

**TOWN OF MARBLE, COLORADO
ORDINANCE NO. 1
SERIES OF 1997**

An Emergency Ordinance of the Town of Marble, Colorado,
regarding provision of a permanent local water supply to parcels
within the Town

WHEREAS, the Town of Marble, Colorado is a statutory town (hereinafter "Town");
and

WHEREAS, the Marble Water Company, a private water company, does supply water to
some residents of the Town; and

WHEREAS, there is no central sewer system available from any organization within the
Town of Marble, and all sewage must be treated through individual sewage disposal systems or
otherwise, as set forth in the Marble Sewage Disposal Code; and

WHEREAS, the Town is greatly concerned with the provision of water to its residents in
the Town of Marble and has conducted studies regarding such; and

WHEREAS, the Town believes that a permanent water supply to all homes and business,
whether occupied seasonally or year-round, is important for the health, safety and welfare of all
citizens; and

WHEREAS, the availability of water is limited due to the small size of many lots and
limited availability of Marble Water Company water taps; and

WHEREAS, without a good and adequate supply of water available to lots, the sanitary
sewer systems are in jeopardy and may not always be operational; and

WHEREAS, in the winter the temperatures in the Town are below freezing for extended
periods and available water resources is necessary in order to ensure proper use of sanitary
sewage systems for the health, safety and welfare of the Town's citizens; and

WHEREAS, the 1997 building season is upon us and the Town has been receiving
building permit application and ISDS permit applications to build this season, which applications
do not in all instances prove a permanent supply of the water to the lot; and

WHEREAS, immediate action is necessary to ensure a water supply for any lot before
approving building permit or ISDS permit for the immediate preservation of the public health
and safety; and

WHEREAS, the Town anticipates that a number of building permits and sewer permits
will be applied for in 1997.

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NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF MARBLE, COLORADO, THAT:

1. The Town incorporates the above whereas clauses herein by this reference.
2. The supply of water for all lots within the Town of Marble, shall be on site (such as a well, spring, or surface diversion), a cistern (as set forth below), tap from a legally authorized water company or from an offsite well, spring or surface diversion. All water supplies shall be permanent and year round and proof of the legal and physical availability shall be provided to the Town. For any offsite source of water, the owner shall provide the Town with proof of an easement and/or other agreement establishing a right to use such water and to transport it to the lot.
3. All lots shall have such permanent water supply which is legally authorized by the Division of Water Resources, the water court, or if applicable, proof of purchase and availability of a water tap shall be provided. Or, in the alternative, if owner qualifies to use a cistern system, the lot owner shall prove that water is available for purchase and that such lot owner has a means of transport of the water to the lot.
4. Proof of a water supply as set forth herein shall be provided to the Town before any permit for individual sewage disposal system or building permit shall be issued by the Town.
5. Cistern systems shall be allowed for residential and some commercial uses. For residential use, for each residence a holding tank of a minimum size of 5000 gallons is required. All cisterns shall be installed on the lot in such location as provides easy access for refill and that is buried, contained within a structure or installed in any other manner approved by the Town. The Town may approve installation as set forth above only if the installation is designed to prevent freezing in the winter. Only commercial uses that do not rely on the provision of water for the business shall qualify for a cistern system. Such uses may include but are not limited to retail sales, gallery, art studio, grocery store, gas station, or other business allowed in the zone district. For all commercial uses the minimum tank size shall be 5000 gallons for the one toilet fixture and 1000 gallons of additional storage for each additional fixture. Cisterns shall not be allowed for any commercial or industrial use that depends on water for the business which uses may include but are not limited to, restaurant, food service

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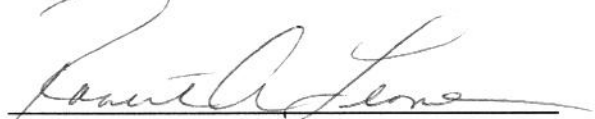
business, tavern, bar, hotel, motel, bed and breakfast, car wash, laundromat, campground and other uses. The Town shall review all uses of any structure to ensure that water use is not a part of the business and may disapprove the use of a cistern facility for a commercial use in the event that the commercial use, in the opinion of the Town, is dependent on the provision of water to support such uses.

- 6.. This ordinance shall supercede and control over any and all regulations or ordinances allowing for the use of non-permanent or offsite water hauling.

Read, adopted and ordered published by title by a vote of 5 to 0 by the Town of Marble, Board of Trustees, this 1st day of July 1997. This ordinance shall be effective immediately and without delay.

TOWN OF MARBLE, COLORADO

By



Bob Leone, Mayor

ATTEST:



Karen Mulhall, Clerk