

TOWN OF HOT SULPHUR SPRINGS, COLORADO  
ORDINANCE NO. 2010 10 1 377

AN ORDINANCE AMENDING TITLES 2, 5, 7 AND 9 OF THE TOWN CODE OF THE TOWN OF HOT SULPHUR SPRINGS, COLORADO, BY MAKING MINOR CORRECTIONS TO THE PROVISIONS CONCERNING THE BOARD OF ADJUSTMENT, OPEN BURNING RESTRICTIONS, SANITARY SEWER SERVICE RATES, WATER SUPPLY PROTECTION DISTRICTS AND SPECIAL USE PERMITS AND TO REPEAL PARTS OF ORDINANCES IN CONFLICT HERewith

WHEREAS, Section 31-15-103, C.R.S., authorizes the Board of Trustees of the Town of Hot Sulphur Springs to make and publish ordinances which are necessary and proper to provide for the safety, preserve the health, promote the prosperity and improve the morals, order, comfort and convenience of the Town and inhabitants thereof; and

WHEREAS, the Town Board of Trustees has previously authorized the codification of its ordinances and a review of such codification has revealed errors in the provisions governing the Board of Adjustment, sanitary sewer rates, Water Supply Protection District regulations and special use permits; and

WHEREAS, the Board of Trustees desires to correct such errors as set forth herein.

**NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF HOT SULPHUR SPRINGS, COLORADO, THAT:**

Section 1. The title of Subsection (A) of Section 2-1-6(A) shall be amended to read as "Appeals and Variance Permit Application" and the following shall be deleted: "Appeals, Variance Permit Applications, etc."

Section 2. Subsection (F) of Section 5-3-2, concerning restrictions on open burning, is hereby amended by deleting the words "Section 4 of the within Ordinance" and replacing them with "Section 5-3-3".

Section 3. Subsection (A) of Section 7-4-35 concerning sanitary sewer rates is hereby amended by deleting the words "this section" at the end of the first sentence.

Section 4. Chapter 6 of Article 7, concerning the Water Supply Protection District regulations, is amended throughout to replace the word "Article" with "Chapter."

Section 5. Subsection (D) of Section 7-4-35 is amended to delete the word "in" and replace it with the word "on".

Section 6. Subsection (A) of Section 7-6-1 is amended to delete the word "restriction" and replace it with the word "restricting" in the fourth sentence.

**Section 7.** Section 7-6-3, concerning the definition of terms used in the Water Supply Protection District regulations, is amended so that the definition of "Activity" as set forth in Section 7-6-3 shall be as follows:

"Activity" is conduct secondary to the land use or zoning designation.

**Section 8.** Section 7-6-3, concerning the definition of terms used in the Water Supply Protection District regulations, is amended to add the following definition of the term "Using" in alphabetical order:

"Using" shall refer to an Activity and not a right conferred by the land use or zoning designation.

**Section 9.** Section 7-6-3, concerning the definition of terms used in the Water Supply Protection District regulations, is amended by so that the definition of the defined term "Inflow pipe" reads:

"Inflow Pipe(s)" means any pipe or other source used to supply water to the public water system owned and operated by the Town or to any other public water system operated by a governmental entity that provides domestic water services to the Town or its residents. The approximate location of Inflow Pipes are shown on the Water Supply Protection District Map.

**Section 10.** Section 7-6-3, concerning the definition of terms used in the Water Supply Protection District regulations, is amended to add the following definition of the term "Surface water" in alphabetical order:

"Surface water" means any water flowing over the land, including the Colorado River and tributaries in the Colorado River Basin, located within 5 miles of the Inflow Pipe."

**Section 11.** Section 7-6-3, concerning the definition of terms used in the Water Supply Protection District regulations, is amended to delete the following words from the definition of "Sewage disposal system": "which are governed by Section 13-3-8(9) of the Code of the Town of Hot Sulphur Springs".

**Section 12.** Subsection (A) of Section 7-6-4, concerning prohibited and restricted activities pursuant to the Water Supply Protection District regulations, is amended to delete the term "Public Wells" and replace it with "the Inflow Pipe(s)."

**Section 13.** Subsection (B) of Section 7-6-4, concerning prohibited and restricted activities pursuant to the Water Supply Protection District regulations, is amended to delete the term "Public Wells" in the second sentence and replace it with "the Inflow Pipe(s)."

**Section 14.** Subsection (D) of Section 7-6-4, concerning prohibited and restricted activities pursuant to the Water Supply Protection District regulations, is hereby amended so that such subsection reads as follows in full:

(D) In the event that any activity not included in the definition of Pollution-Hazard Activity set forth above is being conducted in such a manner that the Board of Trustees finds that a foreseeable risk of pollution to the Town's water supply exists from such activity, the person responsible for such activity shall be notified by the Town of such finding, and the Town may

require that such activity cease and desist until such person obtains a permit for such activity under the provisions of this Chapter 6.

**Section 15.** Subsection (E) of Section 7-6-4, concerning prohibited and restricted activities pursuant to the Water Supply Protection District regulations, is hereby amended to add the word "the" before "Board of Trustees" in the second sentence of such subsection.

**Section 16.** Subsection (A)(3)(a) of Section 7-6-5 concerning review analysis and risks for permit and hearing procedures pursuant to the Water Supply Protection District regulations, is hereby amended to delete the term "Public Wells" and replace it with "the Inflow Pipe(s)."

**Section 17.** Subsection (A)(3)(e) of Section 7-6-5 concerning application and fees for permit and hearing procedures pursuant to the Water Supply Protection District regulations, is hereby amended to delete the word "immediate" and replace it with "are immediately."

**Section 18.** Subsection (A)(3)(j) of Section 7-6-5 concerning application and fees for permit and hearing procedures pursuant to the Water Supply Protection District regulations, is hereby amended to delete the word "can" and replace it with "on".

**Section 19.** Subsection (D) of Section 7-6-5, concerning the standards for issuance of a permit pursuant to the Water Supply Protection District regulations, shall be amended to read as follows with additions in all caps and deletions shown as strikethroughs:

A Water Supply Protection District PERMIT shall be issued when the Board of Trustees finds that the applicant has sustained the burden of proof that the proposed activity, including best management practices, if any, does not present or create a foreseeable risk of pollution to the groundwater within the Water Supply Protection District. A Water Supply Protection District permit shall be denied when the Board of Trustees finds that the applicant has not sustained such burden of proof.

**Section 20.** Subsection (E) of Section 7-6-5, concerning the permit conditions pursuant to the Water Supply Protection District regulations, shall be amended to delete the word "affect" and replace it with "effect."

**Section 21.** Subsection (A) of Section 7-6-6 concerning enforcement of the Water Supply Protection District regulations, is hereby amended to delete the word "preventative" and replace it with "representative".

**Section 22.** Subsection (A) of Section 7-6-9, concerning violations and penalties for violations of the Water Supply Protection District regulations, shall be amended to delete the words "a misdemeanor and".

**Section 23.** Subsection (B)(3)(a) of Section 9-4-5, concerning Board of Trustees review of Special Use Permit applications, is hereby amended to delete the words "to Mineral Estate Owners" at the end of such subsection.

**Section 24. 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 25. 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.

INTRODUCED, READ, ADOPTED, APPROVED AND ORDERED PUBLISHED BY THE TOWN BOARD OF TRUSTEES OF THE TOWN OF HOT SULPHUR SPRINGS, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD ON THE 21st DAY OF OCTOBER, 2010, BY A VOTE OF 6 IN FAVOR, 0 AGAINST, and 0 ABSTAINING.

TOWN OF HOT SULPHUR SPRINGS

By: [Signature]  
Hershal Deputy, Mayor

I hereby certify that the above Ordinance was introduced and adopted by the Town Board of Trustees of the Town of Hot Sulphur Springs, Colorado, at its meeting of October 21, 2010, and ordered published by Sky Hi newspaper on November 4th, 2010.

SEAL

Publication Date November 4th, 2010  
Effective Date November 5th, 2010 (30 days after publication)



ATTEST:  
By: [Signature]  
Sandy White, Town Clerk