

**TOWN OF RIDGWAY, COLORADO
EMERGENCY ORDINANCE NO. 02-2022**

**AN EMERGENCY ORDINANCE OF THE TOWN OF RIDGWAY, COLORADO
ADOPTING CERTAIN AMENDMENTS TO CHAPTER 7 “PLANNING AND ZONING” OF
THE RIDGWAY MUNICIPAL CODE**

WHEREAS, the Town of Ridgway, Colorado (“Town”) is a home rule municipality existing pursuant to the laws of the Colorado Constitution, the Colorado Revised Statutes and the Town’s Home Rule Charter; and

WHEREAS, Article 3-8 of the Ridgway Charter allows for the adoption of an emergency ordinance when the Town Council determines that the ordinance is necessary to the immediate preservation of the public peace, health and safety and includes such a declaration within the ordinance and is adopted by the affirmative vote of six members of the Town Council; and

WHEREAS, the Town has seen unprecedented growth and development over the past two years, with numerous subdivision, sketch plans, preliminary plats, final plats, and planned unit developments (combined “Development Applications”) being submitted for review by the Town Staff, Planning Commission and the Town Council; and

WHEREAS, the Town has limited resources and staff to review, comment and process Development Applications; and

WHEREAS, on September 8, 2021, the Town Council approved Emergency Ordinance No. 07-2021, enacting a 30-day completion review for various applications; and

WHEREAS, to assist with the Town’s Staff’s review of certain Development Applications, the Town Council wishes to adopt this emergency ordinance to the Town Municipal Code, providing for a greater period of time in which the Town Staff can review applications to deem them complete.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF RIDGWAY, COLORADO the following:

Section 1. Recitals Incorporated. The above and foregoing recitals are incorporated herein by reference and adopted as findings and determinations of the Town Council.

Section 2. Amendments to Chapter 7 of the Ridgway Municipal Code. Chapter 7 of the Ridgway Municipal Code is hereby amended as follows:

1. **Amendment to Section 7-4-1(G).** Subsection (G) to Section 7-4-1 is hereby amended to read as follows:
 - G. Notwithstanding any provision to the contrary, Town staff shall have 60 days from the date a subdivision application, sketch plan, preliminary plat, final plat, amended plat or planned unit development application is submitted to review such submittal and to advise the applicant of any deficiencies. Once a submittal is deemed complete, it may be processed for further review.
2. **Amendment to Section 7-3-22(A)(2).** Subsection (A)(2) to Section 7-3-22 is hereby amended to read as follows:

- (2) Rezoning may be requested or initiated by the Town, the Planning Commission, or the owner of any legal or equitable interest in the property or his representative. The area considered for rezoning may be enlarged by the Planning Commission on its own motion over the area requested in the application as part of its recommendation. Any person desiring an amendment to the Zoning Regulations shall submit an application on forms provided by the Town, accompanied by an application fee of \$200.00. Town staff shall have 60 days from the date an application is submitted to review such submittal and to advise the applicant of any deficiencies. Once a submittal is deemed complete, it may be processed for further review. The burden shall be on the applicant to show that the criteria of this Subsection have been met. No fee or formal application is required for action initiated by the Town or Planning Commission.
3. **Amendment to Section 7-3-23(B).** Subsection (B) to Section 7-3-23 is hereby amended to read as follows:

- (B) The applicant requesting approval of a variance, appeal, conditional use, change in a nonconforming use, or other action required to be reviewed pursuant to this Subsection shall submit an application upon forms supplied by the Town accompanied by any other required information or information which he may desire to submit. A single application may contain a request for more than one action. The application shall be accompanied by application fees as set by Subsection 7- 3-25. Town staff shall have 60 days from the date an application is submitted to review such submittal and to advise the applicant of any deficiencies. Once a submittal is deemed complete, it may be processed for further review. No formal application need be submitted or fee paid for action initiated by the Town or Planning Commission.

Section 3. 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 Town Council 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 4. Effective Date. This Emergency Ordinance shall take effect immediately upon its adoption by the Town Council in accordance with Article 3-8 of the Ridgway Charter.

Section 5. Safety Clause. The Town Council hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town of Ridgway, 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 Town Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained.

Section 6. No Existing Violation Affected. Nothing in this Ordinance shall be construed to release, extinguish, alter, modify, or change in whole or in part any penalty, liability, or right, or affect any audit, suit, or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing which may have been incurred or obtained under any ordinance or provision hereby repealed or amended by this Ordinance. Any such ordinance or provision thereof so amended,

repealed, or superseded by this Ordinance shall be treated and held as remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings and prosecutions, for the enforcement of such penalty, liability, or right, and for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits or proceedings, or prosecutions imposing, inflicting, or declaring such penalty, or liability, or enforcing such right, and shall be treated and held as remaining in force for the purpose of sustaining any and all proceedings, actions, hearings, and appeals pending before any court or administrative tribunal.

Section 10. Publication. The Town Clerk is ordered to publish this Ordinance in accordance with Article 3-8 of the Ridgway Charter.

INTRODUCED, READ, HEARD AND FINALLY ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF RIDGWAY, COLORADO, THIS 10th DAY OF AUGUST 2022.

BY:

ATTEST:

John Clark, Mayor

Pam Kraft, Town Clerk

APPROVED AS TO FORM:

Bo James Nerlin, Town Attorney