

**CITY OF WOODLAND PARK, COLORADO
ORDINANCE NO. 1449, Series 2023**

**AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WOODLAND PARK,
COLORADO CREATING CHAPTER 2.16 OF THE WOODLAND PARK MUNICIPAL
CODE, REGARDING EMERGENCY MANAGEMENT, TO ESTABLISH A PROCESS
FOR THE DECLARATION OF A LOCAL EMERGENCY AND TO SPECIFY THE
AUTHORITY OF THE CITY COUNCIL AND CITY MANAGER DURING THE SAME**

WHEREAS, the City of Woodland Park, Colorado (the “City”) has been duly organized and is validly existing as a home rule city under Article XX, Section 6 of the Colorado Constitution and the City Charter;

WHEREAS, pursuant to C.R.S. § 31-15-401, the City, by and through its City Council, possesses the authority to adopt laws and ordinances within its police power in furtherance of public health, safety, and welfare;

WHEREAS, pursuant to C.R.S. § 24-33.5-701 *et seq.*, the City, by and through its City Council, possesses the authority to adopt laws and ordinances to authorize and provide for coordination of activities relating to disaster prevention, preparedness, response, and recovery;

WHEREAS, at present, the City’s ability to respond to an emergency situation is derived almost entirely from the City Charter, with limited, enumerated situations like the accidental discharge of hazardous materials or water shortages addressed specifically by the Woodland Park Municipal Code (the “Code”);

WHEREAS, the proliferation of wildfires across Colorado, as well as the recent pandemic, has highlighted the need for a clearer and more comprehensive set of emergency management provisions which specify and delineate the emergency authorities and roles of the City Council and the City Manager during a declared local emergency; and

WHEREAS, the City Council finds it desirable and appropriate, and in the best interest of the general health, safety, and welfare of its residents to create Chapter 2.16 of the Code, as it relates to the establishment of comprehensive emergency management provisions.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE
CITY OF WOODLAND PARK, COLORADO, AS FOLLOWS:**

Section 1. The foregoing recitals are hereby incorporated as conclusions, facts, determinations, and findings by the City Council.

Section 2. Chapter 2.16 of the Woodland Park Municipal Code, concerning emergency management is hereby created to read as follows:

Chapter 2.16 - EMERGENCY MANAGEMENT

2.16.010 - Purpose and intent.

A. The purpose of this chapter is to provide for continuity and efficient operation of local government in times of emergency.

B. This chapter provides the necessary organization, powers, and authority to enable a timely and effective use of all available resources to prepare for, respond to, and recover from civil emergencies, emergencies, or disasters that are likely to affect the health, security, safety, or property of city residents.

C. The city manager, or in the city council's discretion, the mayor, shall declare, manage, and end an officially declared local emergency.

D. The provisions of this chapter are to be interpreted and enforced in a manner that is consistent with the Constitution of the United States, the Constitution of the state of Colorado, and Colorado state law on emergency management, C.R.S. § 24-33.5-701, *et seq.*, as amended.

2.16.020 - Definition.

As used in this chapter, "local emergency" means the actual or threatened existence of conditions of disaster or of extreme peril to the safety of persons or property within the city, including, without limitation, fire, flood, wind, storm, earthquake, epidemic, pandemic, infestation, explosion, aircraft crash, air pollution, hazardous substance incident, oil spill, contamination of air or water requiring immediate action to avert danger or damage, water or power shortage, drought, civil disturbance, condition of riot or insurrection, hostile military or paramilitary action, or any other disaster or emergency that requires the aid and assistance of outside, local, state, or federal agencies.

2.16.030 - Declaration of emergency.

A. The city manager may declare a local emergency when the city manager determines that there is reasonable cause to believe that the city, or any part of the city, is suffering from, or is in imminent danger of suffering from, a local emergency, and that such a declaration is required to avoid or mitigate serious injuries to members of the public or the loss of life or property. However, the power to declare a local emergency is subject to the power of the city council to determine, by appropriate motion and majority vote, that the mayor, instead of the city manager, shall declare the local emergency or exercise the emergency powers enumerated in this chapter to manage the emergency.

B. Any declaration of a local emergency shall be promptly filed with the city clerk, delivered to the Teller County office of emergency management, and forwarded to the state office of emergency management. As soon as possible thereafter, the city manager shall notify the city council and the county clerk. The public shall also be notified promptly through general dissemination to the news media, posting on the city website, and by the use of other means of communication appropriate for informing the general public.

C. No declaration of local emergency may exceed seven days from the time of declaration of the local emergency, except with the consent of the city council. No declared local emergency shall extend beyond the next regular or special meeting of the city council unless, at such meeting, the declaration of emergency is specifically approved for a longer duration by resolution of the city council.

2.16.040 - Emergency powers.

Upon the declaration of a local emergency, the city manager shall, upon a finding of need, issue such orders as may be required to protect the health, safety, and welfare of persons or property within the city or to otherwise preserve the public peace or abate, clean up, or mitigate the effects of any local emergency. Such orders, once issued, may be changed from time to time during the period of the declared local emergency based upon the discretion of the city manager and may include, without limitation, orders to accomplish the following objectives:

A. To call upon regular and auxiliary enforcement agencies and organizations within or outside of the city to assist in preserving and keeping the peace and the preservation of life and property of the residents of the city;

B. To close streets, sidewalks, parks, and other public places and to delineate areas within the city where the local emergency exists;

C. To impose a curfew upon all or any portion of the city, thereby requiring all persons in such designated curfew areas to immediately remove themselves from the streets, sidewalks, parks, and other public places;

D. To appropriate and expend funds, execute contracts, authorize the acquisition of property, equipment, services, supplies, and materials on the open market at not more than commercial prices without the strict adherence to normal procurement procedures, subject to the following limitations:

1. The authority of the city manager to approve contracts during a local emergency shall be limited to contracts that are reasonably related to the local emergency and in an aggregate amount not to exceed fifty thousand dollars per contract.

2. The suspension of normal procurement procedures shall remain in effect for the duration of the local emergency, unless earlier terminated by the city council.

3. If such powers are exercised during a local emergency, the city manager shall provide to the city council in advance of each regular meeting of the city council a summary of all contracts approved, including the name of the contractor or vendor, amount of the contract, and purpose of the contract.

E. To hire or contract for construction, snow removal, engineering, architectural, building,

electrical, plumbing, or other professional or construction services essential to the continued operation of the city without the advertising of bids or strict adherence to normal procurement procedures;

F. To close or limit the use of any public building or facility within the city;

G. To issue any administrative regulations consistent with this chapter;

H. To temporarily suspend or modify provisions of any ordinance or regulation if strict adherence to such ordinance or regulation would prevent, hinder, or delay action that is necessary to address the local emergency; and

I. To take any other action necessary for and reasonably related to the preservation of life and property within the city.

2.16.050 - Conflicting orders.

Any orders issued pursuant to this chapter in response to a local emergency shall take precedence over existing ordinances, rules, and regulations if a conflict exists.

2.17.060 - Violations.

Any person who knowingly violates any order issued pursuant to this chapter in response to a declared local emergency commits a misdemeanor and upon conviction thereof shall be punished in accordance with Chapter 1.12 of this code.

Section 3. *Severability.* The provisions of this ordinance are severable and the invalidity of any section, phrase, clause, or portion of the ordinance as determined by a court of competent jurisdiction shall not affect the validity or effectiveness of the remainder of the ordinance.

Section 4. *Effective Date.* This ordinance shall be in full force and effect upon its publication as required by law.

PASSED BY CITY COUNCIL ON SECOND AND FINAL READING FOLLOWING PUBLIC HEARING THIS ___ DAY OF _____, 2023.

City of Woodland Park

Hilary LaBarre, Mayor

ATTEST:

City Clerk, Suzanne Leclercq