

**ORDINANCE NO. 7
SERIES 2020**

**AN EMERGENCY ORDINANCE OF THE CRESTED BUTTE
TOWN COUNCIL AMENDING CHAPTER 2 OF THE
MUNICIPAL CODE TO ADD A NEW SECTION 9 ON
EMERGENCY POWERS**

WHEREAS, the Town of Crested Butte, Colorado is a home rule municipality duly and regularly organized and now validly existing as a body corporate and public under and by virtue of the Colorado Constitution and laws of the State of Colorado; and

WHEREAS, Section 1.4 of the Municipal Charter grants the Town all the powers granted to municipal corporations and to towns by the constitution and general laws of this state together with all the implied powers necessary to carry into execution all the powers granted; and

WHEREAS, the Town Council desires to affirm that it has the power to take immediate steps as necessary to protect the public health, safety, and welfare of its residents and visitors in the face of emergencies and disasters.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CRESTED BUTTE, COLORADO,

Section 1. Adding a New Article 9 to Chapter 2 of the Code. A new Article 9 is hereby added to Chapter 2 of the Code and shall read as follows:

Sec. 2-9-10 - Disaster and emergency declaration.

(a) The Town Council has the power to declare in a regular or emergency meeting that a state of emergency exists and issue an order if an event has occurred or the threat of an event is imminent that would threaten public health, safety, and welfare and that requires immediate response by the Town. The Town Council shall direct the Town Manager to publish the declaration and order, send a copy to the Gunnison County Board of Health and other appropriate emergency response agencies, and disseminate it to the public.

(b) A state of emergency remains in effect until the Mayor or designee, in consultation with the Town Manager, declares that the threat of danger has passed or that the emergency conditions no longer exist. The Town Council may terminate a state of emergency at any time. The Town Manager shall immediately issue a notice affecting the termination of the state of emergency.

Sec. 2-9-20 - Emergency powers.

(a) The issuance of a declaration of emergency empowers the Town Manager to exercise emergency powers permitted by state and local law. The Town Council maintains all of its normal powers throughout the emergency period and will convene either in person or electronically to perform its normal business and legislative powers when and if the situation demands.

(b) In addition to any other powers granted by the State of Colorado during a state of emergency, the Town Manager may promulgate regulations or issue orders as he or she deems necessary to protect life and property, preserve critical resources, or otherwise implement the Town's Emergency Response Plan. These regulations or orders may include provisions to accomplish the following:

(1) Suspend the provisions of the Municipal Code that prescribe procedures and timeframes for conduct of Town business and public hearings, if strict compliance would in any way prevent, hinder, or delay necessary action in coping with the emergency or would otherwise not be possible because of concerns regarding public health, safety and welfare.

(2) Suspend any Council meetings, meetings of the Board of Zoning and Architectural Review, public hearings, and related municipal functions.

(3) Delay accepting or processing applications for permits, licenses, and other approvals.

(4) Control the size of any public gatherings or events in the Town to less than any size limit imposed by Gunnison County pursuant to the County emergency powers.

(5) Temporarily reduce the occupancy limit for any place of business.

(6) Transfer the direction, personnel, or functions of Town departments for the purpose of performing or facilitating emergency services.

(7) Subject to any applicable legal requirements to provide compensation, commandeer or utilize any private property the Town Manager finds necessary to cope with the emergency.

- (8) Direct evacuation efforts of persons from any stricken or threatened area within the Town if the Town Manager deems this action necessary for the preservation of life or other emergency mitigation, response, or recovery measures.
- (9) Prescribe route, mode of transportation, and destination in connection with evacuation.
- (10) Control ingress to and egress from a disaster area, the movement of persons within the area, and the occupancy of premises therein.
- (11) Suspend or limit the sale, dispensing, or transportation of alcoholic beverages, firearms, explosives, or combustibles within the Town.
- (12) Make provisions for the availability and use of temporary emergency housing.
- (13) Waive all provisions for competitive bidding and direct the finance director to purchase necessary supplies in the open market.
- (14) Exercise all powers permitted by Town Charter and state law to require emergency services of any Town officer or employee and command the aid of as many citizens of the Town as he or she deems necessary in the execution of his or her duties.

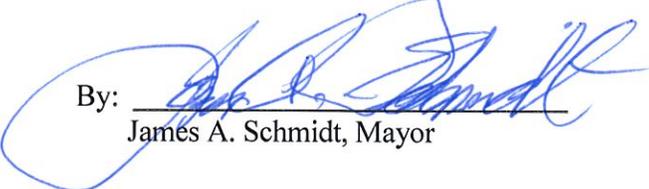
Section 2. Severability. If any section, sentence, clause, phrase, word or other provision of this ordinance is for any reason held to be unconstitutional or otherwise invalid, such holding shall not affect the validity of the remaining sections, sentences, clauses, phrases, words or other provisions of this ordinance, or the validity of this ordinance as an entirety, it being the legislative intent that this ordinance shall stand notwithstanding the invalidity of any section, sentence, clause, phrase, word or other provision.

Section 3. Savings Clause. Except as amended hereby, the Crested Butte Municipal Code, as amended, shall remain valid and in full force and effect. Any provision of the Code that is in conflict with this ordinance is hereby repealed as of the effective date hereof.

Section 4. Emergency Declared, Effective Date, and Expiration. The Town Council finds, determines and declares that passage of this Ordinance is necessary for the immediate protection of the health, safety and welfare of the citizens of the Town. The Town Council further determines that the adoption of this Ordinance as an emergency ordinance is in the best interest of the citizens of the Town. This Ordinance shall be effective upon adoption.

INTRODUCED, READ, PASSED AND ORDERED PUBLISHED THIS 13th day of March, 2020.

TOWN OF CRESTED BUTTE, COLORADO

By: 
James A. Schmidt, Mayor

ATTEST:

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Lynelle Stanford, Town Clerk

[SEAL]

