

ORDINANCE NO. 2021-

AN ORDINANCE AMENDING CHAPTER 13.25 OF THE CASTLE ROCK MUNICIPAL CODE REGARDING DAMAGES TO, AND THE UNAUTHORIZED USE OF, WATER, WASTEWATER, AND STORMWATER FACILITIES AND SERVICES

WHEREAS, Chapter 13.25 of the Castle Rock Municipal Code addresses damage to, and the unauthorized use of, water and wastewater facilities and services; and

WHEREAS, the Town also owns and operates a stormwater management utility through which the Town provides all facilities and services necessary to maintain stormwater quality and to contain, control, and convey stormwater from the various drainage basins to the Town's major drainageways; and

WHEREAS, the Town's stormwater facilities and services are critical to protect the health and safety of Town's citizens and their private property from damage; and

WHEREAS, such facilities and services, however, are not presently addressed in Chapter 13.25; and

WHEREAS, the Town Council finds and determines that the Town's stormwater facilities and services should enjoy the same protections against damage and unauthorized use as its water and wastewater facilities and services; and

WHEREAS, accordingly, the Town Council deems it appropriate to extend the protections afforded by Chapter 13.25 to the Town's stormwater facilities and services.

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

Section 1. Amendment. Section 13.25.010 of the Castle Rock Municipal Code is amended to read as follows:

13.25.010 - Purpose and intent.

It is the intent of the Town to establish a process to recover costs due to theft of, or injury to, Castle Rock's water, STORMWATER, and wastewater facilities or services.

Section 2. Amendment. Section 13.25.020 of the Castle Rock Municipal Code is amended to read as follows:

13.25.020 - Applicability.

The provisions of this Chapter shall apply to all Town water, STORMWATER, and wastewater facilities and the use of such facilities.

Section 3. Amendment. Section 13.25.030 of the Castle Rock Municipal Code is amended to read as follows:

13.25.030 - Definitions.

As used in this Chapter, certain terms are defined as follows:

- A. *Connector* means a person or entity connected to the municipal water, STORMWATER, or wastewater system.
- B. *Facility* means any structure, building, pipe, fire hydrant, manhole, valve or valve box, vehicle, tool or landscaping appurtenant to the operation, maintenance or appearance of Castle Rock's water, STORMWATER, or ~~sanitary-sewer~~ WASTEWATER system.
- C. *Person* means any person, employee, agent, employer, principal, supervisor, foreman, sole-proprietorship, partnership, corporation or other business entity.
- D. *Unauthorized user* means any person who connects to Town water, STORMWATER, and/or wastewater facilities without receipt of a permit or authorization from the Town.

Section 4. Amendment. Section 13.25.040 of the Castle Rock Municipal Code is amended to read as follows:

13.25.040 - Damage to water, STORMWATER, and wastewater facilities.

Any person who damages or destroys Town water, STORMWATER, and/or wastewater facilities, or who employs, supervises, controls or otherwise participates with another person in the damaging or destruction of Town water, STORMWATER, and/or wastewater facilities within the Town without express permission of the Town may, upon conviction, be punished as provided in Section 13.25.100.

Section 5. Amendment. Section 13.25.050 of the Castle Rock Municipal Code is amended to read as follows:

13.25.050 - Unauthorized use.

Any use of Town water, STORMWATER, and/or wastewater facilities or services requires proper Town authorization prior to any such use. Any unauthorized connection to Town WATER, STORMWATER, AND/OR WASTEWATER facilities may be immediately disconnected or otherwise terminated by the Town. The Town shall take reasonably available precautions to avoid damage to private property, but in no event shall the Town be liable for damages caused by the disconnection or termination of unauthorized use of Town water, STORMWATER, and/or

wastewater facilities or services. Any person who violates this Section may, upon conviction, be punished as provided in Section 13.25.100.

Section 6. Severability. If any part or provision of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provisions or application, and to this end the provisions of this Ordinance are declared to be severable.

Section 7. 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 5th day of January, 2021 by a vote of __ for and __ 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 ___ day of _____, 2021, 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

Jason Gray, Mayor

Approved as to form:

Approved as to content:

Michael J. Hyman Town Attorney

Mark Marlowe, Director, Castle Rock Water