

Ordinance No. 18-05

AN EMERGENCY ORDINANCE OF THE TOWN OF RIDGWAY, COLORADO AMENDING THE RIDGWAY MUNICIPAL CODE TO PROVIDE A NEW SECTION TO CHAPTER 9-1 ADDING A DEFINITION FOR WATER WASTING, CREATING WATER WASTING REGULATIONS ASSOCIATED WITH MANDATORY WATER RESTRICTIONS AND AUGMENTING ENFORCEMENT PROVISIONS FOR WATER WASTING

WHEREAS, The Town of Ridgway (the “Town”) is a legally created, established, organized and existing Colorado municipal corporation under the provisions of Article XX of the Constitution of the State of Colorado and the home rule charter of the Town (the “Charter”); and

WHEREAS, The Town is governed by its Home Rule Charter (“Charter”) as authorized by Article XX § 6 of the Colorado Constitution; and

WHEREAS, The Town Council has the authority, pursuant to Article III, Section 3-8 of the Charter, to enact emergency ordinances for the preservation of the public peace, safety, or welfare upon the affirmative vote of six members of the Town Council; and

WHEREAS, the water supply for the Town of Ridgway is a precious, valuable and critical resource for the Ridgway community; and

WHEREAS, the Town of Ridgway, State of Colorado and the United States have seen periods of drought that significantly impact the local water supply, threatening the health, safety and welfare of our communities; and

WHEREAS, the Town Council desires to be proactive in communicating with the Ridgway community and water users of town-supplied water regarding the water conservation efforts that will be employed and the timing of such water restrictions; and

WHEREAS, the Town Council desires to conserve water in times of need to insure effective and safe delivery of water to the Ridgway community during all times, including in times of restricted or limited water supply and drought; and

WHEREAS, the Town Council desires to expeditiously enforce water wasting when water leaks are detected; and

WHEREAS, the Town of Ridgway Municipal Code Section 2-4 currently provides for Administrative Enforcement of the Ridgway Municipal Code including issuance of Notices of Violation and Citations for violations of the Ridgway Municipal Code including violations of Chapter 9 Section 2, with penalties assessed from \$150 for the first citation and up to \$999 for the third violation.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF RIDGWAY, COLORADO as follows:

SECTION 1.

Section 9-1-1 DEFINITIONS, is amended to include a definition for Water Wasting as follows:

* * *

WATER WASTING: Town water, whether it be treated or untreated, shall be used only for beneficial use and shall not be wasted.

* * *

SECTION 2.

Section 9-1-20 WATER SERVICE SHUT-OFF Subsection (B) is hereby amended to read as follows:

* * *

(B) Prior to shutting off the water, the Town shall send a notice to the customer at his address as shown on Town records, stating the reason for the shut-off of service and the date upon which the service may be shut-off, unless the charges are paid or other specified violation is corrected. Such date shall be at least 10 days after the deposit of the letter giving notice of shut-off in the U.S. Mail. However, during the enactment of Stage 3 or Stage 4 of Ridgway's Water Conservation and Management Plan and/or when Section 9-1-28 Water Wasting is being enforced by the Town, the Town shall notify the customer in the most expedient manner possible including but not limited to: email, hand-delivery, telephone call, or other method effective to put the customer on notice of the leak, and the customer shall remedy, stop or repair the leak within 48 hours of notification or the water may be shut-off.

* * *

SECTION 3.

Section 9-1-28 WATER WASTING is hereby added to the Ridgway Municipal Code as follows:

(A) Water Wasting is always discouraged; however, during the enactment of Stage 3 or Stage 4 of Ridgway's Water Conservation and Management Plan, Water Wasting is prohibited. The Town or a representative code enforcer can determine an action to be Water Wasting at their discretion if the action matches the Water Wasting Definition found in Section 9-1-1. Water wasting includes but is not limited to the following actions:

- (1) Allowing water to spray or overflow onto sidewalks, driveways, streets, drainages or any hard surface.
- (2) Washing outdoor impermeable surfaces (i.e. driveways, walks, patios, etc.) with a hose or spray nozzle.
- (3) Washing of vehicles or recreational equipment.
- (4) Failing to notify the Town of a known water leak or needed repair in the Town's distribution system or water supply system within 72 hours of discovery.
- (5) Operating ornamental water features

(6) Failure to fix a leak downstream of the customer's meter within 48 hours of notification by the Town.

(B) Exceptions to Section 9-1-28(A) or the Water Wasting definition include the following:

(1) In cases where public health or safety is a concern.

(2) The installation, repair or maintenance of a water supply system when the operator or maintenance personal are present.

* * *

SECTION 3.

Effective Date and Duration. Pursuant to Article III, Section 3-8 of the Charter, this Ordinance shall be effective immediately upon adoption, as it is necessary for the immediate preservation of the public health and safety of the citizens of the Town for the reasons recited herein.

SECTION 4.

Publication of Notice. Pursuant to Article III, Section 3-8 of the Charter, the Town Clerk shall publish this Ordinance by title upon adoption by the Town Council.

SECTION 5.

Severability. The provisions of this Ordinance are severable, and the invalidity of any section, phrase, clause or portion of this Ordinance as determined by a court of competent jurisdiction shall not affect the validity or effectiveness of the remainder of this Ordinance.

INTRODUCED, READ, HEARD and FINALLY ADOPTED before the Town Council of the Town of Ridgway, Colorado on the 12th day of September, 2018.

**TOWN OF RIDGWAY, COLORADO, A HOME-RULE
MUNICIPALITY**

By _____
John Clark, Mayor

ATTEST:

Pam Kraft, MMC, Town Clerk

Approved As to Form:

BO JAMES NERLIN, Town Attorney

CERTIFICATE OF TOWN CLERK

The foregoing Ordinance was published by title and posted thereafter, and adopted by the Ridgway Town Council on September 12th, 2018.

(SEAL)

Pam Kraft, MMC, Town Clerk