

FIRST READING: February 19, 2019

SECOND READING: March 5, 2019

ORDINANCE NO. 6285

AN ORDINANCE AMENDING CHAPTER 2.24 OF THE LOVELAND MUNICIPAL CODE TO PROVIDE THE CITY MANAGER WITH THE AUTHORITY TO CREATE ADMINISTRATIVE RULES GOVERNING CITY PROPERTY

WHEREAS, several City departments have the independent authority to create limited rules and regulations regarding the use of public facilities or services; and

WHEREAS, while the City Manager possesses the authority to establish administrative rules and regulations governing City employees, said authority does not clearly extend to City facilities and the general public's use of City facilities; and

WHEREAS, the City will soon own a parking garage located between Lincoln Ave. and 2nd Street and the City Manager does not possess clear authority to create administrative rules governing the use of the parking garage; and

WHEREAS, the City Council desires to provide the City Manager with sufficient authority to create rules and regulations governing City facilities; and

WHEREAS, City Council acknowledges that the City is responsible for managing its facilities in a manner that protects and preserves the facilities, protects City staff and property, and enhances the use and enjoyment of those facilities by the public for their intended purposes and the manner of said use; and

WHEREAS City Council desires that the management of City facilities be conducted in such a manner so visitor enjoyment, safety, and the facilities themselves are appropriately protected; and

WHEREAS, the City Council desires that the City Manager have authority coterminous with other divisions and departments within the City, as expressed elsewhere within the Code, regarding the authority to promulgate administrative rules and regulations, particularly where gaps may exist between the departments; and

WHEREAS, the City Council believes that the delegation of authority to the City Manager, to appropriately manage City facilities through the adoption of reasonable administrative rules and regulations, is in the best interests of the City so as to protect the health, safety, and welfare of the public.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO:

Section 1. That Section 2.24.030 of the Loveland Municipal Code is hereby repealed in its entirety and replaced fully as follows:

2.24.030 Administrative Rules and Regulations Governing City Property.

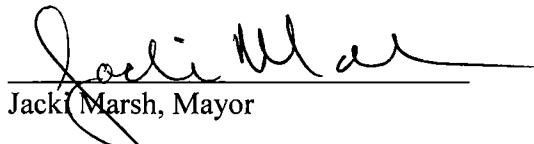
- A. For purposes of this Section, the term "facility" shall include, but not be limited to, buildings, structures, vehicles, buses, and public parking areas, excluding streets, sidewalks and other City rights-of-way.
- B. The City Manager is hereby authorized to establish such rules and regulations governing the conduct of the general public's use of facilities owned or operated by the City, as the City Manager may determine are necessary and appropriate to serve one (1) or more of the following purposes:
 - (1) The protection of such facilities, or any other City property or facility; or
 - (2) The protection of the safety, well-being and property of persons using such facilities; or
 - (3) The protection of the use and enjoyment of such facilities by the general public; or
 - (4) The needs and objectives of the City in maintaining and operating such facilities, and/or the natural environment in general.
- C. Such regulations may be established for selected individual facilities or groups of facilities, provided that the scope of any regulations shall be clearly stated therein, and shall become effective upon the filing of such regulations with the office of the City Clerk and the posting of a notice of the adoption of the regulations at all public entrances of the affected facilities. Such notice shall include the effective date of the regulations, and notice that the full text of the regulations is on file in the office of the City Clerk and at the affected facilities, and is available for public review. The City Manager, or his or her designee, shall have the power to exclude any and all persons who willfully or knowingly violate any such regulations from the use and benefit of any or all City facilities, subject to any enforcement procedures set forth in such regulations. No such regulations shall be deemed to apply to emergency or law enforcement operations, or to City management and maintenance activities, to the extent their application would impair the performance of the same. The City Manager has no authority under this Section to impose fees as part of the establishment of rules and regulations governing the conduct of the general public's use of facilities owned or operated by the City unless said fees have been authorized by the City Council.
- D. Nothing contained in this section shall be construed to contravene the authority granted in LMC Section 12.40.010 regarding the establishment of rules and regulations for parks and recreational facilities or any other provision in the Code related to the creation of administrative rules and regulations.
- E. The administrative rules and regulations promulgated pursuant to this section, or any other provision in the Code related to the creation of administrative rules and regulations, shall be construed as defining the manner and purpose for which the relevant City property is intended to be utilized. Any person who knowingly or willfully violates the administrative rules and regulations promulgated by this section, or any other provision in the Code, such that a person's use of City property is inconsistent with the intended use of the property, may be prosecuted in Loveland Municipal Court for trespassing pursuant to LMC 9.48.010(D).

Section 2. That as provided in City Charter Section 4-9(a)(7), this Ordinance shall be published by title only by the City Clerk after adoption on second reading unless the Ordinance has

been amended since first reading in which case the Ordinance shall be published in full or the amendments shall be published in full.

Section 3. That this Ordinance shall take effect ten (10) days after publication following final adoption, as provided in City Charter Section 4-8(b).

ADOPTED this 5th day of March, 2019.

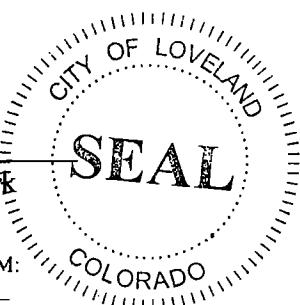


Jack Marsh, Mayor

ATTEST:



Patti Garcia, City Clerk



APPROVED AS TO FORM:



Assistant City Attorney

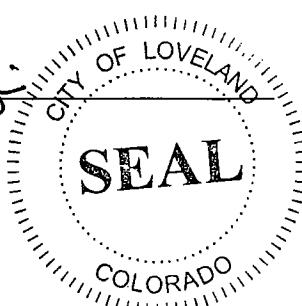
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GOVERNING CITY PROPERTY

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I, Patti Garcia, City Clerk of the City of Loveland, Colorado, hereby certify that the above foregoing Ordinance was introduced at a regular (or special) meeting of the City Council, held on February 15, 2019 and was initially published in the Loveland Daily Reporter-Herald, a newspaper published within the city limits, in full on February 26, 2019 and by title except for parts thereof which were published in full in said newspaper on March 9, 2019.



Patti Garcia
City Clerk



Effective Date: March 19, 2019