

CITY OF RIFLE, COLORADO
ORDINANCE NO. 7
SERIES OF 2018

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO, AMENDING
ARTICLE II OF CHAPTER 13 OF THE RIFLE MUNICIPAL CODE
PERTAINING TO THE RIFLE WATERSHED DISTRICT.

WHEREAS, the City of Rifle (“Rifle” or the “City”) is a home-rule municipality organized pursuant to Article XX of the Colorado Constitution and with the authority of the Rifle Home Rule Charter; and

WHEREAS, Article II of Chapter 13 of the Rifle Municipal Code establishes the City’s Watershed District and sets for the permitting and regulatory requirements within the Watershed District, as provided pursuant to the authority of Section 31-15-707, C.R.S.; and

WHEREAS, the City has recently decommissioned its Beaver Creek Water Plant affecting the regulation of the Beaver Creek watershed and requiring amendments to Article II, Chapter 13 of the Rifle Municipal Code; and

WHEREAS, the City desires to clarify prohibited and regulated activities in its watershed with amendments to Section 13-2-240 of the Rile Municipal Code; and

NOW, THEREFORE, THE COUNCIL OF THE CITY OF RIFLE, COLORADO, ORDAINS THAT:

1. The City Council incorporates the foregoing recitals as conclusions, facts, determinations, and findings by the City Council.
2. Chapter 13, Article 2 of the Rifle Municipal Code is hereby amended as follows, with double underlined text added and ~~strike through language deleted~~:

Article II – Watershed District

Division 1 – General Provisions

Sec. 13-2-20. - Jurisdiction and map.

The jurisdiction of the District shall extend over the territory occupied by the City waterworks and all reservoirs, streams, trenches, pipes and drains used in and necessary for the construction, maintenance and operation of the same, and over ~~Beaver Creek~~, the Colorado River and all water sources and drainage areas tributary thereto for five (5) miles above the points from which water is diverted for use by the City. The District Map, with all notations, references and

other information shown thereon, is incorporated herein as part of this Article. The official District Map is located and can be reviewed in the office of the City Clerk, and copies thereof are available on request at a cost as set forth in Appendix A to this Code.

Sec. 13-2-30. - Definitions.

Whenever the following words or phrases are used in this Article, they shall have the following meaning:

Tributary means any watercourse, stream, creek, spring or drainage area which provides a source of supply to the City's potable water diversion points on ~~Beaver Creek~~ and the Colorado River.

Sec. 13-2-40. - Prohibited activities; permitted activities requiring notice.

(a) It is unlawful for any person to cast, place, dump or deposit in any part of the City waterworks any substance or material which may injure or obstruct the same or tend to contaminate or pollute the water or obstruct the flow of water through the City's water facilities. For a distance of five (5) miles upstream from the points where the water supply is diverted, no person shall:

- (1) Throw, cast, put or deposit any pollutant or contaminant into or in close proximity to ~~Beaver Creek~~, the Colorado River, or any of ~~their~~ its tributaries or drainage areas;
- (2) Store or retain any offensive or unwholesome substance on any premises in such position that the substance or drainage therefrom may be carried by natural causes into ~~Beaver Creek~~, the Colorado River, or any of ~~their~~ its tributaries or drainage areas; or
- (3) Permit to flow into ~~Beaver Creek~~, the Colorado River, or any of ~~their~~ its tributaries or drainage areas from any place or premises any foul or contaminating fluid.

(b) It shall be unlawful for any person to cause injury or damage to the City waterworks.

(c) In addition to the general prohibitions of Sections 13-1-820, 13-1-830 of this Chapter and Subsections (a) and (b) above, it shall be unlawful for any person to engage in any of the following activities within the Watershed District, which activities the City Council finds pose a potential or threat of injury to the waterworks or pollution to the City's water supply, unless such person shall, prior to commencement of such activity, receive a permit for such activity under the provisions of this Article:

- (1) Construction, maintenance and/or operation of any sewage treatment disposal system with an average design capacity greater than 2,000 gallons per day; provided that

any sewage disposal system with an average design capacity less than or equal to 2,000 gallons per day is also subject to regulation under this Article if it is not installed, operated and maintained in compliance with all applicable laws, rules, regulations, permits, and Best Management Practices which condition is met if Garfield County regulations are adhered to, or is located within one hundred (100) feet of any watercourse. Construction or installation of a sewage disposal system.

(2) Construction, maintenance and/or operation of a surface or subsurface tank that stores chemicals, chemical waste, biological nutrient or material, radioactive material, petroleum product, or any industrial, municipal or agricultural waste, excepting residential propane tanks and septic systems.

(32) Excavation, dredging, filling, grading, or compaction of any topsoil, sand, rock, dirt, or other material over an area in excess of 0.5 acre. The area disturbed by the construction and maintenance of a driveway to a single family residence shall not be included in the calculation of the 0.5 acre threshold under this section. Excavation, grading, filling or surfacing.

(43) Removal of any vegetation or trees by any method over an area in excess of 0.5 acre. Removal of vegetation.

(4) Timber harvesting.

(5) Any surface or subsurface mining or mineral resource extraction, including any and all oil and/or natural gas drilling, extraction or mining. Drilling operations.

(6) Alteration, improvements or modifications of any water drainage courses.

(7) Surface and subsurface mining operations.

(78) Use of any restricted use pesticide (RUP), herbicide fungicide, rodenticide, insecticide or any other chemical for eradication or control of any plants or animals that is within one hundred (100) feet of any watercourse. Spraying or using herbicides.

(8) Construction of any impervious surface with an aggregate area greater than 25,000 square feet that could direct any contamination or pollutant toward watercourse or Town waterworks.

(9) Using, handling, storing or transmitting toxic or hazardous substances, including but not limited to radioactive materials.

(10) Using, handling, storing or transporting flammable or explosive materials, except for domestic purposes or within vehicular fuel storage tanks.

(11) Land application of primary, secondary, treated or untreated sewage, sewage sludge, biosolids, septage, mixed liquor, screenings, grit or any byproduct of sewage or sludge.

(12) Construction and operation of a feedlot unrelated to current farming and ranching operations.

(13) Any of the activities prohibited in this section regardless of the amount of acreage affected if such activities are located in or within one hundred (100) feet of any watercourse, and/or if such activity is associated with the construction of any water diversion, storage or conveyance structure, including but no limited to such structures as diversion headworks, dams, canals, ditches, flumes, pipelines, conduits, reservoirs, drains, wells, (excluding domestic wells serving less than three (3) residences) and pumps, and further including any equipment, buildings, structures, roads, and other facilities necessary for the construction, maintenance and operation of the structures.

(d) The following activities are permitted within the District, provided that written notification of such activity is provided to the City ten (10) days prior to commencement of such activity:

(1) Road maintenance by governmental entities.

(2) Construction or maintenance of farm or ranch roads, irrigation ditches or ponds, where such roads or ponds are constructed and maintained to assure that flow and circulation patterns and chemical and biological characteristics of all surface and groundwater resources are not impaired, and that any adverse effect on the aquatic environment will be otherwise minimized.

(3) Normal farming and ranching activities such as plowing, haying, seeding, cultivating, minor drainage, harvesting for the production of food and fiber, upland soil and water conservation practices, or livestock grazing.

(4) Normal maintenance of ponds, bridges, riprap, and drainage and irrigation ditches and related structures, including ditch burning whether by hand or with the use of equipment and machinery.

(5) Noxious weed or insect control.

(6) Removal of dead, insect infected or diseased trees.

(7) Construction of a livestock water tank as defined in C.R.S. §35-49-105 (2012).

(8) Maintenance of wetlands.

(9) Modifications to any watercourse for fisheries improvements or riparian habitat creation and/or restoration permitted by the Army Corps of Engineers.

(10) Emergency riparian work, provided that any permanent work shall be regulated if otherwise regulated by this ordinance; and

(11) Wildland fire mitigation and emergency firefighting activities; and

(12) Drilling of domestic wells serving less than (3) residences. ~~(1) Stock grazing~~

~~(2) Road maintenance and improves by governmental entities.~~

The written notice required under this Subsection shall include the name and address of the person undertaking the activity, a legal and common description of the location of the proposed activity, a description of the proposed activity, a discussion of the potential impacts upon the City's waterworks or water supply, and such other information as the City may require. The purpose of this notice requirement is to allow the City an opportunity to protect the waters of the District by suggesting a best management practice for such activity prior to its commencement.

(e) In the event that any activity not listed in Subsection (c) above is being conducted in such a manner that the City Council finds that there exists a foreseeable risk of injury to the City's waterworks or pollution to the City's water supply, the person responsible for such activity shall be notified by the City of such finding and the City may require that the activity cease and desist until a permit is obtained for the activity under the provisions of this Article.

INTRODUCED on May 16, 2018, read by title, passed on first reading, and ordered published by title as required by the Charter.

INTRODUCED a second time at a regular meeting of the Council of the City of Rifle, Colorado, held on June 6, 2018, passed without amendment, approved, and ordered published in full as required by the Charter.

Dated this ___ day of _____ 2018.

CITY OF RIFLE, COLORADO

BY: _____
Mayor

ATTEST:

City Clerk