

ORDINANCE NO. 2016 - 1

TITLE AND PURPOSE

AN ORDINANCE FOR THE PROTECTION OF THE TOWN'S WATER SUPPLY SYSTEM FROM POSSIBLE CONTAMINATION CAUSED BY BACKFLOWS THROUGH THE SERVICE CONNECTION; ADOPTING BY REFERENCE APPENDIX B--EXAMPLE ORDINANCE--PROMULGATED BY THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, REPEALING ALL ORDINANCES AND RESOLUTIONS IN CONFLICT THEREWITH, AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.

BE IT ORDNANED BY THE BOARD OF TRUSTEES OF THE TOWN OF LARA, COLORADO, AS FOLLOWS:

Section 1- Adoption: Pursuant to parts 1 and 2 of Article 16 of Title 31 and part 4 of Article 15 of Title 30, Colorado Revised Statutes, there is hereby adopted by reference Appendix B-Example Ordinance as promulgated by the Colorado Department of Public Health and Environment that relates to the protection of the Town's public water supply system from contamination or pollutants that could enter the distribution systems by backflow from a customer's water supply system through the service connection. The purpose of this Ordinance and Appendix B adopted herein is to provide a system of regulation that is consistent with state laws and regulations. Three (3) copies of said Appendix B adopted herein are on file in the Office of the Clerk of the Town.

Section 2 – Addition or Modifications: The said adopted Appendix B is subject to the following deletions, additions or modifications:

Section (3) – Applicability of said Appendix B is deleted in its entirety and replaced with the following new Section (3):

“This ordinance applies to all commercial, industrial, multi-family and single-family residence service connections with the Town's water supply system and to any person outside the exterior boundaries of the Town who are, by contract or agreement with the Town, users of the Town's water system. Unless provided otherwise herein, this Ordinance shall apply with equal force to single-family residential service connection at which, upon inspection, there is a cross connection, including, but not limited to, fire suppression sprinkler systems, frost-free water taps, and home lawn sprinkler systems. Not exempt from the provisions of this Ordinance are car wash establishments that derive their water supply from the Town's municipal system.”

Section (5) – Requirements of said Appendix B is modified by the additional of a new subparagraph M. to read as follows:

“M. In all instances Where it is determined that a cross connection is found to exist, the Town's Maintenance Supervisor or the Town Manager, who ever chooses to exercise jurisdiction

with respect thereto, shall specify the exact type of device to be installed at such cross-connection site.”

Section (8) - Subparagraph a. -Right of Entry of said Appendix B is modified by the addition of a new sentence at the end of the present subparagraph a. to read as follows:

“If after such Right of Entry and inspection, it is determined that the presence of a cross connection presents a clear and present danger to the health, safety, and welfare of the customers of the Town’s water distribution system, the Town’s Maintenance Supervisor or the Town Manger, whoever chooses to exercise jurisdiction with respect thereto, shall order the immediate turn off to the Town’s water supply system until the cross connection is eliminated.”

Section (9) – subparagraph a. Violations and Penalties of said Appendix B is deleted in its entirety and replaced with the following new Penalty Provisions:

“If, upon an inspection as herein provided, it is determined that there exists a cross connection that poses a clear and present danger to the health, safety and welfare of the users of the Town’s water supply system, the person, firm, or corporation shall be so notified of such violation. Such person, firm, or corporation shall be given 10 business days following such notification to commence the elimination of such cross connection in accordance with the requirement set down by the Town’s Maintenance Supervisor or the Town Manager, whoever chooses to exercise jurisdiction with respect thereto, and upon the failure or refusal of such person to comply with such order, such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any provision of either or all of such Appendix B is violated, continued, or permitted, and upon conviction shall be punished by a fine of not less than \$ _____ nor more than \$1,000.00, or by imprisonment for not more than 30 days, or by both such fine and imprisonment.”

Section 3 – Application: This Ordinance shall apply to every site, whether within or outside the corporate limits of this municipality if such site is served with municipal water, the use of which this municipality has jurisdiction and authority to regulate, and shall apply with equal force at any such site where a cross-connection is found to exist.

Section 4 – Interpretation: This Ordinance shall be so interpreted and construed so as to effectuate its general purpose with Appendix B of the Colorado Department of Public Health and Environment and the Colorado Plumbing Code providing for a uniform system of regulation of a municipality’s source of potable water to its customers.

Section 5 – Repeal: Existing Ordinances or Resolutions covering the same matter as embraced by this Ordinance or inconsistent with the provisions of this Ordinance are hereby repealed.

Section 6 – Savings Clause: If any part, section, subsection, sentence, clause, or phrase of this Ordinance or all or any part of Appendix B herein referenced and adopted hereby is for any reason held invalid, such decisions shall not affect the validity of the remaining section of the Ordinance or of such Appendix B herein referenced, the Board of Trustees hereby declares

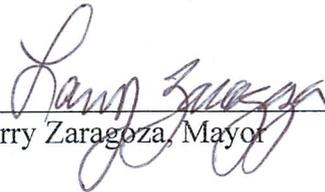
that it would have passed this Ordinance and adopted said Appendix B as herein referenced in each part, section, subsection, clause or phrase thereof, irrespective of the fact that any one or more parts, sections subsections, sentences, clauses, or phrases be declared invalid.

Section 7 – Publication: The Town Clerk shall certify to the passage of this Ordinance, cause notice of its contents and passage to be published or posted, and make not less than 3 copies of the adopted Appendix B of the Colorado Department of Public Health and Environment as herein referenced available for the inspection thereof by the public during regular business hours.

Section 8 – Effective Date: Whereas, an emergency exists in that this Ordinance is necessary for the immediate preservation of the public peace, health, and safety, this Ordinance shall be in full force and effect from and after its final passage and publication.

DULY PASSED, APPROVED AND ADOPTED BY AN AFFIRMATIVE VOTE OF A MAJORITY OF THE MEMBERS OF THEA BOARD OF TRUSTEES OF THE TOWN OF LA JARA PRESENT A REGULAR MEETING OF THE BOARD OF TRUSTEES HELD ON THE 14TH DAY OF JULY, 2016, AND SIGNED THIS 14TH DAY OF JULY, 2016

TOWN OF LA JARA, COLORADO

By: 
Larry Zaragoza, Mayor



ATTEST: 
Shawn Pagnotta, La Jara Town Clerk

Date of Publication: _____, 2016.