

Emergency Order 2020-10

CITY OF BOULDER ORDER RELATED TO DECLARATION OF LOCAL DISASTER EMERGENCY

A disaster emergency was declared by the city manager on March 14, 2020. The city council confirmed and extended the emergency declaration until further notice at the March 16, 2020 special council meeting. Pursuant to Section 2-2.5-7 "Powers" B.R.C. 1981, the city manager finds a need to issue this order in order to protect the health, safety and welfare of persons or property within the city or to otherwise preserve the public peace or abate, clean up or mitigate the effects of any disaster emergency.

Section 2-2.5-7(r) "Powers" B.R.C. 1981 authorizes the city manager to suspend or modify any ordinance "if strict compliance with such ordinance would prevent, hinder, or delay action that is necessary to cope with any disaster emergency"

Chapter 6-15 "Disposable Bag Fee" B.R.C. 1981 imposes and provides for collection and retention of a disposable bag fee at food stores that encourages consumers to use reusable bags for grocery shopping.

Food stores and their employees are indispensable to our community, particularly during the current crisis.

Use of reusable bags can possibly provide a means to transmit the novel coronavirus between customers and employees.

On March 25, 2020, Governor Polis asked that city's declare a moratorium on bag fees for thirty days. Governor Polis asked that residents of Colorado not use reusable grocery bags.

The city manager finds that strict compliance with Chapter 6-15 would prevent, hinder or delay action that is necessary to cope with a disaster emergency.

ORDER: Effective immediately the provisions of Chapter 6-15 "Disposable Bag Fee," B.R.C. 1981 are suspended.

This order is necessary to prevent the assembly of large groups of people which will present a risk of infection during the disaster emergency. Once issued, this order may be changed from time to time during the period of a declared disaster emergency based upon the discretion of the city manager.

Enforcement: Pursuant to Section 2-2.5-8 "Adherence to Emergency Orders" B.R.C. 1981, Police, code enforcement and such other law enforcement and peace officers as may be authorized by the city manager shall be authorized to enforce the orders, rules and regulations made or issued pursuant a declared disaster emergency.

Notice: All members of the public shall be deemed to have been given notice of the restrictions contained within a declaration upon its dissemination to the news media or publication on city websites or by use of other means of publicity.

Violation of Order: During the period of a declared disaster emergency, a person shall not:

(1) Enter or remain upon the premises of any establishment not open for business to the general public, unless such person is the owner or authorized agent of the establishment;

(2) Violate any of the orders duly issued by the city manager or designee pursuant to such declaration; or

(3) Willfully obstruct, hinder or delay any duly authorized city officer, employee or volunteer in the enforcement or exercise of the provisions of this chapter, or of the undertaking of any activity pursuant to this chapter.

DATE: March 26 2020, 2:00 pm a.m. / p.m.

Jane S. Brautigam

City Manager or other Authorized

City Official as designated by

Chapter 2-2.5 "Civil Emergencies and Disasters" B.R.C.,
1981.