

**TOWN OF KEYSTONE  
ORDINANCE NO. 2025-O-02**

**AN ORDINANCE OF TOWN COUNCIL OF THE TOWN OF KEYSTONE,  
COLORADO, ADOPTING REGULATIONS FOR EMERGENCY AND LOCAL  
DISASTER AUTHORITY**

WHEREAS, the Town of Keystone (“Town”) is a home rule municipal corporation created pursuant to Article XX of the Colorado Constitution; and

WHEREAS, pursuant to the Colorado Disaster Emergency Act, C.R.S. § 24-33.5-701 et seq., the principal executive officer of the Town, the Town Manager, is authorized to issue a declaration of local disaster emergency; and

WHEREAS, the Town presently lacks specific details related to authority during times of declared emergencies and additional clarification will aid the Town Manager in acting swiftly in future times of emergency to best address the needs of the citizenry and the community; and

WHEREAS, the Colorado Disaster Emergency Act, C.R.S. § 24-33.5-701 et seq. provides separate definitions for “disaster” and “emergency” and the intent is that this Ordinance will apply to all forms of disaster and emergency (collectively “emergency” as specifically defined herein); and

WHEREAS, the Town Council hereby delegates authority to the Town Manager to act in accordance with the general and specific powers set forth herein when the Town Manager reasonably believes such actions are required to protect the health, safety, and welfare of persons or property within the Town or to otherwise preserve the public peace or abate, clean up, or mitigate the effects of an emergency; and

WHEREAS, the Town Council has determined that the adoption of this Ordinance is legislative in nature and will further the public health, safety and welfare of the residents of the Town.

**THE TOWN COUNCIL OF THE TOWN OF KEYSTONE, COLORADO,  
ORDAINS:**

Section 1. The foregoing recitals are hereby affirmed and incorporated herein by this reference as findings of the Town Council.

Section 2. The Town Council adopts an Emergency or Local Disaster Article.

## EMERGENCY OR LOCAL DISASTER ARTICLE

### I. Legislative intent and interpretation.

(a) This Article is intended to:

(1) provide for the efficient operation of local government in times of declared emergency;

(2) provide for the allocation of the necessary powers and authority to enable a timely and effective use of all available Town resources to prepare for, respond to, and recover from emergencies that are likely to affect the health, security, safety or property of Town inhabitants;

(3) enable the Town to avoid delay when addressing emergency circumstances and the impacts of emergencies;

(4) recognize and accept all powers and authority granted or afforded to the Town of Keystone by state and federal laws during times of emergencies; and

(5) implement, to the greatest extent possible, the constitutional home rule authority of the Town of Keystone.

(b) To best effectuate the intent of this Article, this Article shall be interpreted whenever lawfully permitted to supersede conflicting state law and recognize, to the greatest extent possible, the Town's home rule authority. Although conformance with state law is always preferred, during times of emergency, the Town Council recognizes that the protection of the health, safety, and welfare of the citizens of the Town shall be of utmost importance.

(c) This Article is intended to compliment the specific emergency response activities and strategies generally governed by the Town-adopted Emergency Operation Plan.

### II. Definitions.

*Town Manager* means the appointed Town Manager for the Town of Keystone. In the event of the Town Manager's temporary absence or incapacity, as provided in Section 7.2 of the Town of Keystone Home Rule Charter, the Town Manager shall designate a qualified administrative employee to perform their duties through a letter filed with the Town Clerk. If the Town Manager fails to make such a designation, the Mayor may appoint a qualified administrative employee to assume the Town Manager's duties until the Town Manager returns in accordance with Section 7.2 of the Charter.

*Declaration* means a written document executed by the Town Manager which declares an emergency.

*Emergency* means any occurrence or threat of circumstances of widespread or severe damage, injury, or loss of life or property, whether of natural or human origin and whether actual or potential, including, but not limited to wildfire, wind, blizzard, flood, drought, building or structural collapse or failure, explosion, utility emergency, sudden and severe energy shortages, hazardous substance spills, biological material release, pandemic, civil disturbance, in which the safety and welfare of the inhabitants of the Town or their property are jeopardized or placed at extreme peril and in which timely action to avert or minimize damage is essential.

### **III. Declaration of Emergency.**

(a) The Town Manager shall be authorized to declare that an emergency exists. The issuance of a declaration of emergency shall automatically empower the Town Manager to exercise all emergency powers permitted by federal, state, and local law, including, but not limited to, the specific authority as set forth in this Article. Any declaration of emergency issued by the Town Manager shall be promptly filed with the Town Clerk, the State Office of Emergency Management, the Summit County Sheriff, and the County Clerk. Whenever practicable, prior to filing a declaration of emergency, the Town Manager shall notify the Town Council of the intent to issue a declaration of emergency. The Town Manager shall also notify the Town Council of the actual issuance of a declaration of emergency as soon as possible thereafter. The general public shall also be notified of a declaration of emergency through general dissemination of the declaration to the news media, posting of the declaration on the Town website, or by other means of communication deemed appropriate by the Town Manager for informing the general public.

(b) The Town Manager's declaration of emergency shall be in effect for a period not to exceed seven (7) days, which period shall be extended only by consent of the Town Council. Individual members of the Town Council may provide their consent to the extension of the Town Manager's declared period of emergency through written letter, electronic mail, or verbal response delivered to the Town Manager. The Town Manager's receipt of consent from a majority of all members of the Town Council shall constitute the required Town Council consent for extension. Any extension of the emergency declaration shall be later memorialized by the approval of a resolution or motion of the Town Council ratifying such extension at the next practicable Council meeting. Town Council shall make every effort to schedule this meeting as soon as feasible after the declaration of emergency. Once extended, the declaration shall remain in effect until it is repealed by the Town Council.

### **IV. Powers of the Town Manager.**

(a) Findings Required. Upon the issuance of a declaration of an emergency, the Town Manager shall issue such orders or take such action as may be required to

protect the health, safety, and welfare of persons or property within the Town or to otherwise preserve the public peace or abate, clean up, resolve, mitigate, or address the effects of an emergency. Actions or orders taken by the Town Manager pursuant to a declared emergency must be taken following the Town Manager's determination that the order or action is: (1) directly needed to address the emergency or alleviate burdens resulting from the emergency; and (2) absent such order or action, detriment, harm, expense, or difficulty will likely be experienced by the general public, Town staff, or other persons who rely upon the Town and its services. Such orders or actions may be amended from time to time during the period of a declared emergency at the discretion of the Town Manager.

(b) Powers. Notwithstanding the provisions below in this subsection (b), Town Council shall retain the authority to amend, cease or reverse any action taken by the Town Manager in accordance with subsection (c). The Town Manager, pursuant to a declared emergency, and in accordance with subsection (a), may issue orders or take other actions as the Town Manager reasonably believes is required to protect the health, safety, welfare of persons or property within the Town or to otherwise preserve the public peace or abate, clean up, or mitigate the effects of any emergency, including, but not limited to, the following:

(1) Unless otherwise restricted by a resolution or ordinance of the Town Council adopted or enacted during the period of a declared emergency, incur financial obligations and execute contracts and agreements on behalf of the Town for expenditures that shall not exceed the Town's total restricted and unassigned funds that are not otherwise committed to another purpose by law or contract.

(2) Appropriate and expend funds, execute contracts, authorize purchases of property, equipment, services, supplies, and materials without strict compliance with Town procurement procedures, policies, rules, or regulations.

(3) To the extent consistent with the United States and Colorado constitutions, waive, alter, or reschedule any time requirement, deadline, procedure, scheduled hearing, or other event in the Municipal Court in consultation with the court staff and Presiding Municipal Judge.

(4) Suspend or temporarily modify requirements of Town ordinances, the Municipal Code, and any Town policies, directives, or procedures if compliance would prevent, hinder, or delay action that is necessary to cope with or best address an emergency, for a maximum period as necessary only to address and redress the emergency. Examples of actions that may be taken pursuant to this authority include, but are not limited to:

- a. Authorize, on a temporary basis, a land use not otherwise permitted in a zone district where such land use is necessary for the immediate health, safety and welfare such as storage of heavy equipment or placement of a temporary structure.

- b. Postpone or delay any public hearing timing or other procedural requirement for a development application under the Land Use Code if the Town Manager finds the action necessary to protect the public health, safety, and welfare and ensure due process. When altering any such requirement, the Town Manager shall consider the ability of all interested parties to have adequate opportunity to participate in the public hearing.
- c. Waive or modify any procedures and formalities, including method of public notices, deemed by the Town Manager (1) to be inordinately time-consuming or impossible to satisfy, or (2) which prevent the delivery of goods and/or services, or (3) which impair the efficient conduct of meetings and hearings.
- d. Authorize, with or without application, the renewal or extension of existing permits or authorizations when such renewal or extension would allow the permit holder(s) to provide or deliver needed goods, services, or benefits to the general public.
- e. Waive fees, charges, costs, and expenses imposed by the Town when such waiver will provide economic relief to businesses or citizens or otherwise make goods, services or benefits more readily available to the public.
- f. Waive fees and modify Building Services processes for review and issuance of building permits to allow for expeditious rebuilding following a disaster.
- g. Permit and expand allowances for the use of electronic signatures for Town documents when legally permissible and when such allowances, in the determination of the Town Manager, assist the Town to operate more efficiently.
- h. Forgo, postpone, or delay enforcement of any municipal and civil law or requirement where such forbearance, postponement, or delay would directly enable the Town to devote its resources to addressing other needs.
- i. Direct and compel the evacuation of all or a part of the population from any stricken or threatened areas or property within the Town if the Town Manager deems this action is necessary for the preservation of life or property and preclude reentry into an evacuated area until appropriate.

- j. Prescribe routes, modes of transportation, access points, and destinations in connection with an evacuation.
- k. Impose traffic restrictions to allow emergency response, or otherwise control traffic, including the imposition of a prohibition of all traffic except for vehicles operated by individuals deemed essential to assist in the emergency operations, and prohibit any person from stopping, standing, parking, or abandoning a vehicle in a right of way that obstructs emergency operations.
- l. Control, open, or close streets, alleys, sidewalks, public parks, public ways, or other public places, or eliminate access to buildings, streets, alleys, sidewalks, or other public or private places.
- m. Delegate duties specifically assigned or limited to the Town Manager to other Town employees or contractors and transfer the direction, personnel, or functions of Town departments and agencies.
- n. Acquire the services of non-Town personnel as may be available, including citizen volunteers, if regular Town employee resources are determined to be inadequate, with the understanding that all duly authorized persons rendering emergency services pursuant to this provision shall be entitled to the privileges and immunities provided by state law.
- o. Apply for and accept on behalf of the Town and its Town Council, any form or type of private, non-profit, governmental, or quasi-governmental gifts, grants, loans, equipment, services, goods, supplies, materials and assistance.
- p. Make provisions for the harboring, leashing, containment, quarantine, health, and safety of animals.
- q. Terminate or suspend any process, operation, machine, device, or event when, in the absence of such termination or suspension, there is imminent danger that the life, health, safety, and/or welfare of persons or the physical security of property within the Town will be seriously compromised.
- r. Control, restrict, allocate, or regulate the use, sale, production, or distribution of food, water, clothing, and other commodities, materials, goods, services, and resources.

- s. Require the closing of or restrictions upon operations of businesses when deemed nonessential by the Town Manager or when, in the absence of such action, there would be an imminent danger that the life, health, safety, and/or welfare of persons or the physical security of property within the Town might be seriously compromised.
- t. To the extent permitted by law, prohibit the sale or distribution within the Town of any products which could be employed in a manner that would constitute a danger to public health or safety.
- u. Use or traverse any private property if such action is necessary to address an actual and imminent threat to life, health, or property that is caused by an emergency condition, subject, however, to applicable legal requirements for permission, authorization, and/or compensation.

(c) Notice to Town Council; Town Council retains authority to amend or reverse.

(1) Whenever the Town Manager issues a substantive order or takes substantive action in accordance with this Section, the Town Manager shall provide an ongoing and updated report to the Town Council outlining each such substantive action or order that would otherwise not be within the Town Manager's scope of authority absent the declaration of an emergency, along with the effects of those actions. The Town Manager shall promptly provide such report to the Town Council as time permits during the management of the emergency. Such notification may be made by electronic mail, telephone call, or report at the next ensuing Town Council meeting.

(2) The Town Council may, by a majority of those present and voting, determine to amend, cease or reverse the effectiveness of any action of the Town Manager taken pursuant to this Section to the extent such amendment, reversal or cessation does not impair any contract legally entered into by authority of the Town Manager under this Section. Such amendment, reversal or cessation shall be prospective in nature only.

## **V. Scope of Authority.**

The Town Manager's actions in conformance with this Article are within the Town Manager's scope of authority. The Town Council agrees to immunize and hold harmless the Town Manager for performing activities in conformance with this Section.

## **VI. Enforcement.**

(a) Law enforcement shall be authorized to enforce the orders, rules, and regulations made or issued by the Town Manager or the Town Council pursuant to a declared emergency.

(b) All members of the public shall be deemed to have been given notice of the restrictions, prohibitions and requirements contained within a declaration of emergency upon its dissemination to the news media or publication on the Town website or by use of other means of publicity.

(c) During the period of a declared emergency, a person shall not:

- (1) Enter or remain upon the premises of any establishment closed for business to the general public, unless such person is the owner or authorized agent of the establishment, if existing orders allow the owner or authorized agent to so enter or remain;
- (2) Violate or fail to comply with any of the orders duly issued by the Town Manager pursuant to such declaration; or
- (3) Willfully obstruct, hinder, or delay any duly authorized Town officer, employee, or volunteer in carrying out any of the orders duly issued by the Town Manager pursuant to such declaration, in enforcing or exercising the provisions of this Article, or in undertaking any activity pursuant to this Article.

## **VII. Authority to enter property.**

During the period of a declared emergency, a Town employee or authorized agent may enter onto or upon private property if the employee or authorized agent has reasonable grounds to believe that there is a true emergency and an immediate need for assistance for the protection of life or property, and that entering onto the private property will allow the person to take such steps to alleviate or minimize the emergency or to prevent or minimize danger to lives or property due to the declared emergency

Section 3. Severability. Should any one or more sections or provisions of this Ordinance be judicially determined invalid or unenforceable, such judgment shall not affect, impair, or invalidate the remaining provisions of this Ordinance, the intention being that the various sections and provisions are severable.

Section 4. Codification. This ordinance may be codified and numbered for purposes of codification without the need for further approval by the Town Council.

Section 5. Effective Date. The Ordinance shall be effective thirty days after publication.





INTRODUCED, READ AND PASSED AS AN ORDINANCE, ON FIRST READING, AND SCHEDULED FOR PUBLIC HEARING ON February 11, 2025, AT A REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF KEYSTONE, COLORADO, THIS

28th DAY OF January, 2025.

Signed by:

*Kenneth D. Riley*

FFCC105F18734F9...

Kenneth D. Riley, Mayor

ATTEST:

DocuSigned by:

*Madeleine Sielw*

04E4BE3F50A1424...

TOWN Clerk

APPROVED AS TO FORM:

Signed by:

*Jennifer Madsen*

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TOWN Attorney

READ, PASSED AND ADOPTED WITH A ROLL CALL VOTE OF 6 IN FAVOR AND 0 OPPOSED ON SECOND READING, AT A REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF KEYSTONE, COLORADO, THIS 11<sup>th</sup> DAY OF FEBRUARY 2025.

Signed by:

*Kenneth D. Riley*

FFCC105F18734F9...

Kenneth D. Riley, Mayor

ATTEST:

DocuSigned by:

*Madeleine Sielw*

04E4BE3F50A1424...

Town Clerk

APPROVED AS TO FORM:

Signed by:

*Jennifer Madsen*

89751994A1B74EC...

TOWN Attorney