

**TOWN OF KIOWA, COLORADO**  
**EMERGENCY ORDINANCE NO. 04, SERIES 2025**

**AN EMERGENCY ORDINANCE OF THE TOWN OF KIOWA, COLORADO  
ESTABLISHING A TEMPORARY MORATORIUM IN TOWN CENTER FOR ANY  
ADDITIONAL BUSINESSES, OFFICES OR OTHER NON-REVENUE PRODUCING  
ACTIVITIES; AND DECLARING AN EMERGENCY FOR THE TOWN OF  
KIOWA, COLORADO**

**WHEREAS**, the Town of Kiowa, 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 VI, Section 6.04 of the Kiowa Charter allows for the adoption of an emergency ordinance when the Town Board of Trustees determines that the ordinance is necessary for the immediate preservation of public peace, health and safety and includes such a declaration within the ordinance and is adopted by the affirmative vote of six (6) members of the Town Board of Trustees; 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 Board of Trustees 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 16 of the Town’s Municipal Code outlines the zoning regulations, establishes zone districts and permitted uses within the Town; and

**WHEREAS**, the Board of Trustees unanimously approved Resolution No. 13, Series 2024, Town of Kiowa, A Resolution Authorizing the Town Administrator to Seek Colorado Main Street Membership with the Department of Local Affairs (DOLA) on October 1, 2024, to provide financial resources, planning in cooperation with DOLA so the Town will benefit from scholarships, consulting and training through the Colorado Main Street Program; and

**WHEREAS**, on April 8, 2025, at the regularly scheduled meeting the Board of Trustees recognized, accepted and appointed the initial Kiowa Main Street Board to implement the Kiowa Main Street Program; and

**WHEREAS,** the newly created Kiowa Main Street Board held a Strategic Planning Work Session Meeting with Melissa Antol of Coreflection Transformation and Talent Consulting on May 14<sup>th</sup> and 15<sup>th</sup>, 2025, to identify strategic priorities that included reviewing economic issues in the Town Center, order of those priorities for 2025 and beyond, advance mission of the Main Street Board and achieve the vision for each of the identified focus areas through the creation and implementation of the Strategic Plan for the Town and its citizens; and

**WHEREAS,** to ensure that the directives of the Strategic Plan are created and implemented, the Board of Trustees unanimously approved and established the Kiowa Main Street Board at its regularly scheduled meeting on April 8, 2025; and

**WHEREAS,** the Kiowa Main Street Board requires that Zoning Regulations and future development within the Town Center represent the vision and desires of the Town residents. In order to protect the public health, safety, and general welfare of the inhabitants of the Town of Kiowa, the Town Board of Trustees finds it necessary to enact a temporary moratorium in Town Center for any additional businesses, offices, or other non-revenue producing activities until revisions to Chapter 16 of the Town's Municipal Code is adopted, or May 21, 2026, whichever is earlier.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN BOARD OF TRUSTEES OF THE TOWN OF KIOWA, 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 Board of Trustees.

**Section 2. Temporary Moratorium and Delay Enactment.** Upon the effective date of this Ordinance, the Town of Kiowa hereby imposes a temporary moratorium and delay on the acceptance, processing, and approval of applications pursuant to Chapter 6, Article IV, Business Licenses and any and all zoning applications pursuant to Chapter 16 of the Town Zoning Code regarding any and all business in the Town Center Zone District.

This temporary moratorium and delay shall automatically terminate upon the adoption of an updated Chapter 16 of the Town of Kiowa Municipal Code, or May 21, 2026, unless terminated earlier by the Town Board of Trustees or extended in its duration by enactment of another Ordinance by the Town Board of Trustees.

**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. Additions or renovations to an existing residential or commercial building.

**Section 4. Declaration of Emergency.** In accordance with Article 6.04 of the Charter of the Town of Kiowa, the Town Board of Trustees 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. The Board of Trustees further determines that the adoption of this ordinance as an emergency ordinance is in the best interest of the citizens of the Town of Kiowa. Therefore, this Ordinance shall be in full force and effect immediately upon adoption of this Ordinance if approved by an affirmative vote of six (6) of the members of the Town Board of Trustees of the Town of Kiowa.

**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 business license applications for proposed businesses in Town Center. Town staff are also hereby directed to refuse to accept for filing, and not to process or review, any application in Town Center as further outlined in 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 Board of Trustees 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.

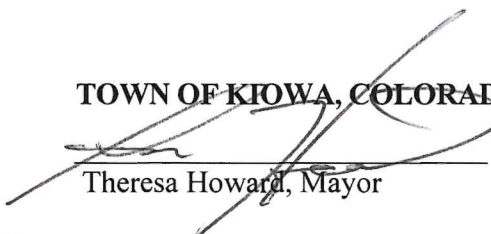
**Section 7. Safety Clause and Authority.** The Town Board of Trustees hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town of Kiowa, that it is promulgated for the health, safety and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Town Board of Trustees further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained. The Town Board of Trustees 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 6 of the Kiowa Town Charter.

Passed unanimously and ordered published, said publication of the Ordinance by title only and published once in a local newspaper of general circulation, with the entirety of the Ordinance also posted at Town Hall.

**INTRODUCED, READ, PASSED, ADOPTED AND ORDERED PUBLISHED AS AN EMERGENCY on May 21, 2025, at Kiowa Town Hall, located at 404 Comanche Street, Kiowa, Colorado.**

**TOWN OF KIOWA, COLORADO**

  
Theresa Howard, Mayor

**ATTEST:**

  
Sasha Davidson, Town Clerk

**APPROVED AS TO FORM:**

/s/ Ruth Borne

Ruth Borne, Town Attorney