

**TOWN OF RICO  
ORDINANCE NO. 2023-07**

**AN ORDINANCE OF THE TOWN OF RICO, COLORADO AMENDING  
AND EXTENDING THE TEMPORARY MORATORIUM ON THE  
ACCEPTANCE OF NEW LAND USE APPLICATIONS FOR MAJOR OR  
MINOR SUBDIVISIONS, AND RESIDENTIAL OR COMMERCIAL  
PLANNED UNIT DEVELOPMENTS**

**WHEREAS**, the Town of Rico, Colorado (the “Town”) is a Colorado home rule municipality organized pursuant to Article XX of the Colorado Constitution and with the authority of the Rico Home Rule Charter (the “Charter”); and

**WHEREAS**, pursuant to C.R.S. §§ 29-20-101 *et seq.*, 31-15-101 *et seq.*, and 31-23-101 *et seq.*, the Town has broad authority to ensure the health, safety and welfare of the community and its residents; and

**WHEREAS**, the Town currently has access to both surface water and groundwater drinking water sources. At this time, only the groundwater source is operated for Town drinking water supply. The Silver Creek surface water treatment plant was shut down in 2015 due to water quality issues.

**WHEREAS**, the Town’s currently operational drinking water source is capable of meeting current demands but the Town will need to improve or replace the Silver Creek surface water treatment plant together with the related facilities and equipment in order to accommodate future Town growth, reduce operational costs and improve current water system inefficiencies.

**WHEREAS**, by Ordinance No. 2022-13, the Town imposed a temporary moratorium on the acceptance of new applications for Major or Minor Subdivisions and for Residential or Commercial Planned Unit Developments through June 30, 2023 to limit increasing the water system demand while it reviewed alternatives for water system improvements to increase water availability as well as options for funding said improvements; and

**WHEREAS**, on June 21, 2023 the Town extended the moratorium through December 30, 2023 pursuant to Ordinance No. 2023-03 to preserve the status quo as it continued evaluating water system improvement and funding alternatives to increase water availability to meet the demands of future growth and development within the Town; and

**WHEREAS**, the Town has completed an impact fee study to determine the impact fees amounts that will provide partial funding for water system improvements, the preliminary engineering report has been submitted to the state revolving fund as necessary to qualify for funding in 2024, and the pre-qualification application necessary to access additional funding for improvement of the Silver Creek system is in process; and

**WHEREAS**, the Town is currently mapping the water system and preparing an asset management plan to preserve, protect and enhance the portions of the water system that are

currently in use including, without limitation, installation of an automatic meter reading system to track daily water use and flag leaks to help decrease system wide water usage; and

**WHEREAS**, an extension of the moratorium is required to preserve the status quo as the Town continues efforts to secure funding for necessary water system improvements, and to obtain bids for design and construction of the water system improvements; and

**WHEREAS**, precluding acceptance of applications for Major or Minor Subdivisions and for Residential or Commercial Planned Unit Developments that the Town has previously approved, or which have been allocated water prior to submission of said application, and will not otherwise increase current demand on the water system is not necessary to preserve the status quo or to promote the public health, safety, and welfare of the Town's residents; and

**WHEREAS**, amendment of moratorium is appropriate to allow applications for Major or Minor Subdivisions and for Residential or Commercial Planned Unit Developments that the Town has previously approved, or which have been allocated water prior to submission of said application, and will not otherwise increase current demand on the water system; and

**WHEREAS**, in order to promote the public health, safety, and welfare of the Town's residents, the Board of Trustees finds it is necessary to extend the temporary moratorium on new applications for Major or Minor Subdivisions and for Residential or Commercial Planned Unit Developments, and to amend same to permit applications for such projects that the Town has previously approved, or which have been allocated water prior to submission of said application, and will not otherwise increase current demand on the water system.

**NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF RICO THAT:**

**Section 1.** The recitals above are hereby adopted as findings and incorporated herein.

**Section 2.** Upon the effective date of this Ordinance, the Town of Rico hereby amends and extends the temporary moratorium on the acceptance of applications for approval of minor or major subdivisions submitted under Article V of the Rico Land Use Code ("RLUC"), and applications for approval of Residential or Commercial Planned Unit Developments submitted under Article III of the RLUC, as enacted by Ordinance No. 2022-13, which is incorporated by this reference, until June 30, 2024.

**Section 3.** Notwithstanding the forgoing, this temporary moratorium shall not apply to preclude acceptance of applications for Major or Minor Subdivisions and for Residential or Commercial Planned Unit Developments that the Town has previously approved, or which have been allocated water prior to submission of said application, and will not otherwise increase current demand on the water system


**Section 4.** This temporary moratorium shall automatically terminate on June 30, 2024, unless terminated earlier by the Board of Trustees or extended in its duration by enactment of another Ordinance.

**Section 5.** If any section, subsection, clause, phrase, or provision of this ordinance, or the application thereof to any person or circumstance shall to any extent be held by a court of

competent jurisdiction to be invalid, void or unconstitutional, the remaining sections, subsections, clauses, phrases and provisions of this ordinance, or the application thereof to any person or circumstance, shall remain in full force and shall in no way be affected, impaired or invalidated

THIS ORDINANCE WAS, FOLLOWING PUBLIC NOTICE, INTRODUCED, READ, AND APPROVED ON FIRST READING, AND ORDERED PUBLISHED BY TITLE ONLY ON NOVEMBER 15, 2023.

TOWN OF RICO, COLORADO


  
\_\_\_\_\_  
Nicole Pieterse, Mayor

ATTEST:

  
\_\_\_\_\_  
Anna Wolf, Town Clerk

THIS ORDINANCE WAS, FOLLOWING PUBLIC NOTICE, INTRODUCED, READ ON SECOND READING, PASSED AND ORDERED PUBLISHED BY TITLE ONLY TO BE EFFECTIVE IMMEDIATELY ON DECEMBER 20, 2023.

TOWN OF RICO, COLORADO

  
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Nicole Pieterse, Mayor

ATTEST:

  
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Anna Wolf, Town Clerk

Effective Date: December 20, 2023