

CITY OF EVANS, COLORADO

ORDINANCE NO. -13

**AN EMERGENCY ORDINANCE IMPOSING A MORATORIUM
ON BUILDING OR DEVELOPMENT WITHIN
AREAS OF SPECIAL FLOOD HAZARD AND OTHER FLOODED AREAS**

WHEREAS, the City Council of the City of Evans, Colorado, pursuant to Colorado statute and the Evans City Charter, is vested with the authority of administering the affairs of the City of Evans, Colorado; and

WHEREAS, the legislature of the state of Colorado has in Title 29, Article 20 of the Colorado Revised Statutes, as amended and other Statutes delegate the responsibility of local governmental units to adopt regulations designed to minimize flood losses; and

WHEREAS, the City has adopted regulations to prevent and limit flood damage, which are set forth in Chapter 16.04 of the City Code; and

WHEREAS, the City has designated areas that are subject to periodic inundation, which can result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the health, safety and general welfare of the public, and identified them as “areas of special flood hazard” as defined in Section 16.04.050 of the City Code; and

WHEREAS, heavy rains and flooding occurred throughout Weld County and Evans and various other municipalities on September 9, 2013 through September 13, 2013, causing substantial damages to private and public properties (including, but not limited to, buildings owned and maintained by the City of Evans), power outages, and closures of City roads due to flooding and standing water, with the extent of such damages being at present unknown; and

WHEREAS, areas beyond and in addition to those identified by the City as areas of special flood hazard were flooded as a result of the September 2013 storms; and

WHEREAS, as a result of such storm damage, businesses, government operations, schools, and other institutions have been closed; and

WHEREAS, Section 16.040.050 of the City Code contains the following definitions:

“Structure” means a walled and roofed building or manufactured home that is principally above ground.

“Development” means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard.

WHEREAS, the City Council needs time to develop and adopt appropriate standards limiting the construction, development, and other activities that will be permitted within certain areas that have been identified as special flood hazard areas and areas that have suffered flooding in September 2013.

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

1. Effective immediately, no further permits shall be approved or issued for structures or development, as those terms are defined above, on any property within the area depicted on the map attached as Exhibit A, which includes the areas of special flood hazard as defined in Section 16.04.070 and related sections of the City Code and all areas flooded during the September 9 through 13, 2013 storm.

2. No person shall construct any structure(s) or undertake any development, as those terms are defined above, on any property within the area depicted on Exhibit A.

3. This ordinance shall expire six months from its effective date, unless repealed by the City Council prior to its expiration.

4. Any person who violates any provision of this Ordinance shall be punished as provided in Chapter 1.16 of the City Code.

5. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this ordinance and each part or parts thereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

6. Repeal. Existing ordinances or parts of ordinances covering the same matters embraced in this ordinance are hereby repealed and all ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the effect date of this ordinance.

7. Publication and Effective Date. This Ordinance is necessary for the immediate protection and preservation of the public health, safety, and welfare of the citizens of the City of Evans for the reasons described above, and therefore, shall become effective immediately as an emergency ordinance upon adoption by the City Council.

PASSED AND ADOPTED AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF EVANS ON THIS 17th DAY OF SEPTEMBER, 2013.

ATTEST:

CITY OF EVANS, COLORADO

City Clerk

BY: _____
Lyle E. Achziger, Mayor