

ORDINANCE NO. 2018-011

AN ORDINANCE AMENDING SECTION 13.12.070 OF THE CASTLE ROCK MUNICIPAL CODE CONCERNING EMERGENCY REGULATION OF WATER

WHEREAS, Castle Rock is transitioning from a non-renewable to a renewable water supply and renewable water supplies can be impacted by droughts; and

WHEREAS, it is critical that Castle Rock Water plan for droughts before they occur to mitigate potential impacts to renewable water supplies; and

WHEREAS, having a comprehensive Drought Management Plan will help protect the public health and safety and minimize the adverse effects of a water supply shortage; and

WHEREAS, to ensure the successful management of water supplies during a drought, effective communication to customers, the public and government departments and agencies is critical and thus laid out in the Plan.

NOW, THEREFORE, IT IS ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CASTLE ROCK, COLORADO:

Section 1. Amendment. Section 13.12.070 of the Castle Rock Municipal Code is amended in its entirety to read as follows:

13.12.070 - Emergency regulation of water.

A. The Town Council shall have the power to regulate water usage during times of drought, shortage, fire or other emergency. This power shall extend to an absolute prohibition of water use or any lesser degree of regulation which shall be necessary in order to preserve and protect the municipal facilities and the water supply of the Town during such emergency.

B. The Town Council shall undertake to regulate the water service usage in accordance with Subsection A of this Section through adoption by resolution of a “Drought Management Plan,” which plan shall be prepared and maintained by Castle Rock Water..

C. The Drought Management Plan shall set forth the degree of regulatory action, the duration of and the reasons for regulatory action. The Director of Castle Rock Water shall be charged with the implementation of the Drought Management Plan including declaration of drought stages and the corresponding regulatory action.

D. A notice of the regulation imposed under the Drought Management Plan under this Section shall be published as soon as possible in a newspaper of local publication and distribution, and may also be delivered to the premises of each user affected. Twenty-four (24) hours after delivery of a copy of the notice to the premises of the user, or forty-eight (48) hours following the publication of the notice, whichever occurs sooner, shall be determined to be constructive notice of the terms and

regulatory effect of the Drought Management Plan and indicated drought stage passed by the Town to the user of water service. Upon actual or constructive notice of the drought stage, every user shall be expected to obey and conform to the noticed requirements of the drought stage. Persons found to knowingly violate the provisions of the drought stage shall forfeit their right to further water service and the Town may immediately terminate water service during the pendency of the emergency restrictions.

D. The Town Manager and the Director of Castle Rock Water shall have the power to declare a water emergency on the same terms and for the reasons stated in Subsection A for any condition not covered under the Drought Management Plan, provided that no such emergency declaration shall extend beyond twenty-one (21) days after its declaration without concurrence of the Town Council. The Town Manager and Director of Castle Rock Water shall cause actual and/or constructive notice of the declaration to be made to the affected property owners to the extent feasible; however, the giving of such notice shall not be a condition to the validity or enforceability of the emergency declaration.

Section 2. Severability. If any clause, sentence, paragraph, or part of this ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect the remaining provisions of this ordinance.

Section 3. Safety Clause. The Town Council finds and declares that this ordinance is promulgated and adopted for the public health, safety and welfare and this ordinance bears a rational relation to the legislative object sought to be obtained.

APPROVED ON FIRST READING this 17th day of April, 2018 by a vote of 7 for and 0 against, after publication in compliance with Section 2.02.100.C of the Castle Rock Municipal Code; and

PASSED, APPROVED AND ADOPTED ON SECOND AND FINAL READING this 1st day of May, 2018, by the Town Council of the Town of Castle Rock by a vote of ____ for and ____ against.

ATTEST:

TOWN OF CASTLE ROCK

Lisa Anderson, Town Clerk

Jennifer Green, Mayor

Approved as to form:

Approved as to content:

Robert J. Slentz, Town Attorney

Mark Marlowe, Director of Castle Rock Water