

ORDINANCE NO. 2019-_____

A BILL

FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, AMENDING CHAPTER 26 ADDING ARTICLE VI OF THE CITY CODE REFERRED TO AS THE “THE DETENTION FACILITY NOTIFICATION REQUIREMENT.”

WHEREAS, the City of Aurora, Colorado, (the “City”), is a home rule municipality, organized and existing under Article XX, Section 6 of the Colorado Constitution; and

WHEREAS, the City provides fire rescue services, amongst other services, to the residents and businesses located within the City limits; and

WHEREAS, the City has a vested interest in protecting the health and safety of all employees providing services to residents and businesses, particularly firefighters; and

WHEREAS, the City Council finds that when City firefighter respond to detention facilities, and because of the nature of maintaining individuals confined in a crowded space, they face an inherent risk to their health and safety, and may be exposed to contagious diseases and other pathogens; and

WHEREAS, to protect the well-being of the City’s firefighters when responding to detention facilities, the City Council has decided to create a new notification requirement to the Fire Department of any outbreak or contagious disease that may create a danger to the City’s firefighters.

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

Section 1. Chapter 26, Article VI, of the City Code of the City of Aurora, Colorado, is hereby added and shall read as follows:

Article VI. Detention facilities notification requirement.

Section 26-246. Definitions

Except as otherwise indicated by the context, the following words, terms and phrases, shall have the following meanings for purposes of this Article:

Agent means an individual designated by a private or publicly-held corporation or a government to act on behalf of the corporation or governmental entity under this article. An agent shall be a bona fide resident of Colorado, a citizen or legal resident of the United States, or otherwise authorized to work in the United States.

Detention Facility means a facility that a person, corporation or government, owns, rents, leases or has otherwise lawful possession, dedicated to maintaining inmates or detainees imprisoned or otherwise confined whether under contract with a government agency or not, excluding half way houses and other facilities where residents have freedom of movement.

Employee means any person who performs any service at a detention facility whether public or private on a full-time, part-time, or on contract basis. Employee does not include a person exclusively engaged in the repair or maintenance of the detention facility, or for the delivery of goods to the detention facility. For purpose of this division the term “*employee*” shall not include federal agents or employees of the federal government.

Person shall have the meaning as defined in Section 86-26.

Notification means a written or electronic communication from the detention facility to the Fire Chief or designee advising the Fire Department of the existence of a communicable disease or pathogen. The communication shall not include any personal identifiable information as required under the Health Insurance Portability and Accountability Act (HIPAA).

Section 26- 247. Notification required.

Every detention facility shall be required to:

(a) Request and maintain available at the detention facility and accessible to all employees the contact information of the City of Aurora Fire Chief or designee for the notification purposes required in subsection b.

(b) Within forty-eight hours (48), notify in writing or by electronic means to the Fire Chief or designee, any health hazards existing in the premises, including but not limited to contagious disease, that may affect fire rescue personnel or other city personnel responding to the facility provided that all personal identifiable information is removed as required under the Health Insurance Portability and Accountability Act (HIPAA). The obligations contained in this subsection are in addition to any state or federal law requirement

and do not supersede the need to report notifiable conditions in accordance with Regulation 6 CCR 1009-1.

Section 2. All ordinances, or parts of ordinances, of the City Code of the City of Aurora, Colorado, in conflict herewith are expressly repealed.

Section 3. Pursuant to Section 5-5 of the Charter of the City of Aurora, Colorado, the second publication of this ordinance shall be by reference,

INTRODUCED, READ AND ORDERED PUBLISHED this ____ day of _____, 2019.

PASSED AND ORDERED PUBLISHED BY REFERENCE this ____ day of _____, 2019.

BOB LEGARE, Mayor

ATTEST:

STEPHEN J. RUGER, City Clerk

APPROVED AS TO FORM

HANOSKY HERNANDEZ,
Assistant City Attorney