

TOWN OF MARBLE, COLORADO
ORDINANCE NO. 2
Series of 1998

**AN ORDINANCE REQUIRING THE CLEANING
AND MAINTENANCE OF
INDIVIDUAL SEWAGE DISPOSAL SYSTEMS**

WHEREAS, the Town of Marble is a statutory Town organized pursuant to Colorado Law, C.R.S. § 31-1-101 *et seq.*; and

WHEREAS, pursuant to C.R.S. § 31-15-610, the governing body of the Town of Marble has the power to regulate the installation, use and maintenance of septic tanks in the Town; and

WHEREAS, the Town of Marble is concerned with the health, safety and welfare of its citizens; and

WHEREAS, the failure of septic systems caused by inadequate maintenance and cleaning is a significant health issue for the Town; and

WHEREAS, the Town wishes to establish Rules concerning the maintenance and cleaning of septic systems and to ensure that all septic systems are inspected and cleaned when necessary.

NOW, THEREFORE, THE BOARD OF TRUSTEES OF THE TOWN OF MARBLE, COLORADO, ORDAINS THAT:

Section 1. Declaration In order to preserve the environment and protect the public health; to eliminate and construal causes of disease, infection, and contamination; and to reduce and control the pollution of the air, land and water, it is declared to be in the public interest to establish minimum standards, rules and regulations for maintenance of individual sewage disposal systems (ISDS) and to provide the authority for the administration and enforcement of such minimum standards, rules and regulations.

Section 2. Purpose The purpose of these guidelines as authorized and required by Article 10, Title 25, C.R.S., 1973, as Amended, is to establish minimum standards for the maintenance and use of individual sewage disposal systems (ISDS) within the Town of Marble, Colorado, and hereby is declared to be in accordance with all provisions of said statute.

Section 3. Interpretation and Definition For the purpose of this Ordinance, certain words and phrases used herein shall be defined in the State of Colorado Guidelines.

Section 4. Septic Tank Pumping Effective no later than April 1, 1999, each property supporting an ISDS shall be required to have its septic tank inspected by a licensed Gunnison County and Garfield County or Pitkin County systems cleaner and submit verification to the Town Building Inspector of such including verification of the level of the scum on the top and sludge on the bottom or verification that the system was pumped. From the time of the last inspection, each property shall be required to have its septic tank inspected no longer than every three (3) years, each time providing the report or verification of pumping to the Town. The septic tank shall be pumped by a licensed systems cleaner if the top of the sludge is 10" or less below the T-shaped pipe at the bottom, or the outlet and/or the scum on the top is 3" or less below the top of the T or baffle, and make all other necessary repairs to the septic tank/leachfield within 60 days of such inspection.

Section 5. Notification of Alleged Violations Whenever the Town Building Officer determines that there has been a violation of this Ordinance, he shall notify the person responsible for the violation or alleged violation, in writing by certified mail with return receipt, and shall order that the necessary correction be made within ten (10) business days. Copies of such notification shall be forwarded to the Town Attorney and the Board of Trustees. If the violation is not corrected within the specified time after notification, the Board of Trustees shall notify the Town Attorney to proceed with the appropriate legal action.

Section 6. Violation and Penalty Violation of this Ordinance is a misdemeanor. Every person who willfully violates any provision of this Ordinance, or fails or neglects to comply with any requirement of this Ordinance is guilty of a misdemeanor. Each violation shall be punished by a fine of not more than Three Hundred Dollars (\$300.00) for each offense per month.

Additionally, the Town shall be entitled to take whatever civil action, including but not limited to injunction, to compel compliance within this section.

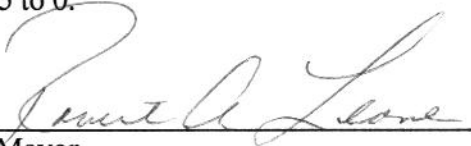
Section 7. Interpretation, Conflicts and Validity

- a. This Ordinance shall be interpreted and applied to the extent required for the proper protection of the public health, general welfare and promotion of safety.
- b. Whenever a conflict exists between these provisions and any other lawfully adopted rules, regulations, resolutions or Ordinances of Marble, Colorado, the one which is the most restrictive shall apply.
- c. If any provision of this Ordinance or the applications thereof is held invalid, such invalidity shall not affect the provisions or application of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be separable.

Section 8. Effective Date This Ordinance shall take effect and be in full force and effect 30 days after publication following final passage, provided it has been approved by the Mayor of the Town of Marble, Colorado.


PASSED this 6th day of April 1998 by vote of 5 to 0.

By



Mayor

ATTEST:



Town Clerk