

CLEAR CREEK

COURANT

Proof of Publication

State of Colorado)
) ss
County of Clear Creek)

I, Webster L. Bradberry, do solemnly swear that I am the Publisher of the Clear Creek Courant; that the same is a weekly newspaper printed and published in the County of Clear Creek, State of Colorado, and has a general circulation therein; that said newspaper has been published continuously and uninterruptedly in said county of Clear Creek for a period of more than fifty-two consecutive weeks prior to the first publication of the annexed legal notice or advertisement; that said newspaper has been admitted to the United States mails as second-class matter under the provisions of the act of March 3, 1879, or any amendments thereof, and that said newspaper is a weekly newspaper duly qualified for publishing legal notices and advertisements within the meaning of the laws of the State of Colorado.

That the annexed legal notice or advertisement was published in the regular and entire issue of every number of said weekly newspaper for the period of 1 consecutive insertions; and that the first publication of said notice was in the issue of the newspaper dated May 26 A.D. 20 04, and that the last publication of said notice was in the issue of newspaper dated May 26, A.D. 20 04.

In witness whereof I have hereunto set my hand this 27 Day of May, A.D. 20 04.
WLB, Publisher

Subscribed and sworn to before me, a notary public in and for the County of Clear Creek, State of Colorado, this 27 day of May, A.D. 20 04.

Janice A. Paradise
Notary Public.

L-0526-03
TOWN OF EMPIRE
Notice is hereby given that the Empire Board of Trustees will consider on first reading Ordinance 220. AN EMERGENCY ORDINANCE TO PROVIDE TEMPORARY MEASURES NECESSARY FOR THE CONSERVATION OF WATER IN THE TOWN OF EMPIRE, COLORADO, BY TEMPORARILY ESTABLISHING RESTRICTIONS FOR IRRIGATION, PROVIDING FOR CERTAIN OFFENSES, AND DECLARING AN EMERGENCY. The Ordinance will be considered at the Board of Trustees regular meeting at 6:30 P.M. on Wednesday, June 2, 2004 at the Empire Town Hall, 30 East Park Ave., Empire, Colorado.
The proposed Ordinance may be inspected from 10:00 A.M. - 1:00 P.M. Monday through Friday at the Empire Town Hall. Citizens are encouraged to attend and comment.
The Empire Board of Trustees will consider Ordinance 220 for adoption on second reading at the regular scheduled meeting at 6:30 P.M. on Wednesday, July 7, 2004 at the Empire Town Hall.
Published in the Clear Creek Courant issue dated May 26, 2004. L-0526-03

Section 3. The Board of Trustees of the Town of Empire is empowered through this Ordinance to adopt supplemental rules, regulations and restrictions related to water usage which may be necessary to protect the health, safety and welfare of the citizens of the Town of Empire, and of those areas to which water is supplied from the Town of Empire. The Board of Trustees of the Town of Empire is empowered to make such rules, regulations and restrictions.

Section 4. The Board of Trustees may appoint or designate a Town employee or agent to conduct inspection, offer mitigation, enter onto the property to temporarily cease the violating act, or otherwise enforce this Ordinance.

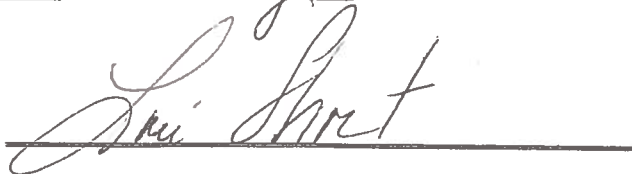
Section 5. If in the judgment of the Board of Trustees of the Town of Empire, that there is an acute water shortage problem, then, in that event, all use of water for lawn irrigation, gardening, or other purposes will be terminated indefinitely by Resolution of the Board of Trustees of the Town of Empire.

Section 6. This Ordinance is necessary for the immediate preservation of the public health, safety and welfare of the citizens of the Town of Empire in a time of drought and impending drought to protect and preserve, to the greatest extent possible, the water resources of the Town of Empire, and, therefore, this Ordinance shall be effective immediately upon passage.

Section 7. If any portion of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the constitutionality or validity of the remaining portions of this Ordinance. The Town Board hereby declares that it would have passed this Ordinance and each part hereof irrespective of the fact that any one part ~~be declared unconstitutional or invalid.~~

Section 8. All other ordinances or portions thereof inconsistent or conflicting with this Ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

INTRODUCED, PASSED AND FINALLY ADOPTED ON FIRST READING AND POSTING ORDERED, THIS 7th DAY OF May, 2003.



Mayor

ATTEST:



WHEREAS, such restrictions will be automatically lifted when the call on Mad Creek affecting the Town of Empire is lifted, and that this Ordinance is a temporary emergency ordinance and will not extend beyond the year 2003.

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

Section 1. Commencing on the date of a water call on the Mad Creek and until such time a call is lifted, or until January 1, 2004, whichever date comes first, water users that are served by the Town of Empire's water system no longer shall use water for lawn irrigation, gardening, car washing or other purposes outside their residence, apartment building, commercial or other structure, except as follows:

a) Those users residing on the North side of United States Highway 40 may use water for lawn irrigation, gardening, car washing or other purposes on odd-numbered days of each month for a period of time not to exceed three (3) hours each odd-numbered day. No water will be allowed between the hours of 10:00 a.m. and 6:00p.m.

b) Those users residing on the South side of United States Highway 40 may use water for lawn irrigation, gardening, car washing or other purposes on even-numbered days of each month for a period of time not exceed three (3) hours each even-numbered day. No watering will be allowed between the hours of 10:00a.m. and 6:00p.m.

Section 2. The owner or occupant of the premises shall be responsible for complying with the above conservation measures, and violators of said conservation measures will be subject to the following actions and penalties:

a) ~~In the event of a first violation, the owner and/or occupant will be advised~~ In the event of a first violation, the owner and/or occupant will be advised in writing of said violation and a Fifty dollar (\$50.00) charge will be added to the water bill for said premises for the succeeding billing period.

b) In the event of a second violation, the owner and/or occupant will be advised in writing of the violation and a One Hundred dollar (\$100.00) charge will be added to the water bill for said premises for the succeeding billing period.

c) In the event of a third or subsequent violation, the owner and/or occupant will be advised in writing of the violation and a Two Hundred Fifty dollar (\$250.00) charge will be added to the water bill for said premises for the succeeding billing period.

d) Should any aggrieved party dispute any acts under this Section 2, that party may then file a "Request for Appeal" with the Town Clerk. A Request for Appeal shall be filed within fifteen (15) days of the date of the water bill notifying the customer of the charge. Failure to file a Request for Appeal shall bar the aggrieved party from disputing any excess charges. Within sixty (60) days of the aggrieved party's Request for Appeal, the Town Board shall offer the aggrieved party a hearing and will rule upon customer's appeal within thirty (30) days of the hearing date.

Drought Ordinance No. 220

AN EMERGENCY ORDINANCE TO PROVIDE TEMPORARY MEASURES NECESSARY FOR THE CONSERVATION OF WATER IN THE TOWN OF EMPIRE, COLORADO, BY TEMPORARILY ESTABLISHING RESTRICTIONS FOR IRRIGATION, PROVIDING FOR CERTAIN OFFENSES, AND DECLARING AN EMERGENCY.

WHEREAS, the Town of Empire, Colorado, as well as the entire State of Colorado, are now experiencing, and have experienced, a severe drought over the past several years;

WHEREAS, said drought has drastically reduced the supply of water for municipal uses;

WHEREAS, the Town of Empire Board of Trustees desires to protect and preserve the health, safety, and welfare of its citizens in time of drought and impending drought by protecting and preserving the water resources of the Town of Empire;

WHEREAS, the Town of Empire's surface water right on the Mad Creek is subject to a call for water, which if a call is placed on the river, eliminates the Town of Empire's right to divert water from the Mad Creek for municipal use until such time a call on the river is lifted;

WHEREAS, if a call by senior water rights user occurs, the Town of Empire must use its well water to supply the Town of Empire with potable water;

WHEREAS, the Town of Empire's well water is not of sufficient quantity to sustain irrigation at the same levels the Mad Creek surface water provides irrigation;

WHEREAS, at any time during the year 2003 if a call on the Mad Creek affects the Town of Empire and it relies on its well water, the irrigation restrictions and penalties for violators of said restrictions set forth in this Ordinance will, by themselves be automatically put into effect;

WHEREAS, the Town of Empire believes these measures to have the least negative impact upon users served by the Town of Empire, have the least negative impact on the economy of the community, provide for the health, safety and welfare of the citizens of the Town of Empire, and provide for adequate fire protection for the immediate and foreseeable future;

Section 3. The Board of Trustees of the Town of Empire is empowered through this Ordinance to adopt supplemental rules, regulations and restrictions related to water usage which may be necessary to protect the health, safety and welfare of the citizens of the Town of Empire, and of those areas to which water is supplied from the Town of Empire. The Board of Trustees of the Town of Empire is empowered to make such rules, regulations and restrictions.

Section 4. The Board of Trustees may appoint or designate a Town employee or agent to conduct inspection, offer mitigation, enter onto the property to temporarily cease the violating act, or otherwise enforce this Ordinance.

Section 5. If in the judgment of the Board of Trustees of the Town of Empire, that there is an acute water shortage problem, then, in that event, all use of water for lawn irrigation, gardening, or other purposes will be terminated indefinitely by Resolution of the Board of Trustees of the Town of Empire.

Section 6. This Ordinance is necessary for the preservation of the public health, safety and welfare of the citizens of the Town of Empire in a time of drought and impending drought to protect and preserve, to the greatest extent possible, the water resources of the Town of Empire, and, therefore, this Ordinance shall be effective immediately upon passage.

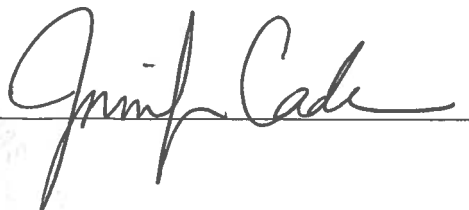
Section 7. If any portion of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the constitutionality or validity of the remaining portions of this Ordinance. The Town Board hereby declares that it would have passed this Ordinance and each part hereof irrespective of the fact that any one part be declared unconstitutional or invalid.

Section 8. All other ordinances or portions thereof inconsistent or conflicting with this Ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict

INTRODUCED, PASSED AND ADOPTED ON SECOND READING AND POSTING
ORDERED, THIS 7th DAY OF JULY, 2004.



Mayor

ATTEST: 

Section 1. Commencing on the date of a water call on the Mad Creek and until such a time a call is lifted, water users that are served by the Town of Empire's water system no longer shall use water for lawn irrigation, gardening, car washing or other purposes outside their residence, apartment building, commercial or other structure, except as follows:

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- a) In the event of a first violation, the owner and/or occupant will be advised in writing of said violation and a Fifty dollar (\$50.00) charge will be added to the water bill for said premises for the succeeding billing period.
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WHEREAS, if a call on the Mad Creek affects the Town of Empire and it relies on its well water, the irrigation restrictions and penalties for violators of said restrictions set forth in this Ordinance will, by themselves be automatically put into effect;

WHEREAS, the Town of Empire believes these measures to have the least negative impact upon users served by the Town of Empire, have the least negative impact on the economy of the community, provide for the health, safety and welfare of the citizens of the Town of Empire, and provide for adequate fire protection for the immediate and foreseeable future;

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