

ORDINANCE

AN ORDINANCE OF THE CITY OF MANITOU SPRINGS, COLORADO ADDING A NEW SECTION 13.04.035 AND REPEALING AND REENACTING SECTION 13.08.060 OF THE MANITOU SPRINGS MUNICIPAL CODE CONCERNING WATER AND SEWER SERVICE OUTSIDE CITY LIMITS

WHEREAS, water from the Frying Pan Arkansas diversion, storage and delivery water project, which the City to delivers to its customers via the City's water system, is restricted for use only within the City;

WHEREAS, the City, therefore, must limit the use of such water to within City boundaries;

WHEREAS, in 2002, via Ordinance 1402, Series 2002, the City prohibited the extension of water and sewer service outside of the City limits, but the ordinance was not codified in the City's Municipal Code; and

WHEREAS, the City Council desires to codify this prohibition on the extension of water and sewer service outside the City limits.

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

Section 1: A new Section 13.04.035 is hereby added to the Manitou Springs Municipal Code to read as follows:

13.04.035 – Sewer service outside city limits - Prohibited.

- A. The City shall not provide sewer service to property located outside the City boundaries, other than property being served as of December 31, 2002.
- B. The City shall issue no taps for sewer service outside the City limits.
- C. Nothing in this section shall prohibit land from being annexed into the City in accordance with all of the requirements and procedures for annexation and then being eligible to receive sewer service.

Section 2: Section 13.08.060 of the Manitou Springs Municipal Code is hereby repealed in its entirety and reenacted as follows:

13.08.060 – Water service outside city limits - Prohibited.

- A. The City shall not provide water service to located property outside the City boundaries, other than property being served as of December 31, 2002.
- B. The City shall issue no taps for water service outside the City limits.
- C. Nothing in this section shall prohibit land from being annexed into the City in accordance with all of the requirements and procedures for annexation and then being eligible to receive water service.

Section 3: 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 4: 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 5th day of December, 2017.

/s/ Donna Kast
City Clerk, Donna Kast

A Public Hearing on this ordinance will be held at the December 19, 2017, 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: December 7, 2017 (in full)
City's Official Website and City Hall

Passed on second reading and approved by Council this 19th day of December, 2017.

/s/ Nicole Nicoletta
Mayor, Nicole Nicoletta

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

Ordinance Published: December 21, 2017 (in full)
City's Official Website and City Hall