

**TOWN OF RICO, COLORADO
ORDINANCE NO. 2002-6**

**ENACTING A TEMPORARY DEVELOPMENT RESTRICTION
FOR ALL FLOOD PLAIN AREAS**

WHEREAS, the Town of Rico is authorized to regulate the use of land within its jurisdiction by its Home Rule Charter authority, general police powers, and Colorado Revised Statutes Article 20, Title 29; and.

WHEREAS, the need for a waste water treatment system was identified and recommended in a WASTE WATER EVALUATION AND ANALYSIS, dated December 1995, prepared by Goff Engineering of Durango, and by the Engineering Report for 201 Wastewater Facilities Plan, dated December 1999, prepared by Rothberg, Tamburini and Winsor of Denver; and.

WHEREAS, the Board of Trustees has diligently pursued planning and financing for a waste water treatment system, including but not limited to retaining an engineer to prepare a federal Preliminary Engineering Report and applying for various federal and state financing; and.

WHEREAS, the Town of Rico has applied for grant funding from U.S.D.A. Rural Development, Environmental Protection Agency and the Economic Development Administration in the amount of \$3.3 millions dollars; and.

WHEREAS, as a condition to receiving federal funding local communities are required to restrict or prohibit sewer service in flood plain areas; and.

WHEREAS, the Board of Trustees finds that the current flood plain regulations do not meet the federal requirements concerning development in flood plain areas and potential development is threatened in the flood plain areas, and that such development in the flood plain may jeopardize the ability of the Town of Rico to receive federal funding for a waste water treatment system, and thereby threatens the health, safety and general welfare of the Rico Community;

NOW THEREFORE, THE BOARD OF TRUSTEES OF THE TOWN OF RICO ORDAINS:

SECTION 1. MORATORIUM ON FLOODPLAIN DEVELOPMENT: A temporary development restriction is hereby established for all development application, subdivision, planned unit development, building, construction and excavation activities in all designated Flood Hazard zones, including Zone AE, Zone A, Zone X, and Zone Y, as defined in the Rico Land Use Code, for a period of four months from the effective date of this ordinance in order to preserve the status quo and provide time for the orderly formulation and establishment of appropriate flood plain regulations. Town shall not issue building or excavation permits or process applications for the development activities listed above; however, construction and excavation activities related to common public utility installation, repair, or maintenance, or related to abatement of a public nuisance or prevention of an emergency or direct unforeseeable threat to the public safety shall not be restricted by this ordinance.

SECTION 2. EFFECTIVE DATE. This Ordinance shall be effective immediately upon final adoption.

SECTION 3. EXPIRATION DATE. The temporary development restriction imposed by this ordinance shall expire and terminate on the 19th day of April, 2003, by operation of this ordinance and this Section 3. No further action shall be required by the Board of Trustees to terminate this ordinance.

SECTION 4. POSTING AND PUBLISHING. This Ordinance shall be posted at the Rico Post Office and Rico Town Hall and published in the Rico Sun-Times by title only.

SECTION 5. PENALTIES. It is unlawful for any person to violate any of the provisions of this Ordinance. Every person convicted of a violation of any provision stated or adopted in this Ordinance shall be punished by a fine not to exceed one thousand dollars (\$1,000.00) or by imprisonment not exceeding one (1) year, or by such fine and imprisonment. Each day in violation of this ordinance shall constitute a separate violation.

READ, MOVED AND APPROVED ON FIRST READING AFTER CONDUCTING A PUBLIC HEARING ON THE 20th DAY OF NOVEMBER, 2002.

READ, MOVED AND APPROVED ON SECOND AND FINAL READING, AFTER CONDUCTING A PUBLIC HEARING THEREON, ON THE 18^H DAY OF DECEMBER, 2002.

TOWN OF RICO, COLORADO

BY: _____

Tom Clark, Mayor

ATTEST: _____

Linda Yellowman, Town Clerk

APPROVED AS TO FORM:

Eric James Heil, Town Attorney