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EMERGENCY RULES AND REGULATIONS No. 2020-09

To all persons take notice:

That for the protection of life, health, safety and property as affected by reason of the Novel Coronavirus 2019 (COVID-19), which resulted in my declaration of a "local emergency" under the authority of Chapter 2, Article IX of the Code of the City of Fort Collins, (the "City") and which declaration of local emergency was filed with the City Clerk and with the Colorado Division of Emergency Management on March 13, 2020 and extended by City Council adoption of Resolution 2020-030 on March 20, 2020, I have hereby established, under the authority of Sec. 2-671(a)(6)a, the following rules and regulations:

1. Commencing on April 10, 2020, and until further notice, the attached Temporary Outdoor Shelter Regulations shall govern use of the City-designated temporary outdoor emergency shelter area at Old Fort Collins Heritage Park adjacent to the Northside Aztlán Community Center.
2. Although the temporary outdoor emergency shelter area is located in a City park, it is temporarily unavailable to the public for use as a park, and Sec. 17-181 of the City Code regarding camping on public property shall not apply within the designated boundaries of the outdoor emergency shelter area through the duration of this emergency regulation.
3. Pursuant to the City's authority under Section 29-11.7-104 of the Colorado Revised Statutes, the open carrying of firearms within the designated temporary outdoor emergency shelter area is prohibited.
4. Nothing in this emergency regulation shall prevent the City from utilizing such other legal mechanisms as are available to it, including, without limitation, the Fire Code, the Building Code, Chapter 20, Article I of the City Code and/or the Uniform Code for abatement of dangerous buildings in cases of emergency.

Pursuant to Section 2-671(e) of the City Code, the rules and regulations set forth herein shall be disseminated to local radio and television stations and to a newspaper having a general circulation within the City. A knowing violation of these rules and regulations shall be subject to the enforcement provisions outlined in the Temporary Outdoor Shelter Regulations, and may also be a misdemeanor punishable under Section 1-15 of the City Code.

DATED this 10th day of April, A.D. 2020.

DocuSigned by:

A handwritten signature in black ink that reads "Darin A. Atteberry".

Darin A. Atteberry, City Manager



TEMPORARY OUTDOOR SHELTER REGULATIONS

I) **Authority for Regulations:** These regulations are established pursuant to Secs. 2-671(a)(6)a and 23-140 of the Code of the City of Fort Collins, and Emergency Rules and Regulations No. 2020-09

II) **Purpose and Scope of the Regulations:** These regulations apply to the temporary outdoor shelter area located at the Old Fort Collins Heritage Park property. During the term of Emergency Rules and Regulations No. 2020-09 this area is not being maintained as a City park and is not available for use by the public as a City park. Only activities consistent with use of the property as a shelter are permitted.

As used in these regulations, “Staff Member” or “Staff” refers to a City staff person who is present at or working at the temporary outdoor shelter area as a part of his or her job duties, or staff of the nonprofit service providers operating the emergency indoor shelter at Northside Aztlan Community Center (NACC) pursuant to the Facility Use Agreement for such purpose.

III) Prohibited Acts

The City Manager finds that any of the following acts, if taken or made by any person, whether the act is completed or not, would or could disrupt, impair, interfere with, or obstruct the lawful mission, processes, procedures or functions being carried on in or at the temporary outdoor shelter area. Therefore, any act designated in this Section (Prohibited Acts) may result in the immediate ejection of such person. Any person ejected from the temporary outdoor shelter area must immediately leave both the NACC property and the temporary outdoor shelter site, and may not return for a minimum of 24 hours.

- 1) **Illegal Act.** Any action, event, or group of events that constitutes a violation of federal, state or local law;
- 2) **Damaging or Property.** Conduct intended to cause or with reckless disregard, causes or attempts to cause the destruction, damage or theft of City property, or the property of others;
- 3) **Public Indecency.** Public indecency, indecent exposure, or obscenity (for purposes of this Subsection, indecency does not include the female breast);
- 4) **Fighting.** Any action which, in the reasonable judgment of Staff, constitutes an attempt to inflict or does inflict injury to other persons or damage to property, or which poses an unreasonable risk of such injury or damage, such as fighting or instigating an altercation;
- 5) **Intimidating Behavior.** Any conduct or expression that in the reasonable judgment of Staff, is intended to intimidate or would be reasonably expected to intimidate, or intimidates others, or encourages or incites unlawful or otherwise prohibited conduct;



- 6) Alcohol or Drugs. Use or possession of alcohol or illegal drugs;
- 7) Abusive Behavior. Physical or verbal abuse of staff or guests;
- 8) Fires and Open Flames. No fires or open flames are allowed on the property.
- 9) Unleashed, Aggressive or Dangerous Animals. Compliance with all City animal licensing and control ordinances is required.
- 10) Weapons. Possession of any illegal weapon, displaying a deadly weapon in a manner calculated to alarm, open carrying of a firearm and discharging a firearm are prohibited.
- 11) Abandoning Property. Do not leave personal property unattended. Abandoned property may be removed and disposed of in accordance with City of Fort Collins policies.

Process Steps for Staff Action

Any person committing a Prohibited Act may be asked to leave the temporary outdoor shelter area immediately. Failure to do so will result in Law Enforcement being called and the person being charged with a violation of the City's Trespass Ordinance or other appropriate charges.

IV) Enforcement Procedures:

These regulations will be enforced by City and service provider staff. ***Law enforcement officials will be available to assist with enforcement of these regulations and applicable laws and to monitor and oversee activities in the outdoor shelter area.*** Violations of these regulations that constitute a criminal act may result in arrest and/or the filing of criminal charges. The City may also take additional action as it deems necessary or appropriate in response to violations of the regulations.

If at any time a Staff person or Volunteer feels threatened or for any emergency situation, they may call 911.

1. Staff will evaluate the safety of approaching the individual and whether to ask another staff member or supervisor to assist.
2. Staff will ask the person to immediately leave the premises, and not to return for at least 24 hours.
3. The person will be suspended from both the temporary outdoor shelter site and the NACC property.



Guidelines for Suspension Lengths

Staff may suspend a guest for any length of time from 24 hours up to one month for prohibited acts. The following factors should be considered when determining how long a suspension should last:

1. The seriousness of the incident;
2. The history of complaints with the guest;
3. Whether, how many times, and how recently the guest has been previously suspended;
4. Whether people were injured during the incident;
5. Whether property was damaged during the incident;
6. Whether criminal charges were or will be filed in relation to the incident;
7. The guest's current health status (persons with COVID symptoms should be urged to consider isolation at the NACC);
8. Whether the guest has expressed an understanding of the need to comply with these regulations.

V) Right to Appeal:

The "Appeal Committee" will consist of representatives of the City's NACC/Heritage Park Oversight Team, which includes staff from City Parks, Recreation, Police, and Social Sustainability, and representatives from Homeward 2020 and Homeward Alliance.

A guest who has been suspended for more than 24 hours may appeal the suspension decision or the conditions for reinstatement to the Appeal Committee by giving staff at the NACC indoor shelter a written statement of appeal, including the basis of appeal. The Appeal Committee will review the appeal, and its decision will be given to the guest in writing, along with an explanation of the basis for the decision. That decision will be considered received on the day it is hand-delivered to the guest and will be the Committee's final decision on the matter.

Effective April 10, 2020