refuse and rubbish set forth in Chapter 12, Article 12 of the City Code.
4. 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, whichever first occurs.

DATED this 13th day of April, A.D. 2020.

DocuSigned by:

Darin A. Atteberry _____

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Darin A. Atteberry, City Manager



EXHIBIT D
City Manager's Office
300 Laporte Avenue
PO Box 580
Fort Collins, CO 80522
970.221.6505
970.224.6107
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EMERGENCY RULES AND REGULATIONS

No. 2020-12

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, the following emergency rules and regulations (Emergency Regulation):

1. Commencing on April 18, 2020, and continuing through such time as I, the City Manager, find that a return to former route standards is in the City's best interests (Suspension Period), I am authorizing the reduction to respond to the 80% ridership decline. I further authorize ongoing modification of the City's Transfort Transit System service routes, service frequency, and fare pricing to respond to continued fluctuation in ridership and needs of the City as a result of the pandemic. Modifications to Transfort routes, service, and fare pricing during this time period will be approved by myself, as City Manager, or my designee.
2. I find that this Emergency Regulation is reasonable and necessary to promote the physical and economic health, safety and welfare of the public and City Employees as it will:
 - a. Mitigate the financial impact to the City of the unprecedented reduction in ridership and fare revenue income.
 - b. Address City operating staff reduction related to illness.
 - c. Aid in addressing social distancing health concerns between communities in Northern Colorado.
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, whichever first occurs.

DATED this 17th day of April, A.D. 2020.

DocuSigned by:

Darin A. Atteberry _____

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Darin A. Atteberry, City Manager