

**TOWN OF HOT SULPHUR SPRINGS,
COUNTY OF GRAND, COLORADO**

ORDINANCE NO. 2024-06-20-214

**AN ORDINANCE IMPOSING A TEMPORARY MORATORIUM ON THE
ISSUANCE OF NEW WATER OR SEWER TAPS; AND DECLARING AN
EMERGENCY**

WHEREAS, the Town of Hot Sulphur Springs, acting through its Board of Trustees, is vested with the authority to regulate the use of land within the Town; and

WHEREAS, the Hot Sulphur Springs Town Code and other regulations of the Town require the issuance of a building permit prior to the construction or modification of structures within the Town; and

WHEREAS, the Board of Trustees has received and reviewed a February 2022 Water and Wastewater Capacity Analysis (“Capacity Analysis”) from the Town’s on-call engineer, Element Engineering, LLC (“Element”) addressing the capacity of the Town’s water and wastewater treatment systems; and

WHEREAS, following significant fire events the Town has seen significant sediment issues further limiting the Town’s water treatment capacities which has been exacerbated by the failure of the Town’s main water treatment intake structure; and

WHEREAS, wastewater treatment capacity in the Town has been limited due to pond liner, testing and collection, and other issues identified in the Capacity Analysis which the Town will not be able to address until next year; and

WHEREAS, the Board of Trustees has received and reviewed a memorandum dated June 5, 2024 from Element recommending a moratorium on in the issuance of new water or sewer taps until those structural and capacity issues are addressed; and

WHEREAS, the Board of Trustees hereby finds and determines that a temporary moratorium until December 31, 2025 on the issuance of new water or sewer taps until those structural and capacity issues can be adequately addressed so that the Town can serve its customers is necessary; and

WHEREAS, the Hot Sulphur Springs Board of Trustees finds and determines that this Ordinance and the immediate effectiveness thereof is necessary for the preservation of the public peace or welfare.

**NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE BOARD OF TRUSTEES OF
THE TOWN OF HOT SULPHUR SPRINGS:**

Section 1. Recitals. The foregoing recitals are incorporated herein as findings and determinations of the Hot Sulphur Springs Board of Trustees.

Section 2. Moratorium Declared. There is hereby imposed a moratorium on the issuance of new water or sewer taps. Permits or other work within Town that does not require issuance of a water or sewer tap are not impacted by this moratorium.

Section 3. Moratorium Period. The moratorium declared by this Ordinance shall remain in effect to and including December 31, 2025, unless sooner terminated by the Board of Trustees.

Section 4. Direction to Staff. Town staff is hereby directed to do the following:

1. Except for permits or applications for which the Town has received payment and is in process, refuse to accept for filing, and not to process or review, any new applications or requests for any new water or sewer taps;
2. Inform the Grand County building department of the moratorium; and
3. Continue work to address the structural and capacity issues identified in the Capacity Analysis and the June 5, 2024 memorandum from Element.

Section 5. Authority. The Board of Trustees hereby finds, determines and declares that it has the power to adopt this Ordinance pursuant to: (i) the Local Government Land Use Control Enabling Act, Article 20 of Title 29, C.R.S.; (ii) Part 3 of Article 23 of Title 31, C.R.S. (concerning municipal zoning powers); and (iii) Section 31-15-501, C.R.S. (concerning municipal power to regulate businesses).

Section 6. Safety Clause. The Board of Trustees hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the Town of Hot Sulphur Springs, 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 Board of Trustees further determines that the Ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 7. Severability. If any provision of this Ordinance is found by a court of competent jurisdiction to be invalid, the remaining provisions of this Ordinance will remain valid, it being the intent of the Town that the provisions of this Ordinance are severable.

Section 8. Declaration of Emergency; Effective Date. The Hot Sulphur Springs Board of Trustees hereby declares that an emergency exists for the reasons stated herein and that a public emergency affecting life, health, property or the public peace exists. This Ordinance shall become effective upon adoption.

INTRODUCED, READ, ADOPTED, APPROVED AND ORDERED PUBLISHED BY TITLE ONLY BY THE TOWN BOARD OF TRUSTEES OF THE TOWN OF HOT SULPHUR SPRINGS,

COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD ON THE 20th DAY OF JUNE, 2024, BY A VOTE OF 5 IN FAVOR, 0 AGAINST, and 0 ABSTAINING.

TOWN OF HOT SULPHUR SPRINGS, COLORADO

By: _____
Raymond R. Tinkum, Mayor

I hereby certify that the above Ordinance was introduced and adopted by the Town Board of Trustees of the Town of Hot Sulphur Springs, Colorado, at its meeting of June 20, 2024, and ordered published by title only in the *Sky Hi* newspaper on June 26, 2024.

ATTEST:

SEAL

By: _____
Katie LaDrig, Clerk

Publication Date: June 26, 2024