

## **ORDINANCE NO. 800**

### **AN ORDINANCE AMENDING CHAPTER 16 OF THE DACONO MUNICIPAL CODE TO PROHIBIT TEMPORARY WORKFORCE HOUSING IN ALL ZONE DISTRICTS WITHIN THE CITY.**

**WHEREAS**, the City regulates the use of land by those ordinances codified in Chapter 16 of the Dacono Municipal Code, and Section 16-9 of the Dacono Municipal Code requires conformance with those regulations set forth in Chapter 16; and

**WHEREAS**, the City's zoning regulations do not address use of land for temporary housing for transient labor force workers, including those for oil and gas workers that are 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, raised significant concerns regarding the potential deleterious impacts on the City and its residents of temporary housing for transient labor force workers, including whether the City has the ability to provide law enforcement and other services to meet the increased demands that may be presented; and

**WHEREAS**, by Ordinance No. 793 adopted on an emergency basis on April 13, 2015, the City Council imposed a temporary moratorium until September 30, 2015 on the City's receipt of any 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, to allow the City Council to 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**, by Ordinance No. 798 adopted on August 24, 2015, the City Council extended such temporary moratorium until October 31, 2015; and

**WHEREAS**, during the moratorium, the City further studied the secondary effects experienced by other communities that have permitted this type of land use and found that in addition to the deleterious public safety impacts noted by Detective Porta, many of these communities are experiencing negative impacts caused by employee layoffs and cutbacks in resources devoted by oil and gas companies to temporary housing facilities as a result of fluctuating oil and gas prices; and

**WHEREAS**, while the City of Dacono encourages development that provides housing for new permanent residents, the City Council finds that temporary housing for transient labor force workers, particularly that provided for "boom and bust" industries heavily impacted by volatile commodity prices resulting in relatively short-term employer workforce needs, is likely to contribute to an unstable housing market in the City to the detriment of the City's residents and property owners, the City's own long-term economic growth and financial stability; and

**WHEREAS**, the City Council finds and determines that, in order to protect the public health, safety and general welfare of the inhabitants of the City, temporary housing for transient labor workers should be prohibited in all zone districts within the City as set forth herein; 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.** Section 16-49 of the Dacono Municipal Code is hereby amended to read as follows (text to be added underlined; text to be deleted ~~stricken~~):

**Sec. 16-49. Hotel and motel.**

*Hotel and motel* mean a building designed for occupancy as the more or less temporary abiding place for less than thirty (30) days of individuals who are lodged with or without meals, in which there are six (6) or more guest rooms ~~and in which no provision is made for cooking in any individual room or suite.~~

**Section 3.** Chapter 16, Article 2 of the Dacono Municipal Code is hereby amended to add a new Section 16-80.5 to read as follows:

**Sec. 16-80.5 Skid unit.**

*Skid unit* means a structure or group of structures, either single or multi-sectional, not built on a permanent chassis and ordinarily designed for human living quarters or a place of business, on a temporary or permanent basis.

**Section 4.** Chapter 16, Article 2 of the Dacono Municipal Code is hereby amended to add a new Section 16-85.5 to read as follows:

**Sec. 16-85.5 Temporary workforce housing.**

*Temporary workforce housing*, also known as crew camps, man camps or crew housing facilities, means one or more dwelling units, skid units or pre-

manufactured housing units, erected, co-located, or assembled for a business for its employees, either by or for the business, occupied by employees of a business, and offered to such employees as temporary lodging or sleeping rooms, for purchase at a fee or as compensation for work performed, regardless of whether meals are provided on site.

**Section 5.** Section 16-10 of the Dacono Municipal Code is amended by the addition of a new subsection (j) to read as follows:

**Sec. 16-10. Prohibited uses.**

(j) Temporary workforce housing is prohibited in all zone districts of the City.

**Section 6.** 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 the temporary moratorium imposed by Ordinance No. 793.

**Section 7.** 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 Ordinance No. 793, and who believes that application of this to such application would be legally invalid, may file with the City Council a request for an exemption. 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 this ordinance would be legally invalid under the facts presented.

**Section 8.** The temporary moratorium established by Ordinance No. 793, and extended by Ordinance No. 798, shall terminate upon the effective date of this ordinance.

**Section 9.** 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 10.** 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 11.** 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 14<sup>th</sup> day of September, 2015.**

**PUBLIC HEARING AND SECOND READING WILL BE THE 28<sup>th</sup> day of September, 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 28<sup>th</sup> day of September, 2015.**

CITY OF DACONO, COLORADO



---

Charles Sigman, Mayor

ATTEST:



---

Valerie Taylor, City Clerk

Summary of Ordinance No. 800, **“AN ORDINANCE AMENDING CHAPTER 16 OF THE DACONO MUNICIPAL CODE TO PROHIBIT TEMPORARY WORKFORCE HOUSING IN ALL ZONE DISTRICTS WITHIN THE CITY”**: Prohibits in all zone districts within the City temporary housing for transient labor force workers, commonly referred to as “man camps”.