

**TOWN OF RICO
ORDINANCE NO. 2022-13**

**AN EMERGENCY ORDINANCE OF THE TOWN OF RICO, COLORADO
ENACTING A 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 Rico Land Use Code (“RLUC”) establishes the regulations and standards governing the use and development of land within the Town for the purpose of promoting the public health, safety and general welfare of the citizens of the Town; and

WHEREAS, the RLUC is intended to do one or more of following:

- Preserve and enhance the integrity, stability and livability of residential neighborhoods;
- promote reasonable certainty to land use and development expectations associated with property ownership;
- promote the timely provision of public infrastructure to meet potential demand in the present and the future;
- promote minimum consumer protection assurances for property buyers that properties can be developed for their intended use;
- discourage the misuse of buildings, sites, and development parcels to avoid excessive concentrations of population and traffic; to promote energy conservation; and, to facilitate the provision of adequate transportation, water, sewerage, schools, parks and other public facilities and services; and

WHEREAS, the Board of Trustees (“Board”) recognizes that the Town’s recent growth and development has raised concerns regarding the adequacy of the Town’s water supply to meet the demands of future growth, and the Town is in the process of determining how to efficiently proceed to increase water availability;

WHEREAS, the Charter, Article III § 3.6 authorizes the approval of emergency ordinances for the preservation of public health, welfare, peace, safety or property upon approval by a majority vote of the Board present at any meeting at which the said ordinance is introduced; and

WHEREAS, in order to promote the public health, safety, and welfare of the Town's residents, the Board finds it is necessary to enact a temporary moratorium on new applications for Major or Minor Subdivisions and for Residential or Commercial Planned Unit Developments.

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 imposes a temporary moratorium on the acceptance of all applications for approval of minor or major subdivisions submitted under Article V of the RLUC, and all applications for approval of Residential or Commercial Planned Unit Developments submitted under Article III of the RLUC. This temporary moratorium shall automatically terminate on June 30, 2023, unless terminated earlier by the Board of Trustees or extended in its duration by enactment of another Ordinance.

Section 3. In accordance with the Rico Charter, Article III § 3.6, the Board of Trustees finds and determines that this Ordinance is immediately necessary for the preservation of the public health, safety, and welfare of the Town and its citizens because the supply of water taps available for new development within the Town is limited, and could be exhausted by development of subdivisions or planned unit developments. Accordingly, pursuant to the Rico Charter, Article III § 3.6, this Ordinance shall be in full force and effect immediately upon adoption if approved by a majority of the members of the Board of Trustees.

INTRODUCED, READ, PASSED, ADOPTED AND ORDERED PUBLISHED AT A REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE TOWN OF RICO, COLORADO HELD ON December 21, 2022.

TOWN OF RICO, COLORADO



Nicole Pieterse, Mayor

ATTEST:



Anna Wolf, Town Clerk

Publication Date: 12/21/2022

Trustee Joe Dillsworth, introduced, read and moved the adoption of the ordinance titled,

AN EMERGENCY ORDINANCE OF THE TOWN OF RICO, COLORADO ENACTING A TEMPORARY MORATORIUM ON THE ACCEPTANCE OF NEW LAND USE APPLICATIONS FOR MAJOR OR MINOR SUBDIVISIONS, AND RESIDENTIAL OR COMMERCIAL PLANNED UNIT DEVELOPMENTS.

and upon adoption that it would be published pursuant to law and recorded in the Book of Ordinances.

Trustee Patrick Fallon seconded the motion. On roll call, the following Trustees voted "Aye":

Nicole Pietarse, Joe Croke,

Patrick Fallon,

Joe Dillsworth,

Chris Condon,

Trustees voted "Nay":
