

ORDINANCE #874

Petition Section 0

**WARNING: IT IS AGAINST THE LAW:**

For anyone to sign any initiative or referendum petition with any name other than his or her own or to knowingly sign his or her name more than once for the same measure or to knowingly sign a petition when not a registered elector who is eligible to vote on the measure.

**DO NOT SIGN THIS PETITION UNLESS YOU ARE A REGISTERED ELECTOR AND ELIGIBLE TO VOTE ON THIS MEASURE.**

**TO BE A REGISTERED ELECTOR, YOU MUST BE A CITIZEN OF COLORADO AND REGISTERED TO VOTE IN THE TOWN OF BERTHOUD.**

**Do not sign this petition unless you have read or had read to you the proposed initiative or referred measure or the summary of an initiated measure in its entirety and understand its meaning.**

**Summary:**

The proposed ordinance limits the issuance of building permits in the Town of Berthoud for the construction of new residential dwelling units to two - five percent (2%-5%) of the existing housing base annually, commencing in calendar year 2001. The ordinance requires the Town to inventory the existing number of dwelling units in the Town as of December 31, 2000. This inventory will form the basis to calculate the two to five percent limit. The ordinance provides that its adoption will constitute an amendment to the Comprehensive Plan of the Town to provide for an annual residential housing growth rate of not greater than two to five percent.

Text of the proposed Ordinance:

BE IT ENACTED by the People of the Town of Berthoud, Colorado:

The Ordinances of the Town of Berthoud are hereby amended BY THE ADDITION OF A NEW ORDINANCE to read Section 1. Purpose. The People of the Town of Berthoud find that rapid, unplanned, and unregulated housing growth through development and issuance of building permits is a matter of Town wide concern. Excessive growth, greater than two to five percent (2%-5%) is likely to cause serious harm to public health, safety, and welfare by overburdening police protection, emergency services, schools, roads, water supplies, sewer and other public facilities and services, imposing unfair tax burdens on existing residents, creating increased levels of traffic congestion, increasing levels of air and water pollution, consuming large tracts of open space, and impairing the ability of Berthoud to maintain its vital community character. The purpose of this Ordinance is to require control over the rate of housing growth within the Town. This Ordinance shall override and pre-empt any inconsistent provision of Town code.

Section 2. Definitions. As used in this Ordinance, unless the context otherwise requires:

- (1) "Building permit" has the same meaning as that term is defined elsewhere in the Town of Berthoud Code, but applies only to building permits for new residential dwelling units. The issuance of a building permit for rehabilitation or remodeling of an existing structure shall not be included in the calculations determined herein except where the number of dwelling units would be increased.
- (3) "Existing Dwelling Units" means habitable, individual living quarters typically counted as a separate living space, including single family detached or attached houses; townhouse units, apartments and condominiums, typically sold, leased, or rented to and occupied by a single family, occupant or household.
- (4) "Inventory" means the conduct of an inventory of the supply of occupied, and vacant but habitable dwelling units in the Town of Berthoud.

Section 3. Limitations on Issuance of Permits for New Construction.

(1) Upon enactment of this ordinance, the Town of Berthoud, acting through its administrative staff, shall conduct a thorough inventory of existing dwelling units in the Town that are occupied, or vacant but otherwise meeting proper Town codes concerning habitability. The Town Administrator shall report the number of existing dwelling units as of December 31, 2000 at the first Town meeting in January, 2001. This inventory shall be maintained as current with the addition of new dwelling units as permitted by the Town under the provisions of this ordinance.

(2) The Town shall then establish the maximum number of new residential dwelling units for which permits may be issued for the

calendar year 2001. The Town shall be prohibited from issuing any building permits for construction of new dwelling units exceeding two to five percent (2%-5%) of the number of existing dwelling units in Berthoud, in any calendar year commencing in 2001.

#### Section 4. Amendment of Berthoud Comprehensive Plan.

The adoption of this ordinance shall constitute an amendment to the Town of Berthoud Comprehensive Plan to provide for an annual residential housing growth rate of not greater than 2%-5% of the existing number of dwelling units.

#### Section 5. Enforcement.

Any resident of the Town of Berthoud shall have standing to enforce the provisions of this Ordinance or to defend any part of it against suit by any person. The Town of Berthoud shall be required to defend any challenge to this Ordinance by any person.

#### Section 6. Commitments.

(1) Once this matter has been certified for the ballot, no agreement or commitment, by itself or with any other such agreements or commitments, may be made that commits the Town of Berthoud to issue building permits for more than 20 units, until the effective date of this Ordinance. No future allotments shall be allocated to any project under current consideration or approved annexation in the time between certification of the petition and adoption of the ordinance.

(2) Once this ordinance has been certified for the ballot, and in the interim period until the application of the 2%-5% annual limit commences, the Town shall be prohibited from issuing building permits for more than 20 dwelling units. No future allotments shall be allocated to any project under current consideration or approved annexation in the time between certification of the petition and adoption of the ordinance.

#### Section 7. Effective Date.

If approved by voters, this Ordinance is effective upon certification of the results of the November 7, 2000 election by the Town Clerk.

#### Section 8. Severability.

This Ordinance shall be severable in accordance with appropriate Constitutional provisions.

The following persons represent the proponents of this petition in all matters affecting the petition and to whom all notices or information concerning the petition shall be mailed:

Brian Anderson  
1129 Arapahoe Avenue  
Berthoud, CO 80513

Gail Anderson  
1129 Arapahoe Avenue  
Berthoud, CO 80513

This ordinance was passed at a municipal election held on 11-7-00