

CHAPTER 13

Municipal Utilities

Article I

Watershed Protection District

- Sec. 13-1 Established
- Sec. 13-2 Permit required; unlawful activity
- Sec. 13-3 Permits; process
- Sec. 13-4 Definitions
- Sec. 13-5 Contents of applications
- Sec. 13-6 Review of application and standards for granting a permit
- Sec. 13-7 Public hearing
- Sec. 13-8 Duration of permit
- Sec. 13-9 Enforcement
- Sec. 13-10 Right of entry

ARTICLE I

Watershed Protection District

Sec. 13-1. Established.

A Watershed Protection District is established as set forth in this Article:

(1) Intent of district. The purpose for which this district is established is the full exercise of the powers of the Town in maintaining and protecting the source of water for use by the inhabitants of the Town from injury and pollution or from activities that will create a hazard to health and water quality or a danger of pollution to the groundwater or surface water supply of the Town. This district is created under authority granted in Section 31-15-707(1)(b), C.R.S. and Section 29-20-101, *et seq.*, C.R.S.

(2) Jurisdiction. The Bow Mar Watershed Protection District shall extend over all territory in the Town and all territory within three (3) miles of the Town boundaries which contributes to groundwater or surface water within the Town and which is used by the Town or its citizens for household use, irrigation, fish and wildlife, recreational purposes or for any other use. (Ord. 144 §1, 1986; Ord. 194 §1, 1995)

Sec. 13-2. Permit required; unlawful activity.

(a) It shall be unlawful for any person or entity to engage in the below listed activities within the Bow Mar Watershed Protection District without a permit. The

Board of Trustees finds that the following types of activities pose a potential threat of pollution to the Town's groundwater or surface water supply, and to the health, safety and welfare of the citizens of the Town. Any person proposing to conduct such activities shall, prior to undertaking such activity, obtain a permit under the provisions of this Article:

(1) Dumping, throwing, discharging or depositing any substances or materials which could in any manner pollute or contaminate the groundwater or surface water supply of the Town.

(2) Excavating, grading, filling or surfacing.

(3) Altering water drainage courses.

(4) Conducting surface and/or sub-surface mining activities.

(5) Road construction or improvements.

(6) Removing vegetation.

(7) Using, depositing, handling, storing, evaporating, treating, concentrating, discharging or transmitting solid, liquid, toxic or hazardous wastes, sludges or residues including, but not limited to, radioactive, organic and inorganic materials.

(b) Normal and customary residential or agricultural activities of homeowners are excluded from the permit requirements of this Section.

(c) In the event that any activity not set forth in Subsection (a) above is being conducted within the Bow Mar Watershed Protection District in such a manner that the Board of Trustees finds that a foreseeable risk of pollution to the Town's groundwater or surface water supplies exists from such activity, the person or agency reasonable for such activity shall be notified by the Town that such activity must cease and desist until a permit is obtained and correction measures are taken. (Ord. 144 §2, 1986)

Sec. 13-3. Permits; process.

Upon receipt of an application to conduct one (1) of the activities prohibited by Section 13-2 above, the Board of Trustees shall consider the application and may take one (1) of the following actions:

- (1) The application may be approved.
- (2) The application may be denied.
- (3) The application may be approved, with conditions designed to protect the groundwater or surface water supply of the Town. (Ord. 144 §3, 1986)

Sec. 13-4. Definitions.

For the purpose of this Article the following words are defined as follows:

- (1) The term *groundwater or surface water supply of the Town* means any and all water which is put to use within the boundaries of the Town and its service areas, including water which is put to household use, irrigation, fish and wildlife, recreation purposes or any other use.

- (2) *Person* includes any individual, business, organization, corporation, firm, partnership, governmental unit, board or commission, municipality, city and county, county and entity whatsoever, and includes everything within the definition of *person* in Section 2-4-402(8), C.R.S. (Ord. 144 §§1, 2, 1986; Ord. 194 §1, 1995)

Sec. 13-5. Contents of applications.

An application for a Bow Mar Watershed Protection District permit shall contain the following information:

- (1) The name, address and phone number of the applicant, and if the applicant is not the owner of the subject property, its interest in the proposed activity and the signature of the owner of the property.
- (2) A full and complete description of the proposed activity for which a permit is sought.
- (3) A listing of all permits or construction approvals applied for or received from any federal, state or local authority.
- (4) Two (2) sets of plans and specifications, which shall contain the following information:

- a. A vicinity sketch or other data indicating the site location and legal description of the subject property, including:

- 1. Boundary lines of the property for which the permit is sought, if applicable, and

2. Accurate contours establishing the topography of the existing ground.

b. Elevations, dimensions, location, extent and the slopes of all proposed excavating, grading, filling or surfacing shown by contours and/or other means.

c. The drainage patterns and estimated runoff of the area of the proposed activity and details of all drainage devices in connection with the proposed activity.

d. Details of all waste treatment, storage or disposal facilities in connection with the proposed facility, together with analysis of the identity and chemical composition of all liquid, toxic or hazardous wastes, sludges or residues that may be used, deposited, handled, stored, evaporated, treated, concentrated, transmitted or discharged within the Bow Mar Watershed Protection District.

e. A statement of the amount and location of any matter proposed to be deposited within the Bow Mar Watershed Protection District.

f. Nature and location of existing vegetation and a statement as to the effect of the proposed activity on such vegetation.

(5) Identification of any activity that may present or create a foreseeable risk of pollution to the municipal groundwater or surface water supply of the Town

along with a specific description of the measures, including best management practices, that will be employed by the applicant to obviate such risks.

(6) Any and all additional information that may be specifically requested by the Town, including, but not limited to, the following:

a. Revegetation and reclamation plans.

b. A soils analysis, including the nature, distribution and strength of existing soils, and recommendations for earth moving procedures and other design criteria.

c. An operational and maintenance analysis of the proposed activity.

d. Water use analysis of change in drainage patterns or use of water to be made during or as a result of the activity, including legal basis, source, quality, amount of consumptive use, impact on ground water and discharge characteristics.

(7) Any applicant shall submit a Watershed Protection District permit application fee to the Town at the time of filing such application. The applicant shall be assessed a fee sufficient to cover the costs of publication, hearing, processing, administration, inspection and enforcement of such requested permit. The minimum fee hereunder shall be ten dollars (\$10.00). In the event the fee charged by the Town at the time of

application is determined to be insufficient to cover the Town's costs, the Town shall have the right to charge the additional fee prior to the issuance or denial of any permit. No Watershed Protection District permit shall be issued until all such assessed fees have been paid. (Ord. 144 §4, 1986)

Sec. 13-6. Review of application and standards for granting a permit.

(a) In reviewing a permit application, the following factors, among any others that may be deemed relevant, shall be considered:

- (1) Nature and extent of the proposed activity.
- (2) Proximity to existing groundwater and surface water supplies.
- (3) Drainage patterns and control measures.
- (4) Soil criteria.
- (5) Slope steepness and stability.
- (6) Effects of denudation.
- (7) Geologic hazards, including, but not limited to, avalanche paths, flood plains, high water tables, fault zones and similar factors.
- (8) Nonpoint and point source effluent and releases into water.
- (9) Relationship of the proposed activity to the groundwater and surface water supplies of the Town.

(b) Based on these factors and others that the Board of Trustees deems appropriate, it shall make a finding as to the impact of such activity on the groundwater and surface water supplies of the Town. If the Board of Trustees finds that such activity either (1) pollutes or injures the quality or quantity of the groundwater or surface water supplies to the Town or (2) constitutes a substantial threat or endangerment to the quality or quantity of the groundwater or surface water supplies of the Town, then it shall deny the permit application or it may impose conditions upon the granting of such permit that are sufficient to prevent such pollution, injury or substantial threat or endangerment. (Ord. 144 §5, 1986)

Sec. 13-7. Public hearing.

Before any action is taken by the Board of Trustees to approve, deny or condition an activity regulated by this Article, the Board of Trustees shall conduct a public hearing to receive comments and any other pertinent information regarding the proposed action. Adequate notice of the public hearing shall be provided. (Ord. 144 §6, 1986)

Sec. 13-8. Duration of permit.

If any proposed activity for which a Watershed Protection District permit is issued is not commenced within nine (9) months from the date of issuance of such permit, the permit shall expire and become void. The Watershed Protection District permit may specify the term for which it shall be effective. (Ord. 144 §7, 1986)

Sec. 13-9. Enforcement.

This Article may be enforced by the Town. Further, proper and appropriate enforcement, injunction, damages and penalty proceedings may be commenced by the Town in any court of competent jurisdiction. (Ord. 144 §8, 1986)

Sec. 13-10. Right of entry.

Whenever necessary to make an inspection to enforce any provision of this Article, an authorized representative of the Town may go upon any land at any reasonable time to inspect the same, provided that he or she first identifies himself or herself, and if the land is unoccupied, makes a reasonable effort to locate and notify the applicant or other persons having control over the land. (Ord. 144 §8, 1986)

Secs. 13-11-13-30. Reserved.