

ORDINANCE NO. 14

Series 2008

AN ORDINANCE AMENDING SECTION 12-6-4 OF THE BRECKENRIDGE TOWN CODE CONCERNING THE DISCONTINUANCE OF WATER SERVICE TO OUT OF TOWN WATER CUSTOMERS WHEN NECESSARY TO COMPLY WITH A CEASE AND DESIST ORDER

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BRECKENRIDGE, COLORADO:

Section 1. Section 12-6-4 of the Breckenridge Town Code is hereby amended by the addition of a new subsection I, which shall read in its entirety as follows:

I. Because an individual sewage system or sewage treatment works that does not comply with applicable legal requirements constitutes a nuisance pursuant to state law, the town shall terminate water service to any out-of-Town water service customer when a final, nonappealable order has been issued pursuant to the Individual Sewage Disposal Systems Act, Article 10 of Title 25, C.R.S., and the Summit County Individual Sewage Disposal System Regulations, directing the out-of-Town water customer to cease and desist from using the customer's individual sewage disposal system. The notice and dispute resolution provisions of this section shall not apply to the discontinuance of water service to an out-of-Town water customer pursuant to this subsection and the Town may immediately discontinue such water service when necessary to comply with the cease and desist order; provided, however, that except in the case of a bona fide public health threat requiring immediate discontinuance of the water service, the Town shall provide the out-of-Town water service customer with not less than 10 days' advance written notice that the water service will be discontinued.

Section 2. Except as specifically amended hereby, the Breckenridge Town Code, and the various secondary codes adopted by reference therein, shall continue in full force and effect.

Section 3. The Town Council hereby finds, determines and declares that this ordinance is necessary and proper to provide for the safety, preserve the health, promote the prosperity, and improve the order, comfort and convenience of the Town of Breckenridge and the inhabitants thereof.

Section 4. The Town Council hereby finds, determines and declares that it has the power to adopt this ordinance pursuant to the authority granted to home rule municipalities by Article XX of the Colorado Constitution and the powers contained in the Breckenridge Town Charter.


Section 5. This ordinance shall be published and become effective as provided by Section 5.9 of the Breckenridge Town Charter.

INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED PUBLISHED IN FULL this 11th day of March, 2008. A Public Hearing shall be held at the regular meeting of the Town Council of the Town of Breckenridge, Colorado on the 25th day of March, 2008, at 7:30 P.M., or as soon thereafter as possible in the Municipal Building of the Town.

ATTEST:

TOWN OF BRECKENRIDGE


Mary Jean Loufek, CMC, Town Clerk


Ernie Blake, Mayor

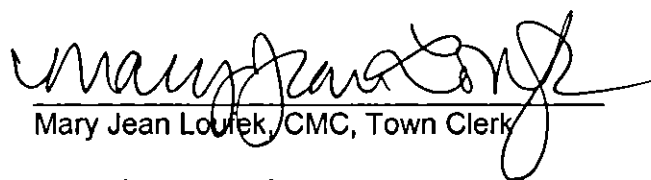
This Ordinance was published in full in the Summit County Journal, a newspaper of general circulation within the Town of Breckenridge on March 21, 2008.

The public hearing on this ordinance was held on March 25, 2008.

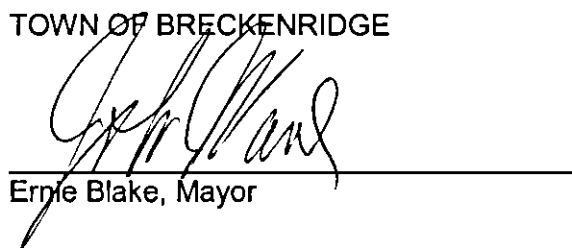
READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY, this 25th day of March, 2008. This ordinance is available for inspection in the office of the Town Clerk.

ATTEST:

TOWN OF BRECKENRIDGE

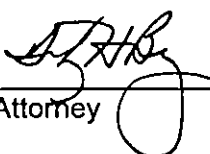


Mary Jean Loufek, CMC, Town Clerk



Ernie Blake, Mayor

APPROVED IN FORM



Town Attorney

3/25/08
Date

This ordinance was published by title only in the Summit County Journal, a newspaper of general circulation within the Town of Breckenridge on April 4, 2008.