

**CITY OF EVANS, COLORADO**

**ORDINANCE NO.     -13**

**AN EMERGENCY ORDINANCE IMPOSING A CURFEW WITHIN  
THE AREA EVACUATED DUE TO THE SEPTEMBER 2013 FLOOD**

**WHEREAS**, the City Council of the City of Evans, Colorado, pursuant to Colorado statute and the Evans City Charter, is vested with the authority of administering the affairs of the City of Evans, Colorado: and

**WHEREAS**, pursuant to § 31-15-401, C.R.S., the City of Evans is empowered to prevent and suppress riots, noises, disturbances, and all disorderly conduct in any public or private place, and to do all acts and make all regulations which may be necessary or expedient for the promotion of health or the suppression of disease; and

**WHEREAS**, Section 1.3 of the Evans City Charter grants the City all the powers which are necessary, requisite or proper for government and administration of its local and municipal matters, and all powers which are granted to Home Rule Cities by the Constitution of the State of Colorado; and

**WHEREAS**, heavy rains and flooding have occurred throughout Weld County, including Evans and various other municipalities on September 9, 2013 through September 13, 2013, causing substantial damages to private and public properties (including, but not limited to, buildings owned and maintained by the City of Evans), power outages, and closures of City roads due to flooding and standing water, with the extent of such damages being at present unknown; and

**WHEREAS**, the Weld County Department of Public Health and Environment has stated that flooding can lead to many potential health hazards including transfer of disease carrying materials, bacteria, parasites, and viruses; and

**WHEREAS**, the proper authorities have ordered the evacuation of portions of the City of Evans due to such flooding, and

**WHEREAS**, it is in the interest of the public health, safety and welfare to impose a curfew on unauthorized personnel being in the evacuated areas during the non-daylight hours.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EVANS, COLORADO AS FOLLOWS:**

1. A curfew is hereby imposed excluding all persons from the evacuation area, as depicted on Exhibit A, attached hereto and incorporated herein by reference, between the hours of 10 p.m. and 6 a.m. This curfew does not apply to emergency personnel or other persons duly authorized by the City of Evans or its designee.
2. Any person found to be in violation of this curfew will be subject to penalties set forth in Chapter 1.16 of the Evans Code.

3. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this ordinance and each part or parts thereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

4. Repeal. Existing ordinances or parts of ordinances covering the same matters embraced in this ordinance are hereby repealed and all ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the effect date of this ordinance.

5. Publication and Effective Date. This Ordinance is necessary for the immediate protection and preservation of the public health, safety, and welfare of the citizens of the City of Evans for the reasons described above, and therefore, shall become effective immediately as an emergency ordinance upon adoption by the City Council.

**PASSED AND ADOPTED AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF EVANS ON THIS 17<sup>th</sup> DAY OF SEPTEMBER, 2013.**

ATTEST:

CITY OF EVANS, COLORADO

\_\_\_\_\_  
City Clerk

BY: \_\_\_\_\_  
Lyle E. Achziger, Mayor