

ORDINANCE NO. 2004 - 5

TITLE AND PURPOSE:

AN ORDINANCE AMENDING ORDINANCE NO. 2003-3 IN ORDER TO PROVIDE FOR PERMISSIBLE DELIVERIES OF WATER FROM THE TOWN'S MUNICIPAL WATER SYSTEM TO OTHER GOVERNMENTAL ENTITIES AND UTILITIES AT NO COST IN EXCHANGE FOR SERVICES AND/OR MATERIALS PROVIDED TO THE TOWN OF LA JARA BY SUCH GOVERNMENTAL ENTITIES AND UTILITIES.

WHEREAS, subsection (c) of Section 1 of Ordinance No. 2003-2 adopted by the Town of La Jara on the 12th day of June, 2003, provides, among other things, restrictions on the use, sale, delivery, or utilization of water derived from the municipal water system by any consumer thereof in any area lying outside of the areas now being served by the municipal water systems, and

WHEREAS, it has come to the attention of the Board of Trustees of the Town of La Jara that over the years it has been the practice of the Town, by and through its maintenance department, to provide water derived from the municipal water systems to governmental entities such as, but not limited to, the Conejos County Road and Bridge Department, the Colorado State Department of Transportation, the Conejos County Weed District, the various utilities companies such as, but not limited to, Xcel Energy Company, Centurytel Telephone Company, at no cost to such consumers in return for which they have furnished to and provided to the Town, likewise at no cost to the Town, street cleaning and sweeping service, painting of center stripping on streets not otherwise part of the state highway system, paving and road base materials, relocation of underground and overhead wires and cables, and matters and activities of a similar nature, and

WHEREAS, mutual cooperative efforts as set forth above have been not only necessary and proper, but mutually beneficial to all entities concerned, and such mutual intergovernmental and utility cooperation should continue in the future, notwithstanding that a strict interpretation of the terms and provisions of said subsection (c) of Section 1 of the aforesaid Ordinance No. 2003-3 prohibits the delivery of water to said entities.

NOW, THEREFORE, BE IT ORDAINED by the Board of Trustees of the Town of La Jara, Colorado, as follows:

Section 1 – Amendment to subsection © of Section 1 – MANDATORY LAWN IRRIGATION AND WATER RESTRICTIONS: of Ordinance No. 2003-2 is hereby amended by the addition of the following terms and provisions after the last sentence of said subsection ©;

“Notwithstanding the terms and provision of this subsection © of Section 1 of Ordinance No. 2003-2, nothing contained herein shall prohibit the Town of La Jara, by and through its maintenance department, to furnish and provide water derived from the Town's municipal water system to governmental entities such to include, but not limited to, the Conejos County Road and Bridge Department, the Colorado Department of Transportation, the Conejos County Weed District and other political subdivisions of the State of Colorado, or to Excel Energy Corporation, The Centurytel Telephone, or such other utility companies and suppliers, at no cost to such consumer so long as the Town continues to receive, as it has in the past, from such governmental entities and utility companies the furnishing of street cleaning and sweeping services, painting of center stripping of town streets not otherwise part of the state highway system, paving and road base materials, the relocation of underground and overhead wires and cables, and matters and activities of a similar nature, it being the expressed and specific intent to the Board of Trustees that such mutual cooperative efforts are for the ultimate benefit of the citizens of the Town of La Jara at a minimal cost thereof.”

Section 2 – RETENTION: all of the terms and provision of Ordinance No. 1970-4 and all of the terms and provisions of any subsequently ordinance or ordinances amending said Ordinance No. 1970-4 or any amendments thereto not otherwise amended by this Ordinance shall remain in full and effect without deletion or amendment thereto.

Section 3 – SAVINGS CLAUSE: If any part, section, or subsection of this Ordinance is, for any reasons, judicially determined to be invalid or unenforceable, such determination shall not affect the validity of the remaining section or sections of this Ordinance. The Board of Trustees of the Town of La Jara hereby declares that it would have passed this Ordinance in each part, section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that one or more parts, sections, subsections, sentences, clauses, or phrases be declared invalid, it being the intent of the Board of Trustees of the Town that such invalid or unenforceable provision are severable.

Section 4 - REPEAL: Any part of Ordinance No. 1970-4, or any part or all of any subsequent ordinance amending said Ordinance No. 1970-4 in conflict or inconsistent with the terms and provisions of this ordinance are hereby repealed, **PROVIDED, HOWEVER,** that the repeal of any ordinance or parts of ordinance of the Town shall not revive any other section of any ordinance or ordinances theretofore repealed or superceded in full.

Section 5 - PUBLICATION: The Town Clerk shall certify to the passage of this Ordinance, cause notice of its contents and passage to be as provided by law, and shall cause copies of this Ordinance to be attached to the previously adopted Ordinance No. 1970-4, or any subsequent amending ordinance.

Section 6 - EMERGENCY ENACTMENT: Whereas, the Board of Trustees of the Town of La Jara finds and determines that this Ordinance is necessary for the immediate preservation of the health, safety and welfare of the citizens of the Town of La Jara, this Ordinance shall be in full force and effect immediately upon adoption and the publication thereof as by law provided.

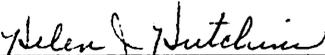
INTRODUCED, READ, APPROVED, ADOPTED, AND ORDERED PUBLISHED BY THE BOARD OF TRUSTEES OF THE TOWN OF LA JARA AT A REGULAR MEETING OF THE BOARD OF TRUSTEES AFTER PUBLIC NOTICE THEREOF AS REQUIRED BY LAW, AT WHICH A QUORUM OF THE BOARD OF TRUSTEES WAS PRESENT THIS 13TH DAY OF OCTOBER, 2004.

THE BOARD OF TRUSTEES OF THE
TOWN OF LA JARA

(TOWN SEAL)

By: 
Austin Valdez, Mayor

ATTEST:


Helen J. Hutchins, La Jara Town Clerk

APPROVED AS TO FORM:


Raymond J. Valdez, La Jara Town Attorney

Date of Publication: _____