

**TOWN OF MOFFAT, COLORADO
ORDINANCE NO.3-2008**

**AN ORDINANCE TO PROHIBIT THE USE OF CESS POOLS IN
THE TOWN OF MOFFAT AS A MEANS SEWAGE DISPOSAL**

WHEREAS, the Board of Trustees of the Town of Moffat is the duly authorized local board of health pursuant to C.R.S. § 25-10-103, and

WHEREAS, the State of Colorado has adopted the Individual Sewage Disposal Systems ("ISDS") Act which established minimum standards and rules for the administration and enforcement of such minimum standards and rules in order to protect the public health and water quality, and

WHEREAS, the Town of Moffat had a Feasibility Report for Water & Wastewater Systems prepared by professional engineers and consultants, and who recommended that the Town of Moffat eliminate the use of cess pools and also found that even septic system performance is questionable in Town due to tight soil and a high groundwater table,

NOW THEREFORE be it ordained by the Board of Trustees of the Town of Moffat, Colorado:

1. The Colorado Public Health and Environment ISDS regulations are attached as Exhibit A and hereby incorporated by reference.
2. No individual shall continue to use cess pools, defined as covered underground receptacles which receive untreated sewage from a dwelling or other occupied structure and permit the untreated sewage to seep into surrounding soil, to dispose of sewage after September 30, 2009.
2. The property owner shall be the party responsible for ensuring compliance with this Ordinance, irregardless of whether the property owner is living on or occupying the property.
3. No person shall construct or maintain any dwelling or other occupied structure which is not in compliance with this Ordinance.
4. Penalty. Penalties shall be assessed as provided for at § 25-10-113, C.R.S. The local board of health may assess a penalty of up to fifty dollars per day for each day of violation. In determining the penalty to be assessed the local board of health shall consider the seriousness of the danger to public health, the duration of the violation, and whether the person has previously committed a similar violation.
5. Definitions
 - a. Sewage – a combination of liquid wastes which may include chemicals, house wastes, human excreta, animal or vegetable matter in suspension

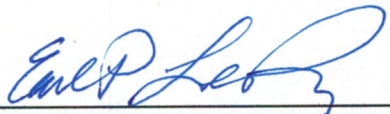
or solution, or other solids in suspension or solution and which is discharged from a dwelling, building, or other structure.

6. All requests for a variance from this Ordinance shall be done in accordance with the ISDS Regulations.

INTRODUCE AND READ IN FULL this 6th day of May 2008;

DONE and SIGNED this 3rd day of June 2008.

Signed this 5th day of May 2009, *nunc pro tunc*.



Earl LeRoy, Mayor

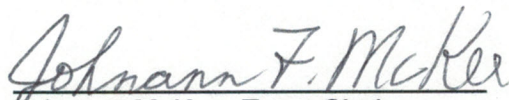
ATTEST:



Johann McKee, Town Clerk

CERTIFICATION

I hereby certify that the above Ordinance was introduced, read in full on May 6, 2008, and read in full, approved, and adopted at the regular meeting of the Board of Trustees of the Town of Moffat, Colorado on June 3, 2008, and was posted at the designated locations in the Town of Moffat on May 6, 2009.



Johann McKee, Town Clerk

