

ORDINANCE NO. 212

ORDINANCE PROHIBITING POLLUTION OR CONTAMINATION OF THE WATER SUPPLY FOR THE CITY OF CREEDE, A TOWN, MINERAL COUNTY, COLORADO

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE CITY OF CREEDE, COLORADO, A TOWN:

SECTION 1: AUTHORITY; The Authority for this Ordinance is found in the 1975 Cumulative Supplement of Title 31, Colorado Revised Statute of 1973, as amended, 31-35-402 (i). The Authority for this Ordinance further derives from the general powers provisions which grant, in specific regulations, the power to enact Ordinances which may be enforced beyond the boundaries of the political subdivision enacting the same. This Ordinance is also Authorized by the general health laws of the State of Colorado.

SECTION 2: PROHIBITIONS; It shall be unlawful for any person to place, dump, throw, discharge, or deposit any substance or material which will in any manner pollute or contaminate the waters of the East Willow Creek drainage area or its tributaries. No person shall so conduct themselves within a distance of two and a half miles, up-stream and/or up-water shed above the intake point of the water utility of the City of Creede; Nor shall any person firm or corporation have, keep or maintain, at or along or near the banks of East Willow Creek within 250 yards thereof, for a distance of two and a half miles up-stream and/or up-water shed, above the intake point of said water utility, any building, privy, pen, yard, corral for stock, or to have, keep or conduct any business near such creek as aforesaid which will contaminate or pollute the water of said creek or render the same unfit for domestic use or reasonably threaten the pollution of such stream.

SECTION 3: ADDITIONAL PROHIBITIONS; It shall be unlawful for any person to throw or discharge into any waterworks of the City of Creede, Colorado, including but not by way of limitation, all reservoirs, streams, ditches, inlets, pipes, drains, filters, sedimentation basins or other equipment or appliance used in the construction, maintenance or operation of same, any obnoxious substance which is subject to decay in or pollute the waters thereof or reasonably threaten to pollute the waters thereof.

SECTION 4: ADDITIONAL PROHIBITIONS; It shall be unlawful for any person to allow any livestock, or any animals of any kind, to graze within 250 yards of any such open waterworks of the City of Creede, including, but not by way of limitation, all reservoirs or collection points of water for distribution, streams, trenches, inlets, pipes or drains.

SECTION 5: PENALTY; Any person, firm or corporation violating any provision of this Ordinance shall be guilty of a misdemeanor and, each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Ordinance is committed, continued or permitted, and upon conviction of any such violation, such person, firm corporation, legal entity or responsible party shall be punished by a fine of not more than 50.00 Dollars for the first such offense and not more than 300.00 Dollars or by imprisonment for not more than 90 days, or by both such fine and imprisonment, for any second or subsequent offense.

SECTION 6: SEVERABILITY; If any part or parts of this Ordinance are held to be invalid or unconstitutional, such decision shall not effect the validity or constitutionality of the remaining portions of this Ordinance. The Board of Trustees hereby declare that it would have passed this Ordinance and each part or parts thereof, irrespective of the fact that any one part be declared invalid or unconstitutional.

SECTION 7: REPEAL OF ORDINANCE NO. 190; On the date that this Ordinance takes effect, this Ordinance shall also act to repeal and hold for naught Ordinance No. 190 of the City of Creede, Colorado, which Ordinance was passed on second reading on March 4, 1974 and published March 15, 1974.

SECTION 8: EMERGENCY; Because of the matters and things hereinabove set forth and the immediate threat to the health of the inhabitants of the City of Creede, the Board of Trustees of the City of Creede, Colorado, hereby finds, determines and declares that an emergency exists, and that this Ordinance is necessary for the immediate preservation of the public peace, health and safety.

READ IN FULL, PASSED AND APPROVED ON FIRST READING, THIS 7th DAY OF November, 1977, being a regular meeting of the Board.

(SEAL)
ATTEST:

James B. Baker
MAYOR

Emma Stewart
CLERK

READ IN FULL, PASSED, APPROVED AND ADOPTED ON SECOND AND FINAL READING, THIS 5th DAY OF December, 1977, being a regular meeting of the Board.

CERTIFICATE OF PUBLICATION

I certify that the foregoing Ordinance was published in the Mineral County Miner and South Fork Times, in accordance with the Certificate of Publication attached hereto and made a part hereof by reference and that the same became effective upon the expiration of five (5) days from and after the date of such publication.

In witness whereof I have hereunto set my hand and seal of the said town, at my office in Creede, Colorado, this 8th day of December, 1977.

SEAL

Emma Stewart
City Clerk