

ORDINANCE NO. 2018-28

AN EMERGENCY ORDINANCE OF THE CITY OF FRUITA, COLORADO, ESTABLISHING A TEMPORARY MORATORIUM ON THE ACCEPTANCE OF APPLICATIONS FOR SIGN VARIANCES PURSUANT TO SECTION 17.41.020(D) OF THE FRUITA MUNICIPAL CODE IN THE GENERAL COMMERCIAL ZONE DISTRICT; THE PROCESSING OF SUCH APPLICATIONS AND THE GRANTING OF SUCH VARIANCES.

WHEREAS, pursuant to Sections 31-15-401 and 31-23-301, C.R.S., the City of Fruita has broad authority to exercise its police powers to promote and protect the health, safety and welfare of the community and its residents; and

WHEREAS, pursuant to Section 31-23-301, C.R.S., such police powers include the power to regulate the location and use of lands within the City for trade, industry or other purposes; and

WHEREAS, pursuant to the Local Government Land Use Control Enabling Act of 1974, Sections 29-20-101 *et. seq.*, C.R.S., the City of Fruita has the authority to plan for and regulate the planned and orderly use of land on the basis of the impacts thereof to its residents; and

WHEREAS, the City Council of the City of Fruita finds and determines that a temporary moratorium on the acceptance of new applications for sign variances in the General Commercial Zone District and the granting of such variances will allow City staff and the City Council the time to evaluate the existing provisions of its sign code contained in Chapter 17.41 of the Fruita Municipal Code, as well as predictability, efficiency, uniformity and fairness in the approval process, consistent with the Fruita Community Plan and to update such provisions as necessary.

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

Section 1. Declaration of Emergency. In accordance with Section 2.14 of the Fruita City Charter, the City Council finds and determines that it is necessary and appropriate to adopt this emergency Ordinance to meet a public emergency affecting life, health, property or the public peace and that an emergency exists because City staff needs to research and study the City's sign code regulations that pertain to the General Commercial Zone District and whether the sign code is being applied fairly, uniformly and consistently in the General Commercial Zone. Therefore, this Ordinance shall become effective upon its adoption and shall automatically stand repealed on the 61st day following the date of adoption unless this Ordinance is reenacted in accordance with the provisions set forth in Section 2.13 of the Fruita City Charter.

Section 2. Incorporation of Recitals. The foregoing Recitals are hereby affirmed and incorporated herein by this reference as findings of the City Council.

Section 3. Temporary Moratorium and Delay Enacted. Upon the effective date of this Ordinance, the City of Fruita hereby imposes a temporary moratorium and delay on the acceptance of new applications for sign code variances in the General Commercial Zone District, and the processing and approval of such variances as authorized by Section 17.41.020(D) of the Fruita Municipal Code. This temporary moratorium and delay shall automatically terminate on the 61st day following the date this Ordinance was adopted, unless terminated earlier by the City Council or extended in its duration by enactment of another Ordinance. This Ordinance and the temporary moratorium and delay herein imposed shall be self-executing without further action by the City or the City Council.

Section 3. Severability. If any provision of this Ordinance should be found by a court of competent jurisdiction to be invalid, such invalidity shall not affect the remaining portions or applications of this Ordinance that can be given effect without the invalid portion, provided that such remaining portions or applications of this Ordinance are not determined by the court to be inoperable. The City Council declares that it would have adopted this Ordinance and each section, sentence, clause, phrase, or a portion thereof, despite the fact that any one or more sections, sentences, clauses, phrases or portions would be declared invalid or unconstitutional.

**PASSED AND ADOPTED BY THE FRUITA CITY COUNCIL AS AN EMERGENCY ORDINANCE,
THIS _____ DAY OF _____, 2018.**

CITY OF FRUITA

Joel Kincaid, Mayor

ATTEST:

Margaret Sell, City Clerk