

ORDINANCE NO. 32A

AN ORDINANCE GOVERNING THE REGULATIONS OF WATER USED FOR IRRIGATION PURPOSES IN THE TOWN OF STRATTON, COLORADO

WHEREAS, during the summer months water usage increases in the Town of Stratton, and

WHEREAS, a critical shortage of water exists in the Town of Stratton, and

WHEREAS, it is necessary to preserve the water supply for the Town of Stratton in order to protect the health, safety and general welfare of the citizens of the Town of Stratton;

IT IS HEREBY ORDAINED THAT:

1. Those consumers of water supplied by the Town of Stratton with an address number which ends in an odd number, to-wit: 1, 3, 5, 7, 9, shall be allowed to use water for irrigational purposes, recreation purposes and washing cars on odd numbered days of the month only.

2. Those consumers of water supplied by the Town of Stratton with an address which ends in an even number, to wit; 0, 2, 4, 6, 8, shall be allowed to use water for irrigational purposes, recreation purposes and washing cars on even numbered days of the month only.

3. On the 31st day of the month, those with address numbers ending with an odd digit shall be allowed to use water for irrigation purposes until 12:00 noon, and those with address numbers ending with an even digit shall be allowed to use water for irrigation purposes after 12:00 noon.

4. This Ordinance shall be in effect from May 31 until September 1 of each year.

5. In the event that a consumer of water supplied by the Town of Stratton shall use water in violation of this Ordinance, such person shall be served with a complaint and summons which shall cite this Ordinance and shall require said owner to appear before the Municipal Judge of the Town of Stratton and show cause why such person should not be found guilty of a violation of this Ordinance. The date and time of said appearance shall be not less than seven nor more than 20 days after the date of service of said summons upon the consumer. Said time may be extended for good cause.

Said hearing shall be conducted in accordance with established law and procedures relating to evidence and testimony.

If said consumer shall be found guilty of a violation of this Ordinance, he shall have the right to appeal the decision of the Municipal Judge to the County Court of Kit Carson County, Colorado as provided by law.

6. Any person who shall violate this Ordinance shall be guilty of a misdemeanor and upon conviction shall pay all court costs, and

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shall be fined in the amount of \$15.00 for the first offense, \$50.00 for the second offense, and \$75.00 for the third offense and any offense thereafter.

7. This Ordinance hereby establishes a Board of Water Appeals. This Board shall consist of three members, who shall be appointed by the Board of Trustees. Until otherwise provided, the members shall serve without compensation and shall serve from May 31 to September 1 of each year. These members shall be newly appointed each year.

8. The Board of Water Appeals shall have the authority to grant, upon written request, special exceptions to this Ordinance, in cases in which the enforcement of this Ordinance would work an undue hardship upon any consumer of water supplied by the Town of Stratton. It shall have the authority to decide questions of interpretation of this Ordinance.

9. The Board of Water appeals shall have the following duties:

A. To elect a presiding officer and a secretary.

B. To keep records of all requests for exception from this Ordinance and minutes of meeting; and,

C. To set and hold regular meetings.

10. Any decision made by the Board of Water Appeals shall be made by a majority vote.

11. All appeals made pursuant to this Ordinance shall be governed by the Colorado Administrative Procedures Act.

The Board of Trustees finds and declares that this Ordinance is necessary for the immediate preservation of the public peace, health and safety and, therefore, an emergency exists and that this Ordinance shall become effective five days after publication thereof.

PASSED, ADOPTED AND ORDERED PUBLISHED this 30th day of May, A. D., 1985.

EZRA S. YODER  
Mayor

(SEAL)

ATTEST:

JACKIE L. GARRETT,  
Town Clerk