

TOWN OF BUENA VISTA, COLORADO

**ORDINANCE NO. 16
(SERIES OF 2016)**

AN ORDINANCE OF THE TOWN OF BUENA VISTA, COLORADO, AMENDING THE BUENA VISTA MUNICIPAL CODE BY THE ADDITION OF A NEW ARTICLE XVI WITHIN CHAPTER 2 TO ADDRESS EMERGENCY MANAGEMENT PROCEDURES AND MAKING OTHER RELATED REVISIONS.

WHEREAS, the Town may face, from time to time, unforeseen emergencies that will make it difficult, if not impossible, to operate the Town in its normal manner;

WHEREAS, it is deemed in the best interest of the Town to establish certain emergency policies and procedures necessary to maintain the public safety, health and welfare;

WHEREAS, in the interest of being prepared for emergencies, the Board of Trustees wishes to establish the following procedures to ensure the Town is prepared to continue to operate effectively during emergencies when there will be no time to consider appropriate procedures.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF BUENA VISTA, COLORADO:

Section 1. Article II within Chapter 2 of the Buena Vista Municipal Code, Section 2-22, is amended by the addition of subsection (d), which shall read as follows:

(d) The Mayor shall exercise such emergency powers during a declared state of local emergency as may be granted by the Board of Trustees pursuant to Article XVI, Chapter 2.

Section 2. Article III within Chapter 2 of the Buena Vista Municipal Code, Section 2-48, is amended by the addition of new subsection (12), which shall read as follows:

(12) To declare and administer a local emergency pursuant to Article XVI, Chapter 2.

Section 3. The Buena Vista Municipal Code is amended by the addition of a new Article XVI within Chapter 2, which shall read as follows:

CHAPTER 2 – Administration and Personnel

ARTICLE XVI – Emergency Management

Sec. 2-320. - 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 Town residents.
- (c) The Town Administrator, or in the Board's discretion, the Mayor, shall declare, manage and end an officially declared state of civil emergency, emergency or disaster.
- (d) All the provisions of this chapter are to be interpreted and enforced in a manner that is consistent with the Constitution of the United States, with the Constitution of the State of Colorado, and with Colorado law on Emergency Management, C.R.S. § 24-33.5-701, *et seq.*, as amended.

Sec. 2-321. – Definition.

As used in this Chapter, local emergency shall mean the actual or threatened existence of conditions of disaster or of extreme peril to the safety of persons or property within the Town, including, without limitation, fire, flood, wind, storm, earthquake, epidemic, infestation, explosion, aircraft crash, air pollution, hazardous substance incident, oil spill or other 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 declared disaster that requires the aid and assistance of outside, local, state or federal agencies.

Sec. 2-322. – Declaration and Term of Local Emergency.

- (a) The Town Administrator may declare a local emergency pursuant to C.R.S. § 24-33.5-709, when the Town Administrator determines that there is reasonable cause to believe that the Town, or any part of the Town, is suffering from, or is in imminent danger of suffering from, an emergency, and that a declaration of emergency 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 Board of Trustees to determine, by appropriate motion and vote, that the Mayor, instead of the Town Administrator, shall declare the local emergency or exercise the powers enumerated in Sec. 2-323 below to administer the emergency.
- (b) Any declaration of a local emergency shall be promptly filed with the Town Clerk, delivered to the Chaffee County Sheriff, and forwarded to the State Office of Emergency Management. As soon as possible thereafter, the Town Administrator shall notify the Board of Trustees and the County Clerk. The public shall also be notified promptly through general dissemination to the news media, posting on the Town website and by the

use of other means of communication appropriate for informing the general public.

- (c) No declaration of local emergency may exceed forty-eight (48) hours from the time of declaration or the conclusion of the local emergency, whichever occurs first. Upon declaration of a second or further emergency, the emergency powers set forth herein may be exercised during such further emergency period, but never for more than forty-eight (48) hours in one (1) declared emergency period. No declared local emergency shall extend beyond the next regular or special meeting of the Board of Trustees unless, at such meeting, the declaration of emergency is specifically approved for a longer duration by resolution of the Board of Trustees.
- (d) Upon declaration of a local emergency, the Board of Trustees shall assemble as soon as possible after the declaration of local emergency to review or continue the local emergency declaration. Such meeting may be held with less than twenty-four (24) hours notice but in all other respects, shall be held in compliance with the Colorado Open Meetings Law. However, the Board of Trustees shall meet, in any event, no later than seven (7) days following the initial declaration of local emergency unless the nature of the local emergency makes such a meeting impossible, in which case the Board of Trustees shall meet as soon as is feasible thereafter.
- (e) Any official act or meeting that must ordinarily be performed at regular or specified locations shall be valid when performed at a temporary location pursuant to this section or remotely pursuant to the Town's Remote Participation Policy.

Sec. 2-323. – Powers.

Upon the issuance of a declaration of local emergency, the Town Administrator 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 Town 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 Town Administrator and may include, without limitation, orders to accomplish the following objectives:

- (1) To call upon regular and auxiliary enforcement agencies and organizations within or without the Town to assist in preserving and keeping the peace and the preservation of life and property of the citizenry of the Town.

- (2) To close streets, sidewalks and parks and to delineate areas within the Town wherein an emergency exists.
- (3) To impose a curfew upon all or any portion of the Town, thereby requiring all persons in such designated curfew areas to immediately remove themselves from the public streets, alleys, parks or other public places; provided, however, that professionals providing medical services, utility personnel maintaining essential public services, firefighters, police and such other enforcement officers and personnel authorized or requested by the Town may be exempted from such curfew.
- (4) To order the closing of any business establishments within the Town for the period of the emergency.
- (5) 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 compliance with normal Town procurement procedures. The purchasing and contracting procedures set forth by administrative procedure or regulation, including the limits on the authority of the Town Administrator to enter into contracts, if any, shall be automatically suspended in the event of an official declaration of a local emergency. Such suspension shall occur without the need for any formal action by the Board of Trustees.
 - (a) The Town Administrator's authority 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 seventy-five thousand dollars (\$75,000.00). The temporary suspension shall remain in effect for the duration of the declared local emergency unless earlier terminated by action of the Board of Trustees.
 - (b) If such powers are exercised during a local emergency, the Town Administrator shall provide to the Board of Trustees a summary of all contracts approved, including the name of the contractor, amount of the contract and purpose of the contract, on a daily basis.
- (6) To hire or contract for construction, snow removal, engineering, architectural, building, electrical, plumbing, or other professional or construction services essential to continue the activities of the Town without the advertising of bids or strict compliance with other formal procurement requirements.

- (7) To close or cancel the use of any Town-owned or operated building or other public facility.
- (8) To control, restrict, allocate, or regulate the use, sale, production, or distribution of food, water, clothing, and other commodities, materials, goods, services, and resources;
- (9) To issue administrative regulations and procedures necessary and consistent with the Chapter.
- (10) To suspend or modify provisions of any ordinance if strict compliance with such ordinance would prevent, hinder, or delay action that is necessary to cope with the local emergency.
- (11) To do any and all acts necessary and incidental to the preservation of life, limb and property within the Town.

Sec. 2-324. – Conflicting ordinances, orders, rules and regulations suspended.

Any orders, rules and regulations promulgated during a proclaimed state of local emergency shall take precedence over existing ordinances, rules and regulations if a conflict arises.

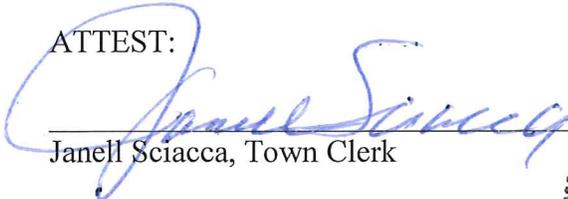
INTRODUCED, READ, ADOPTED AND ORDERED PUBLISHED this 10th day of August, 2016.

THIS ORDINANCE SHALL BECOME EFFECTIVE THIRTY DAYS FROM PUBLICATION.

TOWN OF BUENA VISTA, COLORADO

By: 

 Joel Benson, Mayor

ATTEST:


 Janell Sciacca, Town Clerk

