TOWN OF HAYDEN, COLORADO

ORDINANCE NO. 696

A EMERGENCY ORDINANCE CONFIRMING THE POWER OF TOWN OFFICIALS TO PROTECT PUBLIC WELFARE IN TIMES OF EMERGENCY, CREATING PROCEDURES FOR THE EXERCISE OF SUCH POWERS, AND PROVIDING FOR TOWN COUNCIL REVIEW THEREOF

RECITALS

WHEREAS, this Ordinance may be cited as the Emergency Protection Policy and Procedure; and

WHEREAS, the Colorado Disaster Emergency Act, C.R.S. 24-33.5-701, et seq, provides procedures for statewide and local prevention of, prepared for, response to, and recovery from disasters; and

WHEREAS, pursuant to C.R.S. § 24-33.5-703(3), a "disaster" is defined to mean "the occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural cause or cause of human origin, including but not limited to fire, flood, earthquake, wind, storm, wave action, hazardous substance incident, oil spill or other water contamination requiring emergency action to avert danger or damage, volcanic activity, epidemic, air pollution, blight, drought, infestation, explosion, civil disturbance, or hostile military or paramilitary action, or a condition of riot, insurrection, or invasion"; and,

WHEREAS, pursuant to C.R.S. § 24-33.5-709, a local disaster may be declared "only by the principal executive officer of a political subdivision;" and,

WHEREAS, in the event of circumstances of local emergency as defined below, the TOWN MANAGER may request the TOWN COUNCIL of the Town of Hayden (the "TOWN") to declare the existence or threatened existence of a local emergency or may issue such declaration if the TOWN COUNCIL is not reasonably available per Town Charter section 2-6 of the Town of Hayden Home Rule Charter and the above recital; and

WHEREAS, whenever a local emergency is declared by the TOWN MANAGER the TOWN COUNCIL shall take action to ratify the declaration within seven days thereafter. However, the inability of the TOWN COUNCIL to meet within seven days of the declaration shall not serve to invalidate the declaration; and

WHEREAS, the Town Manager of the Town of Hayden has advised the Mayor and Town Council of a disaster currently present in the Town of Hayden, to wit, the occurrence or imminent threat of widespread or severe damage, injury or loss of life or property resulting from COVID-19 Pandemic ("Pandemic") requiring emergency action to avert danger or damage, which began to occur on or before March 5, 2020, and which continues; and

WHEREAS, it would be appropriate and in the interests of the public health and safety, and would further protect property, for the Town Council to implement said recommendation; and
WHEREAS, the cost and magnitude of responding to and recovery from the impact of the Pandemic is far in excess of the town's available resources; and

WHEREAS, pursuant to the Home Rule Charter, Section 2-6, the Town Council is authorizing the Town Manager to act as the principle executive officer of the Town during this disaster; and,

WHEREAS, the order of a proclamation of a local disaster emergency shall be given prompt and general publicity and shall be filed promptly with the county clerk and recorder, or other authorized record-keeping agency and with the office of emergency management.

WHEREAS, the TOWN COUNCIL, after having reviewed the Emergency Protection Policy and Procedure believes it would be in the best interest of the Town of Hayden to adopt said policy and procedures; and, therefore:

Enumeration of Emergency Powers. In the event of the declaration of a local emergency as provided in this Ordinance, the TOWN MANAGER is empowered, to the extent lawfully permissible, to do the following:

1. Request State assistance. Request the Governor, in coordination with Routt County, to proclaim a state of emergency when the locally available resources are inadequate to cope with the emergency.

2. Direction and control. Direct and control the effort of the emergency organization of the TOWN for the accomplishment of the purposes of this Ordinance.

3. Incident Command. Appoint or replace an Incident Commander pursuant to the protocols of the National Incident Management System. Authorize a declaration of authority for transfer of incident command to a state incident management team as necessary.

4. Interagency coordination. Direct cooperation between and coordination of services and staff of the emergency organization of the TOWN, and resolve questions of authority and responsibility that may arise between them.

5. Public spokesman. Represent the TOWN in all dealings with public or private agencies on matters pertaining to emergencies as defined in this Ordinance.

6. Rules and regulations. To make and issue rules and regulations on matters reasonably related to the protection of life and property affected by such emergency; provided, however, such rules and regulations must be confirmed at the earliest practicable time by the TOWN COUNCIL. Such rules and regulations may govern matters including but not limited to the following:

a) Establishing a curfew may be established for the area designated as an emergency area which fixes the hours during which all persons, other than public officers and
officials, are prohibited from being upon the public streets or in other specified places;

b) Streets and areas may be barricaded and vehicular and pedestrian traffic prohibited or regulated on streets leading to the area designated as an emergency area for such distance as may be deemed necessary under the circumstances;

c) Directing persons to be evacuated from the emergency area, instructed to shelter in place, or given instruction for other protective actions;

d) Prohibiting or restricting the sale of alcoholic beverages and the sale of gasoline or other flammable liquids;

e) Declaring other measures as are imminently necessary under the circumstances for the protection of life or property, or to prevent or minimize danger to lives or property.

2) Emergency procurement. To obtain vital supplies, equipment, and such other properties found lacking and needed for the protection of life and property and to bind the TOWN for the fair value thereof and, if required immediately, to commandeer the same for public use;

3) TOWN employees and volunteers. To require emergency services of any TOWN officer or employee and, in the event of the declaration of an emergency and with the assistance of the Police Chief and Fire Chief and Police and Fire Departments to command the aid of as many citizens of this community as he deems necessary in the execution of his/her duties;

4) Allocation of resources. To requisition necessary personnel or material of any TOWN department or agency;

5) Personnel Rules and Regulations. To suspend, alter, or amend the TOWN MANAGER’s determinations with regard to work and employee schedules, health leave, and office protocols.

6) Other powers. To execute all of his ordinary power as TOWN MANAGER, all of the special powers conferred upon him by this Ordinance or by ordinance or emergency plan pursuant hereto adopted by the TOWN COUNCIL, all powers conferred upon him by any agreement approved by the TOWN COUNCIL, and by any other lawful authority.

7) Definitions. Local emergency means any manmade or natural event or circumstances causing or threatening loss of life, injury to person or property, human suffering or financial loss, and includes but is not limited to, fire, explosion, flood, severe weather, drought, spills or releases of hazardous material, contamination, utility or transportation emergencies, disease, infestation, civil disturbance, riot, sabotage, terrorist acts, and disruption of normal TOWN operations.
NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF HAYDEN, COLORADO, that this Emergency Protection Policy and Procedure is hereby approved.

PASSED, APPROVED, AND ADOPTED at a regular meeting of the TOWN COUNCIL of the Town of Hayden on this 19th day of March, 2020.

ATTEST:

TOWN OF HAYDEN, COLORADO

TOWN CLERK

By

TOWN OF HAYDEN
INCORPORATED
MARCH 13, 1906
COLORADO