

**TOWN OF LOCHBUIE  
COUNTIES OF WELD AND ADAMS, COLORADO**

**ORDINANCE NO. 2020- 660**

**AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF LOCHBUIE, COLORADO, EXTENDING AN EXISTING MORATORIUM ON THE ACCEPTANCE OR PROCESSING OF ANY FORM OF APPLICATION OR APPROVAL, INCLUDING BUILDING PERMITS, WHICH WOULD AUTHORIZE AN “INDOOR STORAGE”, “OUTDOOR STORAGE/SCREENED”, OUTDOOR STORAGE/UNSCREENED”, “PERSONAL STORAGE UNITS (MINI-STORAGE)” AND/OR “SUPPLY YARDS” USE, AND DECLARING AN EMERGENCY**

WHEREAS, the Town of Lochbuie (the “Town”) is a statutory municipality, governed by its elected Mayor and Board of Trustees; and

WHEREAS, the Town is authorized pursuant to Section 31-23-301, *et seq.* C.R.S., to regulate the use of land for the purpose of promoting the health, safety and welfare of the Town; and

WHEREAS, by Ordinances 2020-654 and 2020-658, the Town imposed a temporary suspension and delay (moratorium) on the acceptance or processing of any form of application or approval, including building permits, which would authorize an “Indoor Storage”, “Outdoor Storage/Screened”, Outdoor Storage/Unscreened”, “Personal Storage Units (Mini-Storage)” and/or “Supply Yards” use, which temporary suspension and delay is set to automatically terminate at midnight on October 20, 2020, unless terminated earlier by the Board of Trustees or extended in its duration by the enactment of another ordinance; and

WHEREAS, since the time of adoption of Ordinance 2020-654, the Town has been affected by the global coronavirus pandemic which has caused additional delay in the Town adopting and processing regulations on “Indoor Storage”, “Outdoor Storage/Screened”, Outdoor Storage/Unscreened”, “Personal Storage Units (Mini-Storage)” and/or “Supply Yards” uses, such that an approximately five week extension of the moratorium authorized by Ordinances 2020-654 and 2020-658 only as it affects “Indoor Storage”, “Outdoor Storage/Screened”, Outdoor Storage/Unscreened”, “Personal Storage Units (Mini-Storage)” and/or “Supply Yards” uses is necessary and reasonable; and

WHEREAS, the Board of Trustees finds that an emergency exists and that the immediate effectiveness of this ordinance is necessary to protect the public health, safety and welfare and avoid any lapse between the termination of the existing moratoria and the effectiveness of this ordinance.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF LOCHBUIE, WELD AND ADAMS COUNTIES, COLORADO, AS FOLLOWS:**

**Section 1. Extension and Termination of Moratorium.** The temporary moratorium on the acceptance or processing of any form of application or approval, including building permits, which would authorize an “Indoor Storage”, “Outdoor Storage/Screened”, “Outdoor Storage/Unscreened”, “Personal Storage Units (Mini-Storage)” and/or “Supply Yards” uses, which temporary suspension and delay was scheduled to automatically terminate at midnight on October 20, 2020, as adopted by Ordinance 2020-658, is hereby extended and shall automatically terminate at midnight on **November 30, 2020**, unless terminated earlier by the Board of Trustees or extended in its duration by the enactment of another ordinance. This Ordinance and the temporary suspension and delay imposed hereby shall be self-executing without further action by the Town or its Board of Trustees.

**Section 2. Severability.** If any provision of this Ordinance, or the application of such provision to any person or circumstance, is for any reason held to be invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable. The Board of Trustees hereby declares that it would have passed this Ordinance and each provision thereof, even though any one of the provisions might be declared unconstitutional or invalid. As used in this Section, the term “provision” means and includes any part, division, subdivision, section, subsection, sentence, clause or phrase; the term “application” means and includes an application of an ordinance or any part thereof, whether considered or construed alone or together with another ordinance or ordinances, or part thereof, of the Town.

**Section 3. Safety Clause.** The Board of Trustees hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town of Lochbuie, that it is promulgated for the health, safety and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Board of Trustees further determines that the Ordinance bears a rational relationship to the proper legislative object sought to be obtained.

**Section 4. Repealer.** All ordinances or resolutions, or parts thereof, in conflict with this Ordinance are hereby repealed, provided that such repealer shall not repeal the repealer clauses of such ordinance nor revive any ordinance thereby.

**Section 5. Emergency; Effective Date.** The Board adopts the findings of the recitals above and legislatively declares that the immediate preservation of the public health and safety requires the immediate effectiveness of this Ordinance. Absent passage of this Ordinance as an Emergency Ordinance, the Town risks the submission of applications for “Indoor Storage”, “Outdoor Storage/Screened”, “Outdoor Storage/Unscreened”, “Personal Storage Units (Mini-Storage)” and/or “Supply Yards” uses and the processing of such proposed uses with the existing regulations which do not adequately address the potential impacts of such uses in a comprehensive or fully reasoned manner. This Ordinance shall take effect immediately upon its adoption as provided by C.R.S. § 31-16-105.

ADOPTED by a vote of  $\frac{3}{4}$  of the members of the Board of Trustees with 6 in favor, 0 against and 0 abstaining, AND ORDERED PUBLISHED by title only following public hearing, this 1st day of September, 2020.

TOWN OF LOCHBUIE, COLORADO

  
Jacob Lofgren, Mayor

I hereby certify that the above Ordinance was adopted by the Board of Trustees of the Town of Lochbuie at its meeting of September 1, 2020, and ordered published by title only one time by *The Brighton Blade* newspaper on September 9, 2020.

[SEAL]

  
Linda Blackston, Town Clerk

