

**PALMER LAKE, COLORADO  
ORDINANCE NO. 1 OF 2019**

**AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF PALMER LAKE AMENDING SECTION 13.50.020 CONCERNING MANDATORY CONNECTION TO THE PUBLIC SANITARY SEWER SYSTEM TO ALLOW AN EXCEPTION FOR LOTS OF 5 ACRES OR MORE WITHIN THE SERVICE AREA OF, AND WITH THE WRITTEN PERMISSION OF, THE SANITATION DISTRICT**

WHEREAS, THE TOWN OF PALMER LAKE (THE "TOWN") IS A COLORADO STATUTORY MUNICIPAL CORPORATION WITH THE AUTHORITY UNDER SECTION 31-15-709(B), C.R.S., TO PROHIBIT THE KEEPING OR MAINTAINING OF ANY VAULTS, CLOSETS, PRIVIES AND CESSPOOLS WITHIN FOUR HUNDRED FEET OF ANY ESTABLISHED SEWER AND TO REGULATE THE CONSTRUCTION, MAINTENANCE AND USE OF ALL VAULTS, CLOSETS, PRIVIES OR CESSPOOLS IN PROXIMITY TO AN ESTABLISHED SEWER; AND

WHEREAS, THE PALMER LAKE SANITATION DISTRICT ("PLSD") IS A SEPARATE TITLE 32 SPECIAL DISTRICT THAT OWNS AND OPERATES A SANITARY SEWER SYSTEM WITH A SERVICE AREA THAT ENCOMPASSES PARTS OF THE TOWN; AND

WHEREAS, SECTION 13.50.020 OF THE TOWN OF PALMER LAKE MUNICIPAL CODE CURRENTLY PROVIDES THAT THE TOWN WILL NOT PERMIT WATER SERVICE TO ANY LOT THAT IS NOT CONNECTED TO THE SEWER SYSTEM WHEN SEWER LINE FACILITIES ARE LOCATED WITHIN 400 FEET OF THE TRACT OF LAND UPON WHICH NEW CONSTRUCTION IS TO TAKE PLACE; AND

WHEREAS, THE TOWN BOARD OF TRUSTEES RECOGNIZES THAT CERTAIN LARGE LOTS OF FIVE ACRES OR MORE WHICH ARE STILL WITHIN 400 FEET OF THE PUBLIC SANITARY SEWER SYSTEM MAY BE APPROPRIATE FOR INDIVIDUAL VAULTS, CLOSETS, PRIVIES OR CESSPOOLS WITH THE ADVANCE WRITTEN PERMISSION OF THE PLSD AND SO LONG AS SUCH SYSTEMS COMPLY IN ALL RESPECTS WITH ALL STATE AND LOCAL LAWS; AND

WHEREAS, THE EXCEPTION FOR LARGER LOT SIZES RECOGNIZES THAT THE RISK OF LEAKAGE FROM A PRIVATE SYSTEM INTO ADJOINING PROPERTY IS DIMINISHED WHEN THE LOT SIZE IS LARGER.

**NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF PALMER LAKE, EL PASO COUNTY, COLORADO, AS FOLLOWS:**

**Section 1.** The recitals contained above are incorporated herein by reference and are adopted as findings and determinations of the board of trustees.

**Section 2.** Section 13.50.020 of the Palmer Lake Municipal Code shall be amended to read as follows in its entirety:

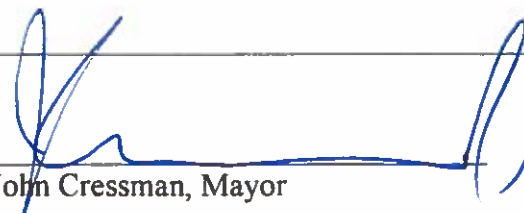
**13.50.020. Sewer Connections Required.**


All buildings or other facilities (a) used for residential or business purposes or for which water service is requested, and (b) within the service area of the Palmer Lake Sanitation District, and (c) for which sewer line facilities are available within four hundred feet (400') of the tract of land on which the new construction is to take place, shall be connected to the existing functioning sanitary sewer system; except that any building or facility otherwise subject to this requirement that shall be placed on any individual parcel or lot 5 acres or more in size shall be exempted from the mandatory connection requirement of this Section only with the advance written approval of the Palmer Lake Sanitation District and conditioned upon compliance with all other requirement of this Chapter 13.50. If any exempted lot shall be further subdivided such that it no longer meets the requirements for this exemption, then a connection to the sanitary sewer system shall be required as part of the approval of such subdivision.

**Section 3. Severability.** It is hereby declared to be the intention of the Board of Trustees of the Town of Palmer Lake, Colorado that the sentences, clauses and phrases of this ordinance are severable, and if any sentence, clause or phrase of this ordinance be declared unconstitutional or invalid by the valid judgment or decree of court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining sentences, clauses or phrases of this ordinance since the same would have been enacted by the board of trustees without the incorporation of any unconstitutional or invalid sentence, clause or phrase.

**Section 4. Publication and Effective Date.** The Town Clerk shall certify to the passage of this ordinance and cause notice of its contents and passage to be published by title only in a newspaper of general circulation and in full on the town official web site. This ordinance shall become effective thirty (30) days after the date of such publication.

Ordinance passed, approved and adopted on this 28th day of February 2019 by a vote of 7 for and 0 against.

  
\_\_\_\_\_  
John Cressman, Mayor

Attest:  
  
\_\_\_\_\_  
Verla Bruner, Town Clerk

The Town of Palmer lake Trustees will consider February 28, 2019, Town Hall at 6 PM-  
AN ORDINANCE OF THE BOARD OF TRUSTEES  
OF THE TOWN OF PALMER LAKE AMENDING  
SECTION 13.50.020 CONCERNING MANDATORY  
CONNECTION TO THE PUBLIC SANITARY  
SEWER SYSTEM TO ALLOW AN EXCEPTION  
FOR LOTS OF 5 ACRES OR MORE WITHIN THE  
SERVICE AREA OF, AND WITH THE WRITTEN  
PERMISSION OF, THE SANITATION DISTRICT.

Published in the CS Gazette Feb. 27, 2019

# AFFIDAVIT OF PUBLICATION

STATE OF COLORADO  
COUNTY OF EL PASO

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I, Lorre Cosgrove, being first duly sworn, deposes and says that she is the Legal Sales Representative of The Colorado Springs Gazette, LLC., a corporation, the publishers of a daily/weekly public newspapers, which is printed and published daily/weekly in whole in the County of El Paso, and the State of Colorado, and which is called Colorado Springs Gazette; that a notice of which the annexed is an exact copy, cut from said newspaper, was published in the regular and entire editions of said newspaper **1 time(s) to wit 02/27/2019**

That said newspaper has been published continuously and uninterruptedly in said County of El Paso for a period of at least six consecutive months next prior to the first issue thereof containing this notice; that said newspaper has a general circulation and that it has been admitted to the United States mails as second-class matter under the provisions of the Act of March 3, 1879 and any amendment thereof, and is a newspaper duly qualified for the printing of legal notices and advertisement within the meaning of the laws of the State of Colorado.



Lorre Cosgrove  
Sales Center Agent

Subscribed and sworn to me this 02/27/2019, at said City of Colorado Springs, El Paso County, Colorado.  
My commission expires March 30, 2022.



Sandra King  
Notary Public  
The Gazette

SANDRA KING  
NOTARY PUBLIC  
STATE OF COLORADO  
NOTARY ID 20184014369  
MY COMMISSION EXPIRES MARCH 30, 2022