

ORDINANCE

AN ORDINANCE OF THE CITY OF MANITOU SPRINGS, COLORADO, REPEALING AND REENACTING CHAPTER 13.17 OF THE MANITOU SPRINGS MUNICIPAL CODE TO ADOPT CERTAIN SECTIONS OF THE CODE OF THE CITY OF COLORADO SPRINGS, AS AMENDED, CONCERNING WASTEWATER TREATMENT

WHEREAS, effective February 19, 2016, the City entered into a Sewage Treatment and Disposal Agreement ("Sewage Disposal Agreement") with Colorado Springs Utilities, an enterprise of the City of Colorado Springs;

WHEREAS, pursuant to the Sewage Disposal Agreement, the City agreed to adopt an ordinance prohibiting or limiting wastewater discharges in accordance with applicable provisions of the Code of the City of Colorado Springs 2001, as amended;

WHEREAS, in accordance with the Sewage Disposal Agreement, the Manitou Springs City Council desires to repeal and reenact Chapter 13.17 of the Manitou Springs Municipal Code to address recent revisions made by the City of Colorado Springs to relevant provisions of the Code of the City of Colorado Springs 2001, as amended.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MANITOU SPRINGS, COLORADO, THAT:

Section 1: Chapter 31.17 of the Manitou Springs Municipal Code is hereby repealed and reenacted to read as follows:

Chapter 13.17 – WASTEWATER DISCHARGE REGULATIONS

13.17.010 - Adoption.

Pursuant to Section 5.8(i) of the Manitou Springs City Charter, Sections 12.5.201, 12.5.202 and 12.5.701 to 12.5.1205 of the Code of the City of Colorado Springs 2001, as amended, are hereby adopted by reference and shall hereinafter be referred to as the "Wastewater Treatment Code." Three copies of the Wastewater Treatment Code are filed in the office of the city clerk and may be inspected during regular business hours.

13.17.020 – Amendments.

A. Section 12.5.201 of the Wastewater Treatment Code is amended by the addition of the following definitions:

"CITY: The City of Manitou Springs, Colorado."

"EXECUTIVE DIRECTOR: The City Administrator, or his or her designee."

"UTILITIES: The Public Works Department of the City of Manitou Springs, or other department or representative as designated by the City Administrator."

B. Subsections 12.5.1204(D), (E), and (F) are hereby deleted.

C. Subsection 12.5.1205(E) is hereby deleted.

13.17.030 - Compliance required.

It is unlawful for any person to violate the Wastewater Treatment Code as adopted in this Chapter or any rule, regulation or guideline as adopted by the City pertaining to wastewater treatment and discharge. Each day that such violation continues, shall be considered a separate offense.

13.17.040 – Enforcement jurisdiction.

In addition to being subject to all penalties, fines, and remedies set forth in the Wastewater Treatment Code, all users shall be subject to the jurisdiction of the City of Colorado Springs for purposes of the enforcement procedures set forth in Chapter 12, Article 5 of the Code of the City of Colorado Springs, as amended.

Section 2: If any article, section, paragraph, sentence, clause or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 3: This ordinance is deemed necessary for the protection of the health, welfare and safety of the community.

Passed on first reading and ordered published this 18th day of October, 2016.

/s/ Donna Kast
City Clerk, Donna Kast

A Public Hearing on this ordinance will be held at the November 1, 2016, City Council meeting. The Council Meeting will be held at 6:00 P.M. at City Hall, 606 Manitou Avenue, Manitou Springs, Colorado.

Ordinance Published: October 20, 2016 (in full)
City's Official Website and City Hall

Passed on second reading and ordered published this 1st day of November, 2016.

/s/ Nicole Nicoletta
Mayor, Nicole Nicoletta

Attest: /s/ Donna Kast
City Clerk, Donna Kast

Ordinance Published: November 3, 2016 (in full)
City's Official Website and City Hall