

TOWN OF ARRIBA, COLORADO

ORDINANCE NO. 148

**AN ORDINANCE OF THE BOARD OF TRUSTEES FOR THE TOWN OF ARRIBA, COLORADO, AMENDING THE PENALTY PROVISIONS OF ORDINANCE NUMBER 117 AND ORDINANCE NUMBER 127 SO THAT A VIOLATION IS EQUIVALENT TO A GENERAL PENALTY AND EACH DAY OF THE OFFENSE IS A SEPARATE VIOLATION**

WHEREAS, the Board of Trustees of the Town of Arriba (the "Town") previously enacted Ordinance Number 117 to regulate public and private water distribution and pumping systems; the installation and connection of buildings and property to the municipal water distribution system; allowing for leases of wells; requiring backflow and cross-connection devices; establishing a water conservation use rate schedule; and providing penalties for violations thereof;

WHEREAS, the Town additionally previously enacted Ordinance Number 127 to regulate sewer use;

WHEREAS, the penalties for violations of Ordinance Number 117 are currently included in Section 12 of the Ordinance Number 117;

WHEREAS, the penalties for violations of Ordinance Number 127 are currently included in Article VIII of Ordinance Number 127; and

WHEREAS, the Town desires to repeal Section 12 of Ordinance Number 117 and to repeal Article VIII of Ordinance Number 127 and to enact this Ordinance as a means of amending the penalties associated with water and sewer use violations to promote clarity, consistency and uniformity.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF ARRIBA, COLORADO, THAT:

Section 1.     Penalty

1.1     Any person found guilty of violating any provision of Ordinance 117, as amended, or Ordinance 127, as amended, shall be subject to the full extent of the general penalties and remedies available for sentencing by the Municipal Court for the Town of Arriba, as established by Ordinance Number 144.

1.2     Each day any person is found guilty shall constitute a separate count of the violation.

1.3     Restitution shall be automatically reserved for 91 days from the date of conviction for each violation of this section of which a person is found guilty.

1.4 Any person found guilty shall be liable to the Town of Arriba for any expense, loss, or damage incurred by the Town of Arriba in remedying the water and sewer use violations.

Section 2. Safety Clause. The Town Board of Trustees hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the Town of Arriba, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Board of Trustees further determines that the Ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 3. Severability. If any clause, sentence, paragraph, or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

Section 4. Effective Date. The Board of Trustees for the Town of Arriba, Colorado determines that this Ordinance is necessary for the immediate protection and preservation of the public health, safety, and welfare and it is enacted for that purpose and shall be in full force and effect after final passage and publication.

INTRODUCED, READ IN FULL AND ADOPTED this 14 day of March, 2022.

PASSED by a vote of 5 for and 0 against AND ORDERED PUBLISHED ONCE IN FULL this 14 day of March, 2022.

TOWN OF ARRIBA

  
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Alex Flores, Mayor

(Seal)

ATTEST:

  
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Josie Hart, Town Clerk