

ORDINANCE ¹³
SERIES 2014

AN EMERGENCY ORDINANCE PROVIDING FOR TEMPORARY RELIEF FROM CERTAIN PROVISIONS OF ORDINANCE # 3, SERIES 2010 AND ORDINANCE 10, SERIES 2014 CONCERNING THE INSTALLATION OF PRIVATE SERVICE LINES ON CERTAIN PROPERTIES

WHEREAS, in September 2013, the Town experienced significant flooding, which prompted formal declarations of disaster and emergency by local, state and federal government officials in Boulder County, Colorado, and as a result of such flooding, the Town's water distribution system was severely damaged with half of the distribution system destroyed, resulting in the water system being shut down; and

WHEREAS, the Town previously adopted Ordinance #3, Series 2010 concerning the Town's municipal waterworks system, including Section 6 of said ordinance, which provides that service lines beyond the curb box shall be installed, repaired and maintained by the property owner; and

WHEREAS, the Town adopted Ordinance 10, Series 2013 to provide relief from certain provisions of Ordinance #3, Series 2010, but Section 10 of said ordinance affirmed that the costs of installing new service lines, water mains, curb boxes and valves shall be in accordance with Article I of Ordinance 3, Series 2010; and

WHEREAS, the Town has plans to replace, construct and install private service lines connecting certain affected properties to the Town's newly reconstructed and rebuilt water distribution system (the "Project"); and

WHEREAS, in order to fund and complete the Project, it is necessary to provide temporary relief from Section 6 of Ordinance #3, 2010 and Section 2 of Ordinance 10, Series 2014 for certain properties;

NOW, THEREFORE BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF JAMESTOWN, COLORADO:

Section 1. Applicability: The provisions of this Ordinance are intended to provide temporary relief from certain provisions of the ordinances described in Section 2 of this Ordinance in order to allow the Town to install private water service lines, including additional segments downstream from the curb box, water taps, and related facilities for water service connection to certain properties. The temporary relief described herein shall apply only if the owners of said properties have executed a Right-of-Way Agreement in a form acceptable to the Town. No other relief is granted from any effective ordinance except those listed herein. This ordinance does not constitute an obligation upon the Town or any governmental entity to perform Project, and the Town, through its Board of Trustees, may in its sole discretion determine not to undertake the Project.

Section 2. Suspension of Provisions of Applicable Ordinances During the effectiveness of this Ordinance:

Section 6 (a), Ordinance 3, Series 2010 (Installation and Maintenance of Service Lines): Relief is granted from the following provision: "All service lines beyond the curb box shall be

installed, repaired and maintained by the property owner," subject to the obligations and limitations set forth in Section 1 of this Ordinance.

Section 2. Ordinance 10, Series 2014 (Suspension of Provisions of Applicable Ordinances): Relief is granted from the following provision: "However, costs for installing new service lines, water mains, curb boxes and valves shall be in accordance with the Article I of Ordinance 3, Series 2010," subject to the obligations and limitations set forth in Section 1 of this Ordinance.

Section 3. Repeal and Expiration: This ordinance is not intended to permanently repeal any ordinance or part of any ordinance. This ordinance shall expire six months after adoption by the Town Board of Trustees unless sooner repealed.

Section 4. Severability: If any portion of this ordinance is held to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Trustees hereby declares that it would have passed this ordinance and each part thereof irrespective of the fact that any one part be declared invalid.


Section 5. Emergency Clause: The Board of Trustees herewith finds, determines and declares that this ordinance is necessary to the immediate preservation of the public health and safety in order to ensure the timely and orderly connection of private service lines to Town's water distribution system. This ordinance shall be effective upon adoption and signing by the Mayor if approved by three-fourths of the members of the Board of Trustees.

INTRODUCED, READ, PASSED AND ADOPTED AND ORDERED PUBLISHED BY
TITLE ONLY this 11 day of August, 2014.

TOWN OF JAMESTOWN, COLORADO


Tara Schoedinger, Mayor

ATTEST:


Mary Ellen Burch, Town Clerk