

## PALMER LAKE, COLORADO

### ORDINANCE NO. 2-2021

#### AN ORDINANCE AMENDING CHAPTER 13.45 REGULATING WELL PERMITS AND WELL PERMIT FEES WITHIN THE TOWN OF PALMER LAKE

WHEREAS, the Board of Trustees of the Town of Palmer Lake, Colorado, pursuant to Colorado statute and the Palmer Lake Municipal Code, is vested with the authority of administering the affairs of the Town of Palmer Lake, Colorado;

WHEREAS, previously the Board of Trustees adopted regulations regarding well permits and well permit fees within the Town of Palmer Lake, such regulations being codified in Chapter 13.45 of the Palmer Lake Town Code; and,

WHEREAS, the Board wishes to address the process and fees associated with well permits within the Town of Palmer Lake to ensure the protection of the Town's water resources.

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

1. Section 13.45.010 of the Palmer Lake Town Code is hereby amended by striking the strikethrough language and adding the underlined language, to read in its entirety as follows:

13.45.010 Well Permits. All wells to be drilled or driven in the Town of Palmer Lake, ~~except those issued pursuant to Section 13.40.030 of the Palmer Lake Municipal Code,~~ shall require a well permit issued by the Town of Palmer Lake in addition to any and all other permits from state or federal governments or agencies. The applicant shall file a request at the time of submitting a land use application to build. Applicant shall include a copy of the state application in which the Town Clerk, along with the Town Attorney, shall draft a well agreement to be reviewed by the Board of Trustees to either grant or deny the permit or grant with conditions suitable to the property owner request. Applicant shall agree to the terms set forth in the well agreement, including the aquifer to be drilled to, the fees established, the limit of water use, the installation of a meter, and annual reporting as set forth in said agreement. The Town shall not be held responsible for any warranties, guarantees, or otherwise, including but not limited to the water quality or ability to reach water within the aquifer, should the property owner choose to drill a well. A well permit must be utilized within the allowed timeframe set by the state permit, or the well permit from the Town will be deemed to be abandoned in the same manner as a water tap. with the Town Clerk, outlining reasons for the application and the impact that is anticipated on the surrounding neighborhood. The Town Clerk shall set the application on the next regular Town agenda. At the hearing, the Town Board shall take such testimony and evidence as it deems appropriate and shall either grant the permit, deny the permit or grant the permit with restrictions or conditions.

2. Section 13.45.020 of the Palmer Lake Town Code is hereby amended by striking the strikethrough language and adding the underlined language, to read in its entirety as follows:

13.45.020 Fees. All applications fees for a well permit shall be set forth by Resolution upon the adoption of the Town's Master Fee Schedule, as may be amended from time to time accompanied by a Fifty Dollar (\$50) fee to cover the administrative costs of processing the application.

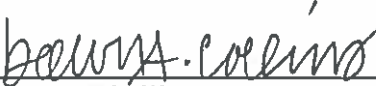
3. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Board of Trustees hereby declares that it would have passed this ordinance and each part or parts thereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.


4. Repeal. Existing ordinances or parts of ordinances covering the same matters embraced in this ordinance are hereby repealed and all ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the effective date of this ordinance.

**INTRODUCED, PASSED AND ADOPTED AT A REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE TOWN OF PALMER LAKE ON THIS 25<sup>TH</sup> DAY OF FEBRUARY 2021.**

ATTEST:

TOWN OF PALMER LAKE, COLORADO

  
\_\_\_\_\_  
Dawn A. Collins  
Town Administrator / Clerk

BY:   
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William Bass  
Mayor