

**TOWN OF ERIE  
ORDINANCE NO. \_\_\_\_-2019**

**AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF ERIE  
AMENDING TITLE 1 OF THE ERIE MUNICIPAL CODE BY THE  
ADDITION OF A NEW CHAPTER 8, CREATING A LOCAL EMERGENCY  
MANAGEMENT AGENCY**

**NOW BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF  
ERIE, COLORADO, AS FOLLOWS:**

Section 1. Title 1 of the Erie Municipal Code is hereby amended by the addition of a new Chapter 8, to read as follows:

**CHAPTER 8  
EMERGENCY MANAGEMENT**

**1-8-1: PURPOSE:**

The purpose of this Chapter is for the Town to establish and maintain a local emergency management agency as described in the Colorado Disaster Emergency Act, C.R.S. § 24-7-33.5, *et seq.*

**1-8-2: DEFINITIONS:**

For purposes of this Chapter, the following terms shall have the following meanings:

**DIVISION:** The Colorado Division of Homeland Security Office of Emergency Management, or other state agency so established for the purpose of monitoring local emergency management pursuant to C.R.S. § 24-33.5-705.

**EMERGENCY EVENT:** The occurrence or imminent threat in the Town of widespread or severe damage, injury, or loss of life or property resulting from any natural or human cause, including without limitation flood, earthquake, wind, storm, hazardous substance incident, oil spill or other water contamination, volcanic activity, epidemic, air pollution, blight, drought, infestation, explosion, civil disturbance, hostile military or paramilitary action, or invasion.

**1-8-3: EMERGENCY MANAGER APPOINTED:**

A. The Board of Trustees appoints the Town Administrator as the Emergency Manager to direct appropriate planning, management and coordination in all phases of emergency management, including mitigation, preparedness, response and recovery.

B. The Mayor shall notify the Division in writing of the existence of the local emergency management agency, the name of the current Emergency Manager, and any other related information the Division requests.

**1-8-4: EMERGENCY OPERATIONS PLAN:**

A. The Emergency Manager shall be responsible for preparing and keeping a current Emergency Operations Plan, which shall delineate measures to be implemented by the Town before, during and after an emergency event.

B. The Emergency Operations Plan shall identify department responsibilities, including requirements for maintenance of specific facilities, and department emergency procedures and critical resource information.

**1-8-5: PROCEDURES:**

A. Declaration. The Mayor is authorized to declare that an emergency event exists when, in the Mayor's opinion and in consultation with the Emergency Manager, such an event has occurred or the threat of such event is imminent. Declaration of an emergency event shall be in writing and shall describe the nature and circumstances of the emergency and the area threatened. The Emergency Manager shall be responsible for the publication and dissemination of information to the public and shall file the declaration with the Town Clerk and forward a copy to the Division.

B. Effect. A declaration of an emergency event shall automatically empower the Emergency Manager to exercise any and all of the emergency powers permitted by state and local law or this Chapter. The Board of Trustees shall convene to perform its legislative powers as the situation demands and shall receive reports through the Emergency Manager and evaluate and enact policy and other support as necessary.

C. Duration. A declaration of an emergency event shall remain in effect until the Board of Trustees or the Emergency Manager declares that the threat of danger has passed and publishes a notice effecting the same. Notwithstanding the foregoing, a state of emergency shall not be continued for more than seven (7) days unless the Board of Trustees approves a longer duration. Any approval of a continuance or termination of an emergency event shall be filed with the Town Clerk and a copy shall be forwarded to the Division.

**1-8-6: AUTHORITY OF EMERGENCY MANAGER:**

During an emergency event, the Emergency Manager is authorized to:

1. Exercise any and all powers granted by state law or this Code, including requiring emergency services of any Town officer or employee, and commanding the aid of as many citizens of the Town as necessary, and such parties

shall be entitled to all privileges, benefits, and immunities as provided by state law for civil defense workers;

2. Enter into reciprocal aid, mutual aid, joint powers agreements, intergovernmental assistance agreements or other contracts or plans with other governmental entities necessary for the protection of life and property, including the furnishing or exchange of supplies, equipment, facilities, personnel or services.

3. Promulgate such regulations as necessary to protect life and property and preserve critical resources, which regulations shall be confirmed at the earliest practical time by the Board of Trustees and shall be circulated to the public, including without limitation:

a. Suspension of provisions of this Code that prescribe procedures for conduct of Town business, if strict compliance would in any way prevent, hinder or delay necessary action in coping with the emergency;

b. The transfer or reassignment of Town staff for the purpose of performing or facilitating emergency services;

c. The authorization of compensation for assistance providers;

d. The waiver of all provisions for competitive bidding direct the purchasing agent to purchase necessary supplies in the open market at not more than commercial prices;

e. The declaration of a public curfew; and

f. Such other measures and regulations necessary to preserve the public peace, health and safety.

4. Direct protective actions, including without limitation shelter-in-place or Town evacuation;

5. Prescribe routes, modes of transportation and destinations in connection with an evacuation, including controlling ingress to and egress from an emergency area and the movement of persons within the area;

6. Provide for temporary housing; and

7. Request county, state and federal assistance, compensation and grants in support of emergency and/or disaster preparedness, prevention, mitigation, response, continuity or recovery activities.

**1-8-7: COMPENSATION:**

Services or private property used by the Town in responding to an emergency event shall be compensated as specified by contract or required by law, subject to C.R.S. § 24-33.5-711 and Articles 1 to 7 of Title 38, C.R.S.

**1-8-8: LINE OF SUCCESSION:**

A. If the Mayor is unable to perform any duties set forth in this Chapter, then the duties conferred on the Mayor shall be performed by the Mayor Pro Tem.

B. If the Emergency Manager is unable to manage an emergency event or otherwise unable perform the duties set forth in this Chapter, then the duties conferred on the Emergency Manager shall be performed by the following, in descending order: the Deputy Town Administrator, then the Chief of Police, then the Public Works Director, then the Finance Director, then the Planning Director, then the Deputy Chief of Police.

**1-8-9: CONFLICTING LAWS:**

Any ordinances, orders, rules or regulations promulgated during an emergency event shall take precedence over existing ordinances, orders, rules and regulations if a conflict arises for so long as the emergency event continues.

**1-8-10: VIOLATION AND PENALTY:**

A. It is unlawful for any person to violate any provision of this Chapter or to willfully obstruct, hinder or delay any person in the exercise of any duty or authority pursuant to this Chapter.

B. Any person convicted of a violation this Chapter is deemed to have committed a criminal violation, and the penalties set forth in Section 1-4-4(B) of this Code shall apply.

Section 2. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Board of Trustees hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any one, or part, or parts be declared unconstitutional or invalid.

Section 3. Safety. The Board of Trustees finds that the adoption of this Ordinance is necessary for the protection of the public health, safety and welfare.

Section 4. Effective Date. This Ordinance shall take effect 30 days after publication following adoption.

**INTRODUCED, READ, PASSED AND ORDERED PUBLISHED this 28<sup>th</sup> day of May, 2019.**

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Jennifer Carroll, Mayor

**ATTEST:**

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Jessica Koenig, Town Clerk