

TOWN OF HOTCHKISS

ORDINANCE NO. 2026-01

AN ORDINANCE IMPOSING A TEMPORARY MORATORIUM ON THE ISSUANCE OF NEW OUT-OF-TOWN WATER TAPS; LIMITATIONS ON THE SALE OF TOWN WATER FROM THE TOWN STAND PIPE; AND DECLARING AN EMERGENCY

WHEREAS, the Town of Hotchkiss (the “Town”) is a statutory Town in accordance with C.R.S. 31-1-203.

WHEREAS, the Town has those powers vested to pursuant to C.R.S. 31-15-101 et. seq.

WHEREAS, the Town operates a municipal water system providing treated water to in Town and certain out-of-Town municipal water users.

WHEREAS, Chapter 13, Article 3 of the Town Municipal Code allows for the Town to sell and service municipal water, and municipal water taps to property owners located outside of the municipal boundaries of the Town.

WHEREAS, the Town sells municipal water though its metered stand pipe located on Oak Street, Hotchkiss, (the “Stand Pipe”) to those that have an established water account with the Town.

WHEREAS, Delta County is currently experiencing moderate drought conditions and anticipates a potential severe drought in consideration of the lack of snowfall.

WHEREAS, the Board of Trustees is concerned with the status of the municipal water supply for the Town of Hotchkiss, potential demand on the Town’s water system, and the ability to service its existing customers.

WHEREAS, the Town needs sufficient time to properly evaluate the supply and demand on the Town’s water system.

WHEREAS, the Board of Trustees hereby finds and determines that a temporary moratorium, until December 31, 2026, shall be imposed on the sale and issuance of new out-of-town water taps.

WHEREAS, the Board of Trustees hereby finds and determines that a temporary moratorium, until December 31, 2026, on the issuance of new water accounts for the Town Stand Pipe shall be imposed, and that water sales at the Town Stand Pipe shall not be for commercial or construction purposes.

WHEREAS, the Board of Trustees shall commission a report on the adequacy of the Town’s water rights and its ability to supply municipal water both in the near and the long term.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF HOTCHKISS, COLORADO, THAT:

SECTION 1. RECITALS. The foregoing recitals are incorporated herein as findings and determinations of the Town of Hotchkiss Board of Trustees.

SECTION 2. MORATORIUM DECLARED. There is hereby imposed a moratorium on the following:

- i. The issuance of new out-of-town water taps;
- ii. The creation of new water accounts for the Town Stand Pipe; and,
- iii. The sale of water from the Town Stand Pipe for commercial or construction purposes.

SECTION 3. MORATORIUM PERIOD. The moratorium declared by this Ordinance shall remain in effect to and including December 31, 2026, unless sooner terminated by the Board of Trustees. The Board of Trustees shall revisit this moratorium before the end of 2026.

SECTION 4. DIRECTION TO STAFF. Town staff is hereby directed to do the following:

- refuse to accept for filing, and not to process or review, any new applications or requests for any new out-of-town water taps;
- refuse to process new account applications for the Town Stand Pipe;
- cease the sale of water from the Town Stand Pipe for commercial or construction purposes;
- Inform the Delta County building department of the moratorium; and
- Prepare a request for proposals for an investigative study of the Town's water supply system, quantifying the Town's existing and future water demands and evaluating the adequacy of the Town's existing water supply system to meet those demands.

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.; and, (ii) Part 3 of Article 23 of Title 31, C.R.S. (concerning municipal zoning powers).

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 Hotchkiss, 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.

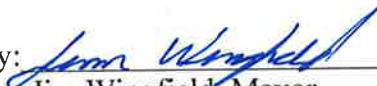
SECTION 8. DECLARATION OF EMERGENCY; EFFECTIVE DATE. The Hotchkiss Board of Trustees hereby declares that an emergency exists for the reasons stated herein and that a public emergency affecting life, health, property or the public peace exists. This Ordinance shall become effective upon adoption.

SECTION 9. PUBLIC HEARING. A public hearing on this Ordinance was held on the 12th day of February 2026, at Town Hall for the Town of Hotchkiss, 276 W. Main Street, Hotchkiss, CO 81419.

INTRODUCED, READ, HEARD AND FINALLY ADOPTED by the Board of Trustees of the Town of Hotchkiss, Colorado on the 12th day of February 2026.

TOWN OF HOTCHKISS

By:


Jim Wingfield, Mayor

ATTEST:


Ginger Redden, Town Clerk