

**CODE CONCERNING WASTE OF WATER AND AUTHORIZING THE TOWN BOARD TO
ADOPT WATER USE CONSERVATION MEASURES BY RESOLUTION AND SETTING A
PENALTY FOR VIOLATIONS OF SUCH WATER USE RESTRICTIONS AND DECLARING
AN EMERGENCY**

WHEREAS, The Town of Hot Sulphur Springs has been experiencing and historically experiences from time to time drought or other water supply conditions which adversely affect the availability of the Town's water supply; and

WHEREAS, Section 7-4-25 of the Town Code of the Town of Hot Sulphur Springs prohibits the waste of water; and

WHEREAS, the Town Board of Trustees desires to authorize the adoption of watering restrictions by resolution from time to time depending on the levels of Town water supply; and

WHEREAS, the Town Board desires to set a penalty for violation of the duly adopted watering restrictions as set forth herein; and

WHEREAS, the immediate effectiveness is needed in order to preserve public health, safety, and welfare.

SECTION 1: Repeal and Renactment of Section 7-4-25. Section 7-4-25 of the Town Code is hereby repealed and reenacted to read as follows in its entirety:

Section 7-4-25: WASTE OF WATER PROHIBITED AND WATERING RESTRICTIONS.

(A) It shall be unlawful to waste water unnecessarily. Upon determination of the waste of water, water service may be terminated. Determination of waste of water shall be made by the Public Works Director or Board of Trustees.

(B) The Board of Trustees may adopt outdoor watering restrictions from time to time by resolution. Upon adoption, such resolution shall be posted in the Town Hall and at all other places where notices of Board of Trustee meetings are posted.

(C) It shall be unlawful for any person to use or take water from the Town in violation of any outdoor watering restrictions adopted pursuant to the authority set forth in subsection (B) of this Section 7-4-25.

(D) Each and every such unlawful act and each day the violation persists shall constitute a separate violation of this Code and shall be punishable as herein provided.

(E) Any violation of subsection (C) of this Section 7-4-25 or of any resolution or restriction adopted pursuant thereto shall be punishable by a fine not to exceed seventy five dollars (\$75.00) for a first offense, one hundred and fifty dollars (\$150.00) for a second offense, and three hundred dollars (\$300.00) or imprisonment not to exceed ninety (90) days, or both such fine and imprisonment for any third or subsequent violation.

SECTION 2. Repealer. All ordinances, resolutions or parts thereof in conflict with this Ordinance are hereby repealed, provided that such repealer shall not repeal the repealer clauses of such ordinance or resolution or revive any ordinance or resolution.

SECTION 3. Severability. If any provision of this Ordinance is found by a court of competent jurisdiction to be invalid, the remaining provisions of this Ordinance will remain valid, it being the intent of the Town that the provisions of this Ordinance are severable.

SECTION 4. Effective Date. This ordinance shall be effective immediately upon publication as provided hereof and any outside watering restrictions adopted by a resolution of the Board of Trustees adopted in accordance with this Ordinance shall be effective as of the date set forth in such resolution.


INTRODUCED, READ, PASSED AND ADOPTED AND ORDERED PUBLISHED BY A THE BOARD OF TRUSTEES OF THE TOWN OF HOT SULPHUR SPRINGS, COLORADO, AT A REGULAR MEETING HELD ON THE 4th DAY OF JUNE, 2009.

VOTES IN FAVOR: 6

VOTES OPOSED:

VOTES ABSTAINED:

TOWN OF HOT SULPHUR SPRINGS

By: 
Hershah Deputy, Mayor

ATTEST:

By: 
Sandy White, Town Clerk

Approved: June 4th, 2009

Published by title only one time in the Sky-Hi News on: June 11th, 2009.

PROOF OF PUBLICATION



I, Kimberly S. Burner, do solemnly swear that I am the publisher of the Sky-Hi News, that the same is a weekly newspaper printed, in whole or in-part, and published in the County of Grand, State of Colorado, and has a general circulation therein; that said newspaper has been published continuously and uninterruptedly in said County of Grand for a period of more than fifty-two consecutive weeks next prior to the first publication of the annexed legal notice or advertisement, that said newspaper has been admitted to the United States mail as second-class matter under the provisions of the act of March 3, 1879, or any amendment thereof, and that said newspaper is a weekly newspaper duly qualified for publishing legal notices and advertisements within the meaning of the laws of the State of Colorado.

That the annexed legal notice of advertisement was published in the regular and entire issue of every number of said weekly newspaper for the period of 1

consecutive insertions; and that the first publication of said notice was in the issue of said newspaper dated June

11, A.D. 2009, and that the last

publication of said notice was in the issue of newspaper dated June 11, A.D. 2009

In witness whereof I have hereunto set my hand this 12th

day of June, A.D. 2009

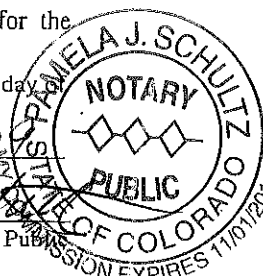
Kimberly S. Burner, Publisher.

Subscribed and sworn to before me, a notary public in and for the

County of Grand, State of Colorado this 12th day

June, A.D. 2009

Pamela J. Schultz
Notary Public



TOWN OF HOT SULPHUR SPRINGS, COLORADO
ORDINANCE NO. 2009 6-1-366

AN ORDINANCE OF THE TOWN OF HOT SULPHUR SPRINGS, COLORADO, REPEALING AND READOPTING SECTION 7-4-25 OF THE TOWN OF HOT SULPHUR SPRINGS TOWN CODE CONCERNING WASTE OF WATER AND AUTHORIZING THE TOWN BOARD TO ADOPT WATER USE CONSERVATION MEASURES BY RESOLUTION AND SETTING A PENALTY FOR VIOLATIONS OF SUCH WATER USE RESTRICTIONS AND DECLARING AN EMERGENCY

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(C) It shall be unlawful for any person to use or take water from the Town in violation of any outdoor watering restrictions adopted pursuant to the authority set forth in subsection (B) of this Section 7-4-25.

(D) Each and every such unlawful act and each day the violation persists shall constitute a separate violation of this Code and shall be punishable as herein provided.

(E) Any violation of subsection (C) of this Section 7-4-25 or of any resolution or restriction adopted pursuant thereto shall be punishable by a fine not to exceed seventy five dollars (\$75.00) for a first offense, one hundred and fifty dollars (\$150.00) for a second offense, and three hundred dollars (\$300.00) or imprisonment not to exceed ninety (90) days, or both such fine and imprisonment for any third or subsequent violation.

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INTRODUCED, READ, PASSED AND ADOPTED AND ORDERED PUBLISHED BY THE BOARD OF TRUSTEES OF THE TOWN OF HOT SULPHUR SPRINGS, COLORADO, AT A REGULAR MEETING HELD ON THE 4th DAY OF JUNE, 2009.

VOTES IN FAVOR: 6
VOTES OPPOSED: 0
VOTES ABSTAINED: 0

TOWN OF HOT SULPHUR SPRINGS
By: Hershaf Deputy, Mayor
ATTEST:
By: Sandy White, Town Clerk

Approved: June 4th, 2009
Published by title only one time in the Sky-Hi News on: June 11th, 2009. (3560802)