

ORDINANCE NO. 2762

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COMMERCE CITY, COLORADO, AMENDING CHAPTER 23 OF THE COMMERCE CITY REVISED MUNICIPAL CODE PERTAINING TO THE CITY'S EMERGENCY OPERATIONS PLAN

WHEREAS, the City of Commerce City ("City") established an Emergency Operations Plan ("EOP") in Chapter 23 of the City's Revised Municipal Code ("CCRMC");

WHEREAS, the EOP should be a document that outlines the policies, procedures and responsibilities for an organization or jurisdiction to respond to an emergency or disaster;

WHEREAS, the EOP provides general guidelines and principles for managing and coordinating the overall response activities before, during and after emergencies and disasters;

WHEREAS, the Federal Emergency Management Agency ("FEMA") strongly recommends that governmental entities update emergency operations plans regularly;

WHEREAS, FEMA recommends that EOPs should be flexible enough for use in all emergencies, disasters and planned events;

WHEREAS, amending the City's EOP currently requires approval by ordinance from City Council, which does not provide the flexibility needed to timely address necessary modifications;

WHEREAS, the City believes it is in the City's best interest to amend Chapter 23 of the CCRMC to provide flexibility in the future to update and amend the City's EOP; and

WHEREAS, the City finds and determines that amending the Chapter 23 of the CCRMC is in the best interest of the public for the welfare of the residents of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COMMERCE CITY, COLORADO, AS FOLLOWS:

SECTION 1. Findings. The recitals to this ordinance are incorporated as findings of the City Council. This ordinance is found to be supported and authorized by law and in the best interests of and necessary for the protection of the health, safety and welfare of the public.

SECTION 2. Amendment. Chapter 23 of the CCRMC is hereby repealed and replaced as set forth below.

Sec. 23-1. Short title.

This chapter shall be known and may be cited to as the "disaster emergency management ordinance" of the City.

Sec. 23-2. Definitions.

For the purpose of this section, the following items are defined as follows:

Charter means the home rule charter of the City of Commerce City.

Chief executive means the city manager, except in instances where an extreme emergency has been declared by the mayor, in which case the mayor becomes the chief executive pursuant to charter section 4.9.

Continuity of government (“COG”) means activities that address the continuance of local government pursuant to the Colorado Constitution, Colorado Revised Statutes, the City Charter and ordinances.

Disaster means, in accordance with C.R.S. section 24-33.5-703(3), the occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural cause or cause of human origin, including but not limited to fire; flood; earthquake; wind; storm; wave action; hazardous substance incident; oil spill or other water contamination requiring emergency action to avert danger or damage; volcanic activity; epidemic; air pollution; blight; drought; infestation; explosion; civil disturbance; hostile military or paramilitary action; a market disruption, including a trade disruption or an atypical disruption in the market that affects production, disruption, or consumption of a product or service; or a condition of riot, insurrection, or invasion existing in the state or in any country, city, town, or district in the state.

Emergency means, in accordance with C.R.S. section 24-33.5-703(3.5), an unexpected event that places life or property in danger and requires an immediate response through the use of state and community resources and procedures.

Emergency manager means the person appointed by the city manager to direct appropriate day-to-day planning, management and coordination of emergency management including but not limited to mitigation, preparedness and recovery.

Sec. 23-3. Emergency Operations Plan.

- (a) The purpose of the City’s Emergency Operations Plan (“EOP”) is to provide general guidelines and principles for planning, managing and coordinating the overall response and recovery activities of the City before, during and after disasters and emergencies.
- (b) The EOP shall be developed in accordance with the requirements for local emergency planning established under the Colorado Disaster Emergency Act and shall also meet the requirements of other state and federal guidelines for local emergency management plans and programs.
- (c) The City Manager, as the chief executive, shall appoint an emergency manager responsible for the development and maintenance of the City’s EOP, which shall be

formally approved by the City Manager.

SECTION 3. Repealer. All ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof, are hereby repealed to the extent of such inconsistency.

SECTION 4. Effective Date. This ordinance shall be effective pursuant to Section 5.4 of the Charter.

INTRODUCED, PASSED ON FIRST READING AND PUBLIC NOTICE ORDERED THIS 2ND DAY OF MARCH, 2026.

PASSED ON SECOND AND FINAL READING AND PUBLIC NOTICE ORDERED THIS 6TH DAY OF APRIL, 2026.

CITY OF COMMERCE CITY, COLORADO

Steve J. Douglas, Mayor

ATTEST

Stephen Ruger, City Clerk