

**TOWN OF NEW CASTLE, COLORADO
ORDINANCE 2010-10**

AN ORDINANCE OF THE NEW CASTLE TOWN COUNCIL AMENDING
CHAPTER 13.40 OF THE MUNICIPAL CODE REGARDING THE TOWN OF
NEW CASTLE WATERSHED PROTECTION DISTRICT.

WHEREAS, Chapter 13.40 of the New Castle Municipal Code governs the Town of New Castle Watershed Protection District (the “district”); and

WHEREAS, since establishing the district, the Town has expanded its water resources and waterworks system and anticipates more changes to and expansion of the Town’s water resources and system in the future; and

WHEREAS, the Town Council desires to amend Chapter 13.40 of the Municipal Code to clarify the jurisdiction of the district and to incorporate changes to the Town’s water resources, waterworks, and watershed protection district, now and in the future.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF NEW CASTLE, COLORADO:

1. Recitals. The foregoing recitals are incorporated herein as findings and determinations of the New Castle Town Council.
2. Amendment. The New Castle Town Council hereby amends and reenacts the following sections of Chapter 13.40 of the New Castle Municipal Code, as follows:

13.40.010 Watershed protection district established.

There is hereby established the Town of New Castle watershed protection district (the “district”). The jurisdiction of the district shall extend over the territory occupied by the town’s waterworks and all reservoirs, streams, trenches, pipes, drains and other waterworks used in and necessary for the construction, maintenance and operation of the town’s waterworks and over Elk Creek, the Colorado River, and all water sources and drainage areas tributary thereto within a five-mile radius above any point at which water is diverted for use by the town.

13.40.020. Intent of district.

The district is created under the authority granted in Section 31-15-707(1)(b), Colorado Revised Statutes, as amended, and Article XX of the Constitution of the State of Colorado. The district and these regulations are intended to extend and enforce the town’s legal jurisdiction and authority to the maximum extent allowed by law for the purpose of protecting the town’s watershed, water resources, and waterworks from

interference, pollution and other degradation. All ordinances and regulations adopted under the authority of this Chapter shall be liberally construed and enforced in order to satisfy and further the purposes and intent as set forth above. Nothing in this Chapter is intended to prohibit or require a permit for recreational uses of the district waters, such as swimming, wading, non-motorized boating, and fishing.

1340.030 Definitions.

As used in this Chapter, the following words and phrases shall mean as follows unless the context plainly requires otherwise:

. . .

“District waters” means Elk Creek, the Colorado River, and all water sources and drainage areas tributary thereto within a five-mile radius above any and all points at which water is diverted for use by the town, now and in the future. The district waters shall be depicted on a map (the “district waters map”), which map shall be advisory only. The district waters map may be updated administratively from time to time to reflect the town’s current water diversions and facilities. The district waters map shall be kept in the office of the town clerk for public inspection during regular business hours, and copies of the map may be ordered for purchase at such cost as is deemed necessary and reasonable by the town clerk.

. . .

“Waterworks” means any and all human-made or designed components of the town’s water collection, treatment, and/or distribution system, including but not limited to transmission, storage, treatment and filtration facilities, and any and all wells, springs, reservoirs, streams, trenches, pipes, drains and diversion structures used in and necessary for the construction, operation, maintenance and repair of the town’s water supply system.

. . .

13.40.050 Activities requiring a permit.

. . .

B. In the event that any activity not specifically listed in subsection A of this section is deemed by the town council to present a foreseeable danger of pollution to the district waters or waterworks, the town will notify the person responsible of such determination, and the person shall immediately cease and desist such activity until a permit has been obtained under the provisions of this Chapter. Notification shall be made by personal delivery or by deposit of the notice in the U.S. Mail, postage prepaid, addressed to the last known address of the person responsible. The notice shall contain a description of the activity, the date(s) the activity has been observed, and a specific demand to cease the activity by a date certain.

INTRODUCED on _____, 2010, at which time copies were available to the Council and to those persons in attendance at the meeting, read by title, passed on first reading, and ordered published in full and posted in at least two public places within the Town as required by the Charter.

INTRODUCED a second time at a regular meeting of the Council of the Town of New Castle, Colorado on _____, 2010, read by title and number, passed without amendment, approved, and ordered published as required by the Charter.

TOWN OF NEW CASTLE, COLORADO

By: _____
Frank Breslin, Mayor

ATTEST:

Melody Harrison, Town Clerk