

ORDINANCE NO. 2017 - 2
TOWN OF LA JARA, COLORADO

**AN ORINANCE AMENDING ORDINANCE NO. 2006-2 CONCERING A SEWER
SYSTEM; A WATER SYSTEM; RATES AND CHARGES THEREFOR;
REGULATIONS AND CONDITIONS, COLLECTION; FINES AND
PENALTIES**

WHEREAS, on August 24, 2006, the Board of Trustees of the Town of La Jara adopted Ordinance No. 2006-2, an Ordinance concerning a Sewer System, a Water System, Rates and Charges therefore, Regulations and Conditions, Collections, Fines and Penalties, and

WHEREAS, in adopting said Ordinance No. 2006-2, the scrivener of the ordinance inadvertently failed to provide that all residents and businesses located within the incorporated limits of the Town must have as their source of water only that that is available from the Town's municipal water system and no other source, the rationale being that only in this manner is there a reasonable assurance that such water has been placed in the water supply systems in accordance with the rules and regulations of state and federal agencies that provide for the treatment and monitoring of a safe and clean water supply to the ultimate consumer, and

WHEREAS, the Board of Trustees finds and determines that it is necessary to amend said Ordinance No. 2006-2 in order to make it mandatory that all water users within the incorporated limits of the Town must be supplied with water from the Town's water supply system and from no other source.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF LA JARA, COLORADO, AS FOLLOWS:

Section 1: AMENDMENT. Section 2.1 – NAME OF SYSTEM of said Ordinance No. 2006-2 is amended by the addition of new Section 2.1.3, a new Section 2.1.4, and a new Section 2.1.5 as follows:

SECTION 2.1.3 – Every owner of any inhabited building, whether residential, educational, recreational, or commercial, regularly used or to be used by human inhabitants situated within the incorporated limits of the Town and which is dependent on a supply of potable water must have as its source of water only that water derived from the Town's water supply system and no other source.

SECTION 2.1.4 -- The owner of any property, whether such property is used for personal, recreational, residential or business purposes shall be solely responsible at all times for all expenses incurred in either the installation, repair, or maintenance of the water line from the building or structure located on such person's property to the point of connection with the Town's water meter. Any repairs or maintenance from the point of connection with the Town's water meter and points downstream therefrom shall be the sole and separate responsibility of the Town. In no event and under no circumstances shall the Town be deemed, expressly or by

implication, to be solely responsible for such repairs, installation or maintenance work on such property owner's property

SECTION 2.1.5 - Notwithstanding the terms and provisions of the immediately preceding Section 2.1.4, nothing contained herein shall be construed to impose upon the Town any responsibility, expressed or implied, with respect to any area outside of the incorporated limits of the Town of La Jara, the intent being that, with respect to any unincorporated area that is presently served or may be served by the Town's municipal water supply system in the future, such to include, but not limited to all that area lying east of Main Street South and lying south of the Town's 23 acres, the Town's responsibility with respect the furnishing of water to such unincorporated area shall be limited to the repair and maintenance of the Town's water meter, and no other. All other charges, including, but not limited to, installation of water and water lines and water meter shall be the sole and exclusive responsibility of the property owner.

SECTION 2.1.6 – PENALTY FOR FAILURE TO CONNECT - Any person who shall violate any provision of Section 2.1.3 or Section 2.1.4 shall, upon conviction thereof, be fined as hereinafter set forth in Section 6.1.3 of ARTICLE VI of Ordinance No. 2006-2. Each day during which such owner or occupant shall fail to comply with any provision of Section 2.1.3 or Section 2.1.4 shall constitute a separate and distinct offense.

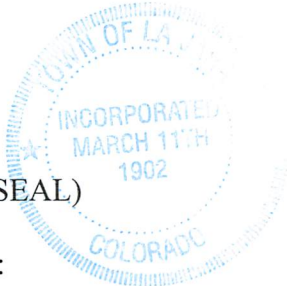
Section 2: RETENTION. All of the terms and provisions of Ordinance No. 2006-2 not otherwise amended by any ordinance of the Board of Trustees of the Town of La Jara with respect thereto subsequent to the initial adoption of said Ordinance 2006-2, or by this Amending Ordinance shall remain in full force and effect without deletion or amendment thereto.

Section 3: SAVINGS CLAUSE. If any part, section, or subsection of this Amending Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining sections of this Amending Ordinance. The Board of Trustees hereby declares that it would have passed this amending ordinance in each part, section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that anyone or more parts, sections, subsections, sentence clause, or phrases be declared invalid.

Section 4. PUBLICATION. The Town Clerk shall certify to the passage of this Amending Ordinance, cause notice of its contents and passage to be published as provided by law, and shall cause copies of this Amending Ordinance to be attached to each copy of the previously adopted Ordinance No. 2006-2.

Section 5. EMERGENCY CLAUSE. The Board of Trustees hereby finds, declares, and determines that this Amending Ordinance is necessary for the immediate preservation of the public peace, health, and safety because of the importance that all users of water located within the incorporated limits of the Town have a source of potable water that complies with state and federal regulations designed to insure that such water is good quality and safe for human consumption, and for said reasons, it is the opinion of the Board of Trustees that an emergency exists and this Amending Ordinance shall take effect and be in force upon its adoption and publication as provided by law.

INTRODUCED, READ, ADOPTED, AND ENACTED AND ORDERED PUBLISHED
BY THE BOARD OF TRUSTEES OF THE TOWN OF LA JARA THE 8th DAY OF JUNE,
2017.



(TOWN SEAL)

ATTEST:

Shawn Pagnotta
Shawn Pagnotta, Town Clerk

THE BOARD OF TRUSTEES OF THE TOWN OF
LA JARA, COLORADO,

Larry Zaragoza
Larry Zaragoza, Mayor

Date of Publication: _____.