

ORDINANCE No. 5

Series 1964

An Ordinance Adopting Rules and Regulations Concerning the Drilling of Wells and Use of Underground Water and the Establishment of Licenses and License Fees Therefor and Providing Penalties for the Violation Thereof.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE
TOWN OF BRECKENRIDGE, COLORADO:

Section 1: Definitions. Whenever in this Ordinance the words hereinafter defined or construed in this Section are used, they shall, unless the context requires other uses, be deemed to have the following meanings:

- a. Person: "Person" shall include any individuals, partnerships, associations, organizations, or corporations.
- b. "Underground Water": Any water not visible on the surface of the ground under natural conditions.
- c. "Chairman": The member of the Board of Trustees of the Town of Breckenridge duly selected and appointed by said Board as the chairman of said Board's Water Committee.

- d. "Well": Any structure or device used for the purpose or with the effect of obtaining underground water.
- e. "Well driller": Any individual, corporation, partnership or association which shall dig, drill, case, recase, deepen or excavate a well or wells either by contract or for hire or for any consideration whatsoever.
- f. "Private Driller": Any individual, corporation, partnership or association which shall operate as lessee or owner of its own well drilling rig and equipment and which shall dig, drill, re-drill, case, recase, deepen or excavate a well or wells upon the property of such entity.

Section 2: The Board of Trustees of the Town of Breckenridge hereby finds, determines and declares that, considering the water system of the Town of Breckenridge and the use and maintenance of same, and the maintaining of a healthful, safe and adequate water supply and the general health, safety, and welfare of the public, and further considering the density of population, residences, and businesses within the Town and the drilling and use of wells within the corporate limits thereof, as well as the relation thereof to the maintaining of a safe, adequate and healthful water supply from said water system of the Town of Breckenridge, and all matters proper to be considered in relation thereto, and that the rules and regulations prescribed and set forth herein, including the licenses and license fees

prescribed and set forth herein, are reasonable, proper and necessary for the promotion and maintenance of the public health, safety and welfare, the suppression of disease, and the prevention and abatement of water pollution.

Section 3: (1) Within sixty (60) days after the effective date of this Ordinance, all users of underground water, as of the effective date of this Ordinance, and/or any person owning, possessing and/or using a well as of the effective date of this Ordinance shall file a statement of such person's use with the Chairman at the office of the Town Clerk, setting forth such information as may reasonably be required by the Chairman for the proper administration of this Ordinance, including but not limited to the following:

The name and post office address of the person making the use, the location of the well, referenced to a legal land subdivision, a detailed description of the facilities used to make use of the water from such well, the nature and extent of use, the quantity of underground water used in gallons per minute and cubic feet per second, the quantity and acre feet in case of storage, the date when work on the well was commenced and the date when water was first obtained therefrom and other fact or facts reasonably necessary to define clearly the purpose and extent of use, the location of the well, the means, methods and materials used in construction of the well, and its location in reference to facilities of the water system of the

Town of Breckenridge and the point at which the water taken from the well is beneficially used.

(2) A filing fee of One Hundred Dollars (\$100.00) shall accompany said statement.

Section 4: (1) From and after the date this Ordinance becomes effective no new well shall be drilled, nor the supply of water from existing wells increased or extended unless the user shall make application in writing to the Chairman for a "well permit", setting forth the same facts and information specified for an existing underground water user, as provided in Section 3 above.

(2) Upon receipt of an application for a new, increased or additional supply of underground water, accompanied by a filing fee of Two Hundred Dollars (\$200.00), the Chairman shall issue a "well permit". The permit shall set forth such conditions for drilling, casing, and equipping wells and other diversion facilities as are necessary to prevent waste or pollution of water and to protect and safeguard the water supply of the Town of Breckenridge and the public health, safety and welfare. ^{ff}

Section 5: (1) The Chairman shall have the power to regulate and supervise the drilling and construction of all wells in the Town of Breckenridge to the extent necessary to prevent waste and pollution and to safeguard the water system of the Town of Breckenridge and the public health, welfare and safety, and shall require well drillers and private drillers to file a log of each well drilled. He

shall adopt such reasonable rules and regulations as are necessary to accomplish the purposes of this Section, and not inconsistent herewith. Where a user proposes to tap an underground water source under circumstances such that the prevention of waste or pollution is hindered or endangered, or such that the water supply of the Town of Breckenridge or the public health, welfare and safety is hindered and/or endangered, if the well, or other means of tapping, is not adequately cased, capped, or otherwise controlled, provision for such control shall be made a condition of the granting of the right to drill for such water.

(2) If the Chairman finds any well to have been drilled or maintained in a manner or condition contrary to any of the provisions of this Ordinance or the regulations issued hereunder, he shall immediately notify the user in writing of such violation and give him such time as may reasonably be necessary, not to exceed twenty (20) days, to correct the deficiency. If the user fails or refuses to make the changes within the allowed time, the Chairman is authorized, after hearing, to enter upon his land and do whatever is necessary that the user complies with the provisions of this Ordinance or regulations issued hereunder, including, without limitation, the closing, shutting down, and/or sealing off of said well.

(3) For the purposes of ascertaining and securing compliance with the terms of this Ordinance, the Chairman may enter upon the premises and property where any well is located, or about to be located, or drilled or about to be drilled, or where anything or any device connected therewith or pertaining thereto is located, at all reasonable times.

Section 6: No well driller, private driller, or any other person shall drill a new well nor increase or extend the supply of water from existing wells, or otherwise do work on any well requiring authority from the Chairman until a permit with respect thereto shall have been secured for such work.

Section 7: No well driller, as defined in Section 1-e of this Ordinance, shall drill a new well, or otherwise do work on or perform any function with respect to any well, requiring authority from the Chairman, unless and until he shall furnish proper evidence of having a valid and subsisting well driller's license, as required under the laws of the State of Colorado, and otherwise being in compliance with the laws of said State respecting and applicable to well drillers.

Section 8: No well shall at any time in any way be connected to the water system of the Town of Breckenridge or any part or portion thereof.

Section 9: Any person owning, possessing, and/or using a well shall pay an annual license fee to the Town of Breckenridge, as follows:

- a. For each well serving a single family residence dwelling \$ 60.00
- b. For each well serving property other than a single family residence dwelling, including without limitation commercial, business, industrial, or other properties and buildings 100.00
(plus \$10.00 for each separate building served from said well)

Said license fee or fees shall be due and payable to the Town Clerk of the Town of Breckenridge on the first day of January of each year. The license fee or fees, if not paid as herein provided, shall be come delinquent on January 2nd of the same year.

As to all persons owning, possessing or using a well for a period of less than one year, the said license fee or fees shall be due and payable prior to the time the person uses any water from said well. Upon receipt of the appropriate license fee or fees, it shall be the duty of the Town Clerk to execute and deliver to such person a "well water license", showing the name of the person paying said license fee or fees, the date of payment, the owner of the water using well for which said license fee or fees is paid, the period for which said license fee or fees is paid, and the location of said well. No refund shall be made to any person who discontinues use of the water using well or the water therefrom during the year for which the license is granted. Interest shall accrue on all delinquent license fees from the day of delinquency until paid or collected at the rate of one per cent (1%) per month.

Section 10: It shall be unlawful for any person to drill a well or have a well drilled, or to increase or extend the supply of water from an existing well, or to have the supply of water from an existing well increased or extended, except in accordance with the provisions of this Ordinance and the payment of the sums and fees required herein and hereunder.

Section 11: It shall be unlawful for any person to use water from a well for which the proper license fees as provided herein have not been paid.

Section 12: The Town of Breckenridge shall have the right to recover all sums due by the terms of this Ordinance by judgment and execution thereon in a civil action in any court of competent jurisdiction. Such remedies shall be cumulative with all other remedies provided herein for the enforcement of this Ordinance.

Section 13: Failure to comply with the terms of this Ordinance by failure to pay the necessary fees and secure the necessary permits and licenses and to otherwise comply with the terms of this Ordinance shall constitute an offense and a violation thereof. Every person violating this Ordinance shall be punished upon conviction by a fine of not less than Twenty-Five Dollars (\$25.00) nor more than Three Hundred Dollars (\$300.00), or by imprisonment for not more than ten (10) days, or both such fine and imprisonment for each offense. Delinquency for each calendar month shall constitute a separate offense, but no conviction for such violation shall work a revocation of any licenses issued to a defendant under the laws of the State of Colorado.

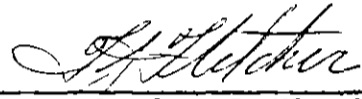
Section 14: If any provisions of this Ordinance or the application thereof to any person, situation, or circumstance be held invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications, and the provisions of this Ordinance are declared to be severable, the Board of Trustees expressly declaring that it would have passed this Ordinance and every section, subsection, sentence, clause, phrase and word thereof, irrespective of the fact that any one or more of the other sections, subsections, sentences, clauses, phrases or words thereof may be declared invalid.

Section 15: Any and all ordinances and/or any part or parts thereof in conflict herewith are hereby repealed.

Section 16: It is declared that an emergency exists and that this Ordinance is necessary to the immediate preservation of the public peace, health, safety and general welfare, and shall be in force and effect five (5) days after publication.

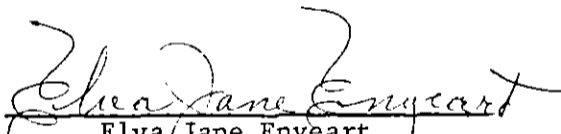
INTRODUCED, READ, APPROVED AND ADOPTED THIS

17th day of December, 1964.



Theodore J. Fletcher
Mayor

Attest:



Elva Jane Enyeart
Town Clerk

Published in the Summit County Journal the

25th day of December, 1964.