

ORDINANCE # 220

AN EMERGENCY ORDINANCE, AMENDING SECTION 9-2-5 OF ORDINANCE NUMBER 183, CONCERNED WITH THE ISSUANCE OF SEWER TAP PERMITS; AND AMENDING SECTION 302 (a), PARAGRAPH ONE, OF THE UNIFORM BUILDING CODE, ADOPTED BY REFERENCE IN ORDINANCE NUMBER 196, CONCERNED WITH THE ISSUANCE OF BUILDING PERMITS; AND REPEALING THE PRESENT SECTION 9-2-5 OF ORDINANCE NUMBER 183 AND THE PRESENT FIRST PARAGRAPH OF SECTION 302 (a) OF THE UNIFORM BUILDING CODE, AND SECTION 9-2-23 OF ORDINANCE NUMBER 183.

WHEREAS, the Board of Trustees of the City of Creede, Colorado, a Town, finds and determines that the present sewage treatment facilities of the City of Creede are inadequate under existing circumstances to treat the sewage presently discharged into such facilities and additional sewage would aggravate such condition.

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

SECTION 1. Repeal and Reenactment: Section 9-2-5 of Ordinance Number 183 of the City of Creede, Colorado, a Town, be and the same is hereby repealed and reenacted as follows:

No Sewer Tap Permit, as contemplated in this Ordinance, shall be issued by the Town Clerk until such time as Ordinance Number 183 is further amended by the Board of Trustees. The Town Clerk is specifically directed to cease issuing Sewer Tap Permits to any person whomsoever.

SECTION 2. Repeal: Section 9-2-23 of Ordinance Number 183 of the City of Creede, Colorado, a Town, be and the same is hereby repealed.

SECTION 3. Repeal and Reenactment: The first paragraph of Section 302 (a), of the UNIFORM BUILDING CODE, adopted by reference in Ordinance Number 196 of the City of Creede, Colorado, a Town, be and the same is hereby repealed and reenacted as follows:

ISSUANCE. The application, plans and specifications filed by an applicant for

a permit shall be checked by the Building Official. Such plans may be reviewed by other departments of the City to check compliance with the laws and ordinances under their jurisdiction. If the Building Official is satisfied that the work described in an application for permit and the plans filed therewith conform to the requirements of this Code and other pertinent laws and ordinances, and that the fee specified in Section 303 (a) has been paid, and that the work to be performed under the proposed permit will not, under any circumstances require a new sewer tap into the municipal sewer system and will not, under any circumstances increase the amount of sewage flowing into the municipal sewer system, he shall issue a permit therefore to the applicant. If any of the requirements set-forth in the previous sentence are not met, then no permit shall be issued.

SECTION 4. Declaration of Special Emergency: The Board of Trustees hereby finds and declares that a special emergency exists requiring that this Ordinance take effect five (5) days after the publication thereof, and that the same is necessary for the immediate preservation of the public peace and, more particularly, the public health and safety. The reasons making this Ordinance necessary for the immediate preservation of the Public health and safety are as follows:

- (a) That the Board of Trustees, this date, was advised that sewage treatment facilities of the City of Creede are not in compliance with State Law, Rules and Regulations (or one or more of any of them).
- (b) That the Board of Trustees finds that the sewage treatment facilities of the City of Creede are, in fact, based upon present, competent knowledge, inadequate to safely handle the amount of sewage presently discharged into the facilities.
- (c) That a failure of the sewage treatment facilities would greatly endanger the health and safety of the residents of the Town of Creede and persons downstream.
- (d) That such danger creates an immediate need for this Ordinance.

SECTION 5. Effective Date: In accordance with Section 4 hereof and parts (g), (h), and (i) of Section 2-2-2 of the Code of the Town of Creede, this Ordinance shall be in full force and effect five (5) days after publication, but only if passed by the affirmative vote of 3/4 of the Members of the Board. If passed by such affirmative vote, this Ordinance shall be published in the Mineral County Miner and South Fork Times forthwith.

This Ordinance was read in full, and upon Motion made by Boppe, Trustee, seconded by McClure, Trustee, the roll was called by the Town Clerk and the following vote was taken:

Trustee	<u>Boppe</u>	- aye
Trustee	<u>Leggitt</u>	- aye
Trustee	<u>McClure</u>	- aye
Trustee	<u>Nichol</u>	- aye
Trustee	<u>Sheppard</u>	- aye
Trustee	<u>Kolisch</u>	- aye

said vote being taken, the Ordinance being read, Motion and Second being made at a Special Meeting of the Board of Trustees of the City of Creede, Colorado, a Town, held at 9:10 PM on the 20th day of May, 1980, pursuant to proper notice to all members of the Board of Trustees as on file with the Town Clerk. Said Notice stated that the purpose of such Special Meeting would include the reading and consideration of an Ordinance having substantially the effect of this Ordinance.

Accordingly, said Ordinance be and the same is duly adopted, the same to be authenticated by the signature of the Mayor and Clerk, properly recorded and published as provided by law.

ADOPTED AND APPROVED BY THE AFFIRMATIVE VOTE OF (3/4) OR MORE OF THE MEMBERS OF THE BOARD OF TRUSTEES OF THE CITY OF CREEDE, COLORADO, A TOWN.

(SEAL)

ATTEST:



Mayor



Town Clerk

SECTION 5. Effective Date: In accordance with Section 4 hereof and parts (g), (h), and (i) of Section 2-2-2 of the Code of the Town of Creede, this Ordinance shall be in full force and effect five (5) days after publication, but only if passed by the affirmative vote of 3/4 of the Members of the Board. If passed by such affirmative vote, this Ordinance shall be published in the Mineral County Miner and South Fork Times forthwith.

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Trustee	<u>Leggett</u>	- aye
Trustee	<u>McClure</u>	- aye
Trustee	<u>Nuhel</u>	- aye
Trustee	<u>Shepherd</u>	- aye
Trustee	<u>Kotisch</u>	- aye

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(SEAL)

ATTEST:

David B. Johnson
Mayor

Emma A. Linnest
Town Clerk