

**TOWN OF RIDGWAY, COLORADO  
EMERGENCY ORDINANCE NO. 01-2022**

**AN EMERGENCY ORDINANCE OF THE TOWN OF  
RIDGWAY, COLORADO ESTABLISHING A TEMPORARY  
MORATORIUM ON THE ACCEPTANCE OF APPLICATIONS  
FOR MINOR SUBDIVISIONS, LOT SPLITS, REPLATS, PLAT  
AMENDMENTS, MULTISITE DEVELOPMENTS, PLANNED  
UNIT DEVELOPMENTS, REZONING APPLICATIONS; AND  
DECLARING AN EMERGENCY**

**WHEREAS**, the Town of Ridgway, Colorado (“Town”) is a home rule municipality existing pursuant to the laws of the Colorado Constitution, the Colorado Revised Statutes and the Town's Home Rule Charter; and

**WHEREAS**, Article 3-8 of the Ridgway Charter allows for the adoption of an emergency ordinance when the Town Council determines that the ordinance is necessary to the immediate preservation of the public peace, health and safety and includes such a declaration within the ordinance and is adopted by the affirmative vote of six members of the Town Council; and

**WHEREAS**, pursuant to C.R.S. §31-15-103 and §31-15-104, and pursuant to the home rule powers of the Town, the Town Council has the power to make and publish ordinances necessary and proper to provide for the safety, preserve the health, promote the prosperity, order, comfort, and convenience of its inhabitants; and

**WHEREAS**, Chapter 7, Section 4 of the Town’s Municipal Code outlines the subdivision process within the Town. The purpose of the Town’s Subdivision Regulations (the “Subdivision Regulations”) are as follows:

1. To promote public health safety and welfare.
2. To insure that new development bears its fair share of the cost of providing improvements and services resulting from the development of subdivisions.
3. To set forth uniform procedures and standards for the handling of subdivisions.
4. To insure adequate and safe public services such as water, sewer, fire protection, streets and storm drainage.
5. To implement the Town’s Master Plan and Development Regulations.
6. To encourage development which limits hazards due to erosion, flood, soil

conditions, and excessive flows.

7. To obtain land for parks, schools, and other public purposes.
8. To protect the quality of the water, air, and environment.
9. To encourage energy conservation, use of solar energy, clustered development, and infilling.
10. To encourage development which will not adversely affect adjacent property, or historical or recreational values.
11. To discourage development inconsistent with existing services and infrastructures.
12. To provide for safe and efficient flow of vehicles.

**WHEREAS**, on June 12, 2019, the Town adopted the Town of Ridgway Master Plan, which, among other things looks to outline the Ridgway Community's vision over the next ten to twenty years; and

**WHEREAS**, in May of 2022 the Town Council established a Town of Ridgway Sustainability Advisory Board to among other things, effectuate improvements to the Ridgway Municipal Code regarding sustainable practices, resource conservation, renewable energy and waste reduction; and

**WHEREAS**, portions of the Town's Subdivision Regulations were adopted over ten years ago. Over the past two years, the Town has received an unprecedent amount of minor subdivision applications, lot splits, replats, multi-site development applications, subdivision applications, and planned unit development applications, placing a strain on the resources of the Town Staff and Planning Commission; and.

**WHEREAS**, to ensure that the Subdivision Regulations, and future development within the Town represent the vision and desires of the Town residents, and in order to protect the public health, safety and general welfare of the inhabitants of the Town of Ridgway, the Town Council finds it necessary to enact a temporary moratorium on development applications until a revised Chapter 7 of the Town Municipal Code is adopted, or March 31, 2023, whichever is earlier.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF RIDGWAY, COLORADO the following:**

**Section 1. Recitals Incorporated.** The above and foregoing recitals are incorporated herein by reference and adopted as findings and determinations of the Town Council.

**Section 2. Temporary Moratorium and Delay Enactment.** Upon the effective date of this Ordinance, the Town of Ridgway hereby imposes a temporary moratorium and delay on the acceptance, processing and approval of the following development applications:

- a. Minor Subdivisions pursuant to 7-4-8 of the Town Code.
- b. Lot Splits pursuant to 7-4-9 of the Town Code.
- c. Replats and Amended Plats pursuant to 7-4-10 of the Town Code.
- d. Multi-Site Developments pursuant to 7-4-11 of the Town Code.
- e. Planned Unit Developments pursuant to 7-3-16 of the Town Code.
- f. Amendments and Additions to the Official Zoning Map and Zoning Regulations pursuant to 7-3-22 of the Town Code.

This temporary moratorium and delay shall automatically terminate upon the adoption of an updated Chapter 7 of the Town of Ridgway Municipal Code, or March 31, 2023, unless terminated earlier by the Town Council or extended in its duration by enactment of another Ordinance by the Town Council.

**Section 3. Exceptions to the Moratorium.**

- a. Any pending application which was submitted on or before the enactment of this Ordinance;
- b. Construction of any residential or commercial building as allowed as a use by right;
- c. Construction of Accessory Dwelling Units; and
- d. Additions or renovations to an existing residential or commercial buildings.

**Section 4. Declaration of Emergency.** In accordance with Section 3-7 of The Charter of the Town of Ridgway, the Town Council finds and determines that this Ordinance is immediately necessary for the preservation of the public peace, health, or safety because the current development and subdivision regulations are outdated, and continued development can drastically impact the Town. Therefore, this Ordinance shall be in full force and effect immediately upon adoption of this Ordinance if approved by an affirmative vote of three-fourths (3/4) of the members of the Town Council of the Town of Ridgway.

**Section 5. Direction to Staff.** Town staff is hereby directed to refuse to accept for filing, and not to process or review, any new applications for any subdivision under the Subdivision Regulations. Town staff is also hereby directed to refuse to accept for filing, and not to process or review, any application for new development as further outlined in Section 2 of this Ordinance.

**Section 6. Severability.** If any provision of this Ordinance, or the application of such provision to any person or circumstance, is for any reason held to be invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable. The Town Council hereby declares that it would have passed this Ordinance and each provision thereof, even though any one of the provisions might be declared unconstitutional or invalid. As used in this Section, the term “provision” means and includes any part, division, subdivision, section, subsection, sentence, clause, or phrase; the term “application” means and includes an application of an ordinance or any part thereof, whether considered or construed alone or together with another ordinance or ordinances, or part thereof, of the Town.

**Section 7. Safety Clause and Authority.** The Town Council hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town of Ridgway, that it is promulgated for the health, safety and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Town Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained. The Town Council further finds, determines and declares that it has the power to adopt this Ordinance pursuant to: (i) the Local Government Land Use Control Enabling Act, C.R.S. 29-20-101 et. seq.

**Section 8. Publication.** The Town Clerk is ordered to publish this Ordinance in accordance with Article 3-7 of the Ridgway Charter.

**INTRODUCED, READ, PASSED, ADOPTED AND ORDERED PUBLISHED AS AN EMERGENCY** on August 10, 2022, at Ridgway Town Hall, located at 201 N. Railroad Street, Ridgway, Colorado.

BY:

ATTEST:

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John Clark, Mayor

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Pam Kraft, Town Clerk

APPROVED AS TO FORM:

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Bo James Nerlin, Town Attorney