

PALMER LAKE, COLORADO

ORDINANCE NO. 6 OF 2017

AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF PALMER LAKE CONCERNING PROTECTION OF THE WATER SYSTEM AND SETTING AND IMPOSING THE PENALTY FOR VIOLATIONS THEREOF, AND DECLARING AN EMERGENCY

WHEREAS, THE TOWN OF PALMER LAKE IS A COLORADO MUNICIPAL CORPORATION AUTHORIZED BY STATE LAW, INCLUDING, BUT NOT LIMITED TO, SECTIONS 31-15-401 AND 31-23-301 OF THE COLORADO REVISED STATUTES, TO EXERCISE ITS POLICE POWERS TO PROMOTE AND PROTECT THE HEALTH, SAFETY, AND WELFARE OF THE COMMUNITY AND ITS CITIZENS; AND

WHEREAS, CHAPTER 13.08 OF THE TOWN OF PALMER LAKE MUNICIPAL CODE SETS FORTH REGULATIONS FOR THE PROTECTION OF THE TOWN'S OPEN WATER STORAGE AND WATER SYSTEM; AND

WHEREAS, DUE TO PEDESTRIAN AND OTHER TRAFFIC IN AND AROUND THE TOWN'S WATER STORAGE RESERVOIRS AND OTHER CONCERNS MAKING THE TOWN'S WATER SUPPLY VULNERABLE TO TAMPERING OR CONTAMINATION, THE TOWN DESIRES TO AMEND CHAPTER 13.08 TO SET FORTH MINIMUM PENALTIES FOR VIOLATIONS OF THE CHAPTER; AND

WHEREAS, THE TOWN BOARD FINDS THAT AN EMERGENCY EXISTS AND THE IMMEDIATE EFFECTIVENESS OF THIS ORDINANCE IS NECESSARY TO PRESERVE THE PUBLIC HEALTH, SAFETY AND WELFARE.

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

Section 1. Section 13.08.030, entitled "Tampering with Water System-Penalty" of Chapter 13.08 entitled "Protection of Water System" is repealed and readopted with a new title to read as follows in its entirety:

13.08.030 Penalties for Violations of this Chapter.

Any person found guilty of violating any provision of this Chapter shall be punished as follows:

1. For any violation not specifically set forth below, any person convicted of violating this Chapter may be punished as set forth in Section 1.16.010 of this Code.

2. Any person convicted of violating any of the following Sections of this Chapter shall be punished as set forth herein:

a. A violation of Section 13.08.040 involving:

- (1) Such person washing, swimming, wading, bathing or otherwise coming into unlawful contact with water in the reservoirs of the Water System: A minimum fine of \$400.00 and up to one year in jail.
- (2) Such person setting campfires within the Water System: A minimum fine of \$1,000.00 unless a larger minimum fine is required as a result of any fire restrictions that are in place in accordance with Chapter 8.10 of this Code, and up to one year in jail.
- (3) Failure to control a dog by leash or chain as required: A fine of \$50.00 for the first offense, \$75.00 for the second offense, \$150.00 for a third offense, and up to \$1000.00 and one year in jail for any offenses thereafter.
- (4) Allowing any animal, to include a dog, to enter into or swim in any waters of the Water System: A minimum fine of \$400.00 and up to one year in jail.
- (5) Failing to pick up dog feces or the placement on any trail within or otherwise within the Water System of any bag or other container containing dog feces: A fine of \$50.00 for the first offense, \$75.00 for the second offense, \$150.00 for a third offense, and up to \$1000.00 and one year in jail for any offenses thereafter.

b. A violation of Section 13.08.170 involving entering or being on the Reservoir Road or in the watershed area as a pedestrian, or bicycling or snowmobiling in violation of a posted sign setting forth the restrictions at the entrance to such road or Water System when an emergency exists: A minimum fine of \$200.00 and up to one year in jail.

Section 2. Section 13.08.040, entitled "Pollution of Water System" of Chapter 13.08 entitled "Protection of Water System" is hereby repealed and readopted with a new title to read as follows in its entirety:

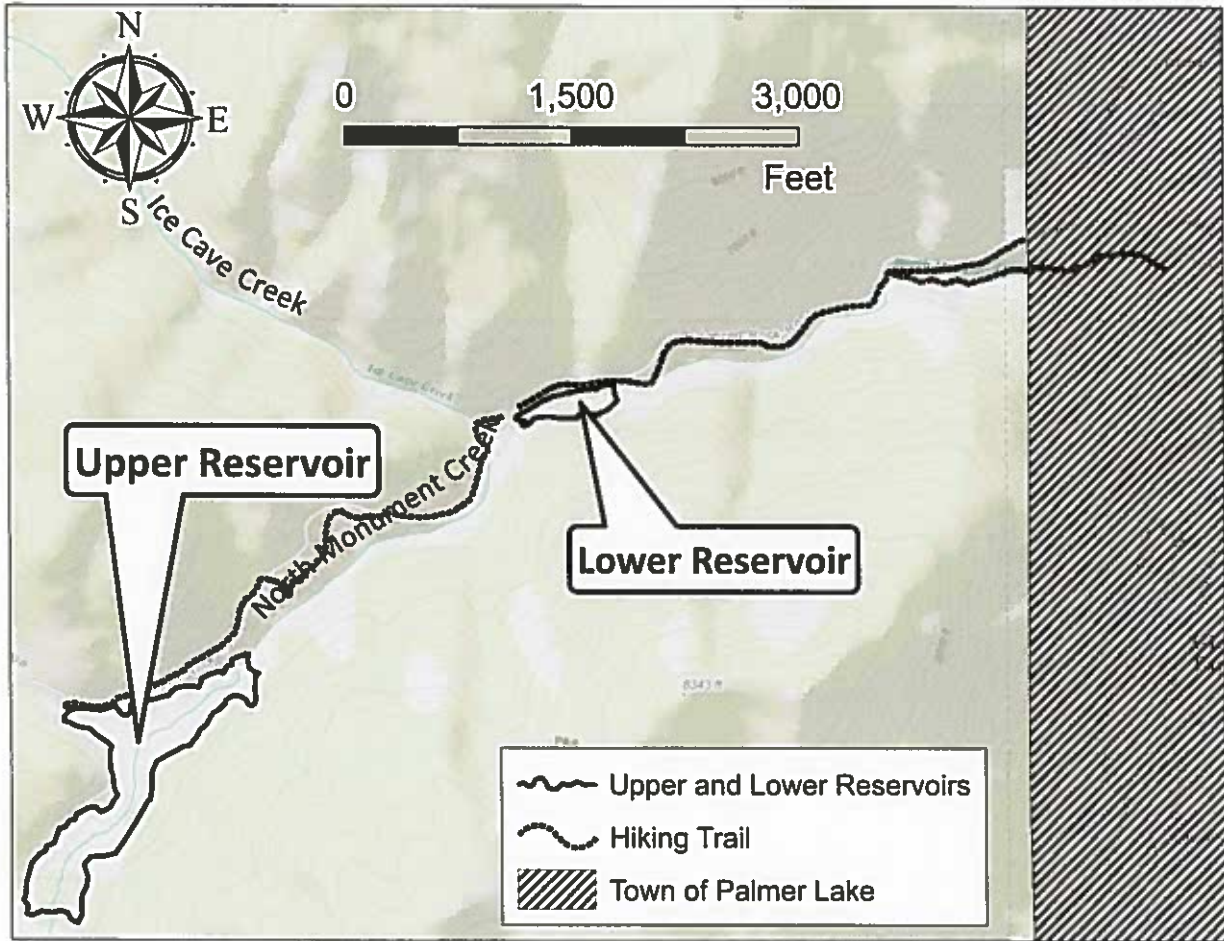
13.08.040 Pollution of Water System.

A. No person, within any reservoir, lake, stream, or area or drainage basins from which the municipal water system's waters are taken or derived, and any of the waters or streams tributary or contributing to the water supply of the water works system of the Town of Palmer Lake, or any of the lands surrounding portions of

the Water System more fully described in Subsection B of this Section (“Water System”) shall

1. Commit any act which shall tend to foul or pollute the Water System, or render it impure or unwholesome;
2. Cast into or allow to flow in or fall into any of the waters contributing to the Water System, any filth, sewage, carrion, garbage, minerals, clay, rock, or earth of any kind, or any excretion, clothing, paper, rags, or any extraneous substance;
3. Wash, swim, wade or bathe therein;
4. Boat, float or place any water craft thereon;
5. Camp;
6. Set campfires;
7. Discharge firearms;
8. Carry in any glass containers;
9. Allow or cause any animal, specifically including but not limited to dogs, to enter into, swim in or drink from any of the waters of the Water System;
10. Fail to keep their dogs within the Water System under the control of a competent, responsible person by means of a leash or chain not exceeding twenty-five (25) feet in length;
11. Fail to immediately pick up and remove from the Water System any dog feces or to pick up such feces in a bag or other container that is left on the trails of or within the water system;
12. Fish, to include ice fishing, on the Lower Reservoir as depicted on Exhibit A to this Chapter; or
13. Ice fish at the Upper Reservoir as described in Subsection B of this Section.

B. For purposes of this Chapter, the Water System shall include the areas set forth below and shall include a 50 foot right of way centered on the center line of the hiking trail and the area of the Upper Reservoir and Lower Reservoir plus an additional area of 50 feet from the drawn boundary lines of each such reservoir:



C. Nothing in this Section shall prohibit an employee, official, or representative of the Town; provided, however, that any employee or representative of the Town may do and perform all acts necessary in the discharge of his official duties in the administration of the municipal water system and works.

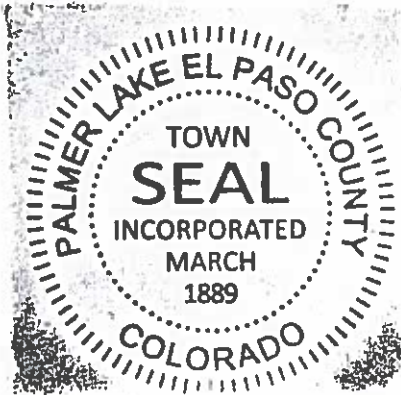
Section 3. Repeal and Replacement of Exhibit A to Chapter 13.08. Chapter 13.08 is amended by the repeal of the map of the Water System identified as Exhibit A.

Section 4. 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

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 5. Emergency Declared, Effective Date and Publication. The Town Board finds that an emergency exists in that the public health safety and welfare requires the immediate effectiveness of this Ordinance. This ordinance shall become effective upon its adoption and the Town Clerk shall certify to the passage of this ordinance and publish it by title only in a newspaper of general circulation and cause it to be posted in full on the Town's official web site.

PASSED AND ADOPTED THIS 27th DAY OF April, 2017 BY A VOTE OF 7 FOR AND 0 AGAINST.



[Signature]
JOHN CRESSMAN, MAYOR
ATTEST:
[Signature]
TARA BERRETH, TOWN CLERK

Whereby certify that the above Ordinance was adopted by the Board of Trustees of the Town of Palmer Lake at its meeting of 4/25, 2017, and ordered published by title only by Gazette newspaper on 5-1-17, 2017 and posted in full on the Town's official web site.

[Signature]
Tara Berreth, Town Clerk

AFFIDAVIT OF PUBLICATION

STATE OF COLORADO
COUNTY OF EL PASO

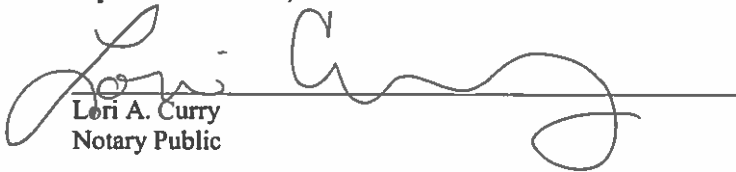
I, Mary Heifner, being first duly sworn, deposes and says that she is the Legal Sales Representative of THE COLORADO SPRINGS GAZETTE, LLC., a corporation, the publishers of a daily public newspaper, which is printed and published daily in whole at the city of Colorado Springs in the County of El Paso, and the State of Colorado, and which is called The 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, April 18, 2017**

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.



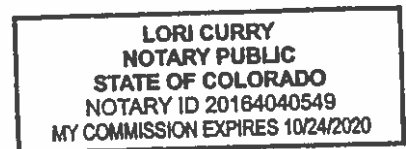
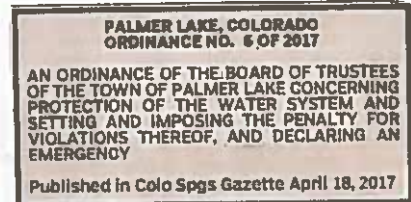
Mary Heifner
Legal Sales Representative

Subscribed and sworn to me this April 18, 2017, at said City of Colorado Springs, El Paso County, Colorado. My commission expires **October 24, 2020**.



Lori A. Curry
Notary Public

The Gazette



AFFIDAVIT OF PUBLICATION

**STATE OF COLORADO
COUNTY OF EL PASO**

I, Mary Heifner, 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 public newspaper, which is printed and published daily in whole at the city of Colorado Springs in the County of El Paso, and the State of Colorado, and which is called The 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, May 1, 2017

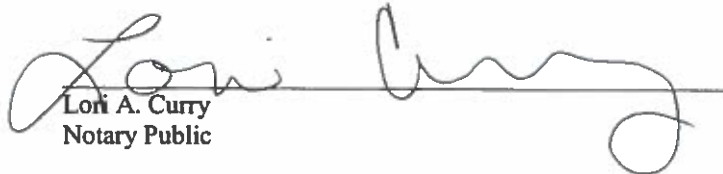
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Ordinance 6 of 2017 - An Ordinance of the Board of Trustees of the Town of Palmer Lake concerning protection of the water system and setting and imposing the penalty for violations thereof, and declaring an emergency.
Published in CS Gazette May 1, 2017



Mary Heifner
Legal Sales Representative

Subscribed and sworn to me this May 1, 2017, at said City of Colorado Springs, El Paso County, Colorado. My commission expires October 24, 2020.



Lori A. Curry
Notary Public

The Gazette

LORI CURRY
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20164040549
MY COMMISSION EXPIRES 10/24/2020