

ORDINANCE NO. 16 OF 2018

AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF PALMER LAKE REPEALING AND REPLACING SECTION 16.48.010 OF THE TOWN OF PALMER LAKE MUNICIPAL CODE REGARDING THE WATER SUPPLY SYSTEM, RESTRICTING ANY FURTHER EXPANSION OF SUCH WATER SUPPLY SYSTEM, AND DECLARING AN EMERGENCY

WHEREAS, THE TOWN OF PALMER LAKE IS A STATUTORY MUNICIPALITY EXISTING UNDER THE LAWS OF THE STATE OF COLORADO AND HAS THE AUTHORITY TO REGULATE LAND USE WITHIN ITS JURISDICTION; AND

WHEREAS, THE TOWN BOARD OF TRUSTEES HAS RECEIVED AND REVIEWED A REPORT DATED JUNE 14, 2017, REGARDING THE TOWN'S WATER SYSTEM TAP AND WATER RIGHTS INFORMATION WHICH PROVIDES THAT THE MAXIMUM NUMBER OF WATER TAPS THAT CAN BE SUPPLIED WITH THE TOWN'S EXISTING WATER SUPPLY SOURCES IS 1,060; AND

WHEREAS, THE TOWN BOARD OF TRUSTEES HAS RECEIVED INFORMATION THAT THE MAXIMUM TAP ESTIMATE OF 1,060 ASSUMES THAT THE TOWN'S SURFACE WATER DIVERSIONS ARE IN PRIORITY, UNDERSTANDING THAT IF LOW FLOW CYCLES OCCUR IN THE TOWN'S SURFACE WATER, THE WATER SUPPLY WILL HAVE TO BE AUGMENTED BY AQUIFER WELLS; AND

WHEREAS, THE TOWN BOARD OF TRUSTEES HAS RECEIVED INFORMATION THAT THE WATER SURFACE ELEVATION IN THE AQUIFER WELL AREAS HAS BEEN DROPPING APPROXIMATELY 35 FEET PER YEAR AND THAT THE WELLS ARE LOCATED IN A CONFINED AQUIFER, RESULTING IN A SLOW RECHARGE RATE SUCH THAT MORE WATER IS REMOVED FROM THE AQUIFER THAN CAN BE ADDED UNDER NORMAL CONDITIONS; AND

WHEREAS, THE TOWN BOARD OF TRUSTEES HAS RECEIVED INFORMATION FROM ITS WATER PLANT OPERATOR THAT THE TOWN IS NEARING THE THRESHOLD NUMBER OF TAPS THAT IT CAN SERVE WITH THE TOWN'S CURRENT WATER SUPPLY; AND

WHEREAS, THE TOWN BOARD OF TRUSTEES FINDS THAT THERE IS A DEMONSTRATED NEED TO PREVENT A SHORTAGE OF WATER FOR DOMESTIC AND FIRE FLOW USAGE FOR CURRENT AND FUTURE WATER CUSTOMERS OF THE TOWN; AND

WHEREAS, THE TOWN DESIRES TO REPEAL AND REPLACE SECTION 16.48.010 OF THE MUNICIPAL CODE WHICH ADDRESSES THE WATER SUPPLY SYSTEM TO PLACE A RESTRICTION ON ANY FURTHER EXPANSION OF THE WATER SUPPLY SYSTEM OR SERVICE OBLIGATIONS OUTSIDE THE EXISTING PERIMETER, IT BEING CONTEMPLATED THAT SUCH RESTRICTION SHALL REMAIN IN PLACE INDEFINITELY OR UNTIL SUCH TIME AS THE TOWN HAS STUDIED ITS WATER CAPACITIES, IDENTIFIED AND ACQUIRED NEW ALTERNATIVE AND ADDITIONAL WATER SOURCES, AND AMENDED ITS REGULATIONS AS NECESSARY TO ENSURE CONTINUED ADEQUATE WATER SUPPLY CAN BE PROVIDED; AND

WHEREAS, THE BOARD OF TRUSTEES FINDS THAT AN EMERGENCY EXISTS IN THAT THE PUBLIC HEALTH, SAFETY AND WELFARE REQUIRES THAT THE TOWN TAKE IMMEDIATE MEASURES TO ENSURE ADEQUATE WATER SUPPLY.

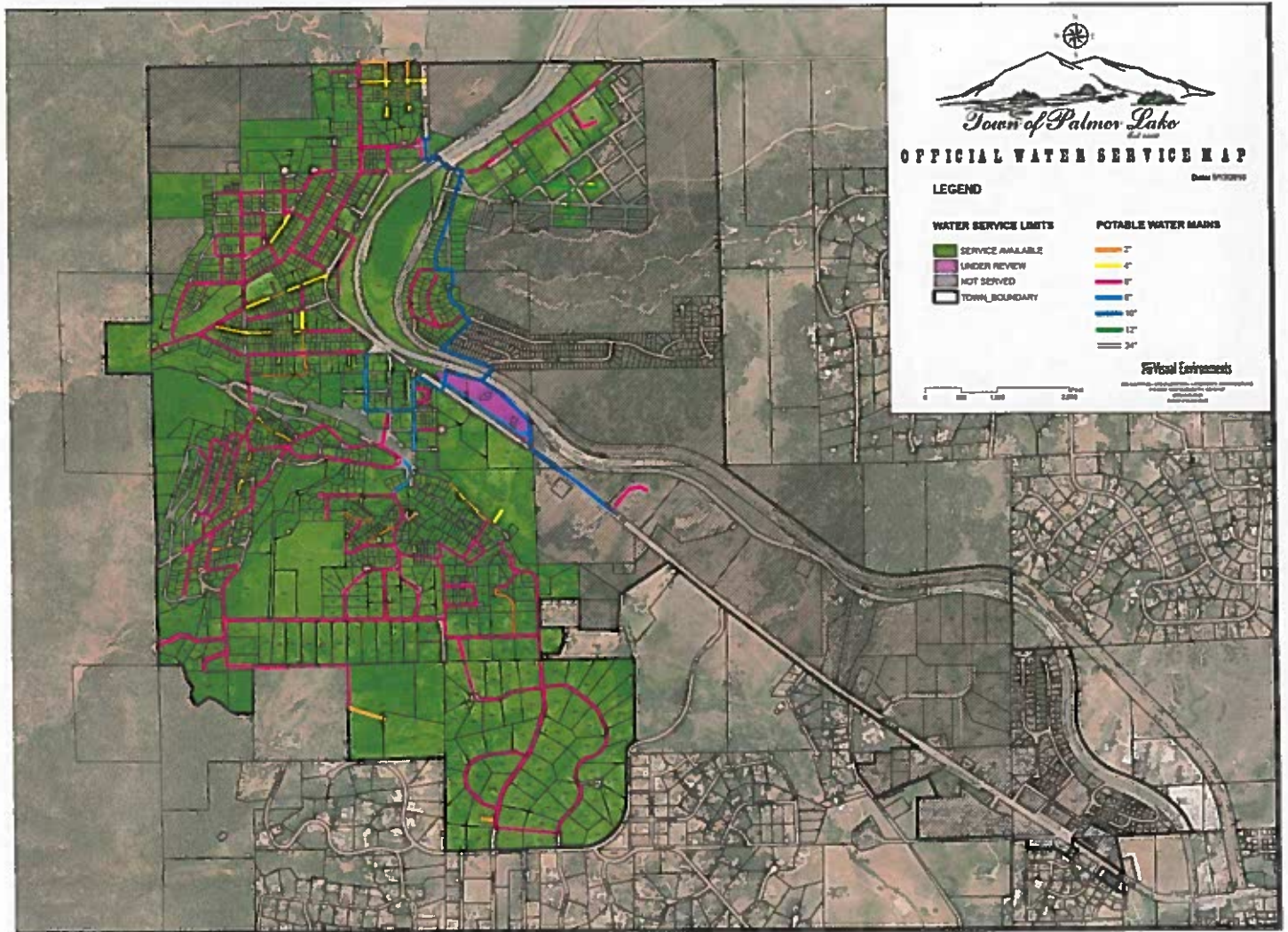
NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF PALMER LAKE, COLORADO:

Section 1. The Board of Trustees adopts the above recitals as findings and incorporates them by reference in support of this ordinance.

Section 2. Section 16.48.010 of the Town of Palmer Lake Municipal Code is hereby repealed and replaced to read as follows in its entirety:

16.48.010 Water Supply System.

- A. Effective June 28, 2018, the Town's public water supply system shall not be enlarged or expanded to provide water service outside the existing perimeters of the Water Supply System as identified on the following map, which shall be part of this Section:



B. Service or main line connections to the Town's water supply system not otherwise restricted in accordance with subsection A hereof shall at all times conform to the engineering standards of the Town. Fire plugs shall be installed at each intersection or every six hundred feet, whichever is less. Stand pipes are prohibited. Connections to water lines in alleys are prohibited.

Section 3. Section 16.48.030 is hereby amended as follows with deletions shown as strikethroughs and additions shown in all caps:

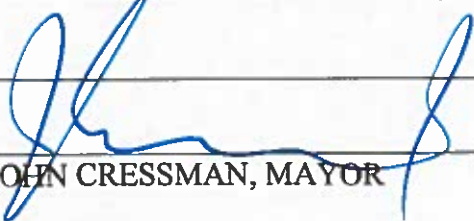

16.48.030. Minimal Lot Sizes for Water and Sewer. Municipal or other public provision of ~~both water and sewer~~ is required on lots less than two and one-half (2-1/2) acres in area. On lots of two and one-half (2-1/2) acres but less than five (5) acres, a central system of sewage treatment will be provided, designed, and built in a manner

approved by the State Health Department, provided, however, that the request for a central system for sewage treatment may be waived by the Board for good cause. ~~On lots of two and one half (2 1/2) acres but less than five (5) acres individual lot water sources may be used.~~ On lots of five (5) acres or more, OUTSIDE THE TOWN'S WATER SUPPLY SYSTEM PERIMETER AS DESCRIBED IN SECTION 16.48.010 individual water and sewer facilities may be installed ~~according to regulations herein and the appropriate state laws.~~ ON LOTS OF FIVE (5) ACRES OR MORE, INDIVIDUAL SEWER FACILITIES MAY BE INSTALLED ACCORDING TO REGULATIONS HEREIN AND THE APPROPRIATE STATE LAWS.

Section 4. The validity of any section, clause, sentence or provision of this ordinance shall not affect the validity of any other provision of this ordinance which can be given effect without reference to the invalid part or parts.

Section 5. Emergency, Effective Date and Publication. In accordance with the recitations above, the Board of Trustees finds that an emergency exists, this Ordinance is declared necessary for the immediate preservation of the public peace, health, welfare and safety, and this Ordinance shall take effect immediately upon its adoption, as provided by Section 31-16-105, C.R.S. This Ordinance shall be published by title only in a newspaper of general circulation within the Town and shall be published in full on the town web site upon adoption.

ORDINANCE PASSED, APPROVED AND ADOPTED BY AN AFFIRMATIVE VOTE OF THREE-FOURTHS OF THE MEMBERS OF THE BOARD OF TRUSTEES ON THIS 13th DAY OF SEPTEMBER, 2018, BY A VOTE OF 5 FOR AND 0 AGAINST.

 _____ JOHN CRESSMAN, MAYOR ATTEST:  _____ VERLA BRUNER, TOWN CLERK	Approved as to Form: _____ MAUREEN JURAN, TOWN ATTORNEY
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