

ORDINANCE NO. 798

AN ORDINANCE EXTENDING A TEMPORARY MORATORIUM ON THE ISSUANCE OF A BUILDING PERMIT, SPECIAL USE PERMIT OR BUSINESS LICENSE TO, OR RECEIPT OF ANY LAND USE APPLICATION FROM, ANY PROPERTY OWNER OR APPLICANT THE PURPOSE OF WHICH INCLUDES DEVELOPMENT, CONSTRUCTION OR OPERATION OF TEMPORARY HOUSING FOR TRANSIENT LABOR FORCE WORKERS.

WHEREAS, the City regulates the excavation for and construction of buildings and other structures located within the City, including foundations for pre-manufactured housing structures, by those ordinances codified in Chapter 18 of the Dacono Municipal Code, and Section 18-1 of the Dacono Municipal Code makes it unlawful for any person to commence such activities as are regulated in Chapter 18 until the Building Official has issued a building permit therefor; and

WHEREAS, the City regulates trades, professions, businesses and occupations conducted within the City by those ordinances codified in Chapter 6 of the Dacono Municipal Code, and Section 6-1 of the Dacono Municipal Code makes it unlawful for any person to establish, engage or be engaged in such activities without having first obtained a general business license from the City and such additional licenses as may be required by Chapter 6; and

WHEREAS, the City regulates the use and subdivision of land by those ordinances codified in Chapters 16 and 17 of the Dacono Municipal Code, and Sections 16-9 and 17-1 of the Dacono Municipal Code require conformance with those regulations set forth in Chapters 16 and 17; and

WHEREAS, the City's zoning and subdivision regulations do not address use of land for the construction of temporary housing for oil and gas workers, commonly known as "man camps," and none are presently located within the City; and

WHEREAS, research and investigation performed by the City's police department, as summarized in the Memorandum by Detective Porta dated March 11, 2015, a copy of which accompanies this ordinance, has raised significant concerns regarding the potential deleterious impacts of oil and worker employee housing on the City and its residents, and whether the City has the ability to provide law enforcement and other services to meet the increased demands that may be presented; and

WHEREAS, City staff have drafted an ordinance amending Chapter 16 of the Dacono Municipal Code to address temporary workforce housing, which ordinance will be scheduled for public hearings before the Planning Commission and City Council; and

WHEREAS, the City Council finds and determines it is of critical importance to the City and its residents that the Planning Commission and City Council complete its examination of the

important policy considerations presented by such man camps and the draft ordinance prepared by City staff; and

WHEREAS, in order to protect the public health, safety and general welfare of the inhabitants of the City, the City Council hereby finds and determines that it is necessary and appropriate to extend the temporary moratorium imposed by Ordinance No. 793 for an additional period of one month, to October 31, 2015, on the issuance of a building permit, special use permit or business license to, or receipt of any land use application from, any property owner or applicant the purpose of which includes development, construction or operation of temporary housing for oil and gas workers, during which time the City shall consider amendments to the Dacono Municipal Code concerning the same and any regulations that may permit such activities without negatively impacting the City and its residents; and

WHEREAS, the City Council finds and declares it has the power and authority to adopt this ordinance pursuant to Amendment 64, C.R.S. § 29-20-101, *et seq.* (the Local Government Land Use Control Enabling Act), C.R.S. § 31-23-301, *et seq.* (concerning municipal zoning powers), C.R.S. § 31-15-103 (concerning municipal police powers), C.R.S. § 31-15-401 (concerning municipal police powers), C.R.S. § 31-15-501 (concerning municipal authority to regulate businesses), C.R.S. § 31-15-601 (concerning municipal building regulations), Article XX of the Colorado Constitution (concerning municipal home rule), and the City of Dacono Home Rule Charter.

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

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

Section 2. Upon the effective date of this ordinance, and until October 31, 2015, no application for approval of a building permit, business license, or land use approval, including but not limited to any zoning or subdivision application, filed by or on behalf of any business or landowner whose purpose includes development, construction or operation of temporary housing for oil and gas workers shall be received, reviewed, approved or otherwise acted upon, unless otherwise provided in this ordinance. The moratorium established by this ordinance shall apply to all such temporary worker or employee housing, whether referred to as a man camp, a crew housing facility, crew camp housing, temporary work camp housing, transient lodging, workforce housing or temporary housing, and regardless of whether the structures are designed to be temporary or permanent.

Section 3. The restrictions contained in this ordinance shall not be construed to affect any applications for a building permit, business license, or any land use approval for which complete applications were filed prior to the effective date of Ordinance No. 793 imposing the moratorium.

Section 4. Any person who submitted a complete application for a building permit, business license, or land use approval to construct, develop or operate temporary housing for oil and gas workers prior to the effective date of the moratorium, and who believes that application of the temporary moratorium to such application would be legally invalid, may file with the City Council a request for an exemption from the moratorium. The request shall be in writing and fully set forth the reasons why the exemption should be granted. The City Council may grant the exemption if it finds that application of the moratorium would be legally invalid under the facts presented.

Section 5. The provisions of this ordinance are temporary in nature and may be repealed by subsequent legislative enactment. The temporary moratorium established by this ordinance shall terminate as of October 31, 2015 unless sooner repealed.

Section 6. 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 hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 7. The repeal or modification of any provision of any prior ordinance by this ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.


Section 8. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

INTRODUCED, READ, ADOPTED ON FIRST READING, AND ORDERED PUBLISHED AND POSTED BY TITLE this 10th day of August, 2015.

PUBLIC HEARING AND SECOND READING WILL BE THE 24th day of August, 2015, AT 6:00 P.M. AT DACONO CITY HALL, 512 CHERRY STREET, DACONO, CO.

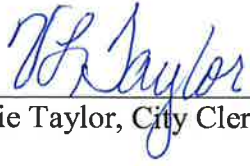
READ, ADOPTED ON SECOND READING, APPROVED, SIGNED, AND ORDERED PUBLISHED BY TITLE this 24th day of August, 2015.

CITY OF DACONO, COLORADO



Charles Sigman, Mayor

ATTEST:

A handwritten signature in blue ink, appearing to read "V. Taylor", is written over a horizontal line.

Valerie Taylor, City Clerk

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Summary of Ordinance No. 798, **“AN ORDINANCE EXTENDING A TEMPORARY MORATORIUM ON THE ISSUANCE OF A BUILDING PERMIT, SPECIAL USE PERMIT OR BUSINESS LICENSE TO, OR RECEIPT OF ANY LAND USE APPLICATION FROM, ANY PROPERTY OWNER OR APPLICANT THE PURPOSE OF WHICH INCLUDES DEVELOPMENT, CONSTRUCTION OR OPERATION OF TEMPORARY HOUSING FOR TRANSIENT LABOR FORCE WORKERS”**: Extends to October 31, 2015 the temporary moratorium imposed by Ordinance No. 793 on the issuance of a building permit, business license or land use approval for development, construction or operation of what are commonly referred to as “man camps”.