

ORDINANCE NO. 2011-004

AN ORDINANCE REGULATING THE STORAGE OF GASOLINE AND OTHER
FLAMMABLE LIQUIDS WITHIN THE TOWN OF CRESTONE, COLORADO

WHEREAS, the Town of Crestone enacted Ordinance #2009-001 (An Ordinance Establishing a Water Supply Protection District to Protect the Municipal Water Supply for the Town of Crestone) on May 11, 2009; and

WHEREAS, Section 14A of said Ordinance prohibited the storage of petroleum products within 500 horizontal feet of any “waterbody” (which included municipal wells); and

WHEREAS, the Board of Trustees has determined that additional specificity is necessary to protect the developing Town water supply system from contamination by above and below ground petroleum storage tanks; and

WHEREAS, Ordinance 2003-005 (An Ordinance Making Illegal and Abating Certain Nuisances in the Town of Crestone, Colorado) prohibited any activity polluting the groundwater of adjacent properties, substantially injuring the health or safety of the public and the discharge of any noxious liquid or substances into any adjacent ground, lot or public place in the Town; and

WHEREAS, the residents of the Town of Crestone depend exclusively on groundwater from wells for a safe drinking water supply; and

WHEREAS, the Town has an obligation to protect the Town’s municipal water supply (and areas from which the Town’s wells draw water) from pollution.

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

1. No gasoline or fuel storage tank greater than 20 gallons, whether above or below ground, will be allowed within 500 ft of any municipal or private water well in the Town, provided further that no such tank(s) shall be allowed less than 1,000 ft from such well(s) when located in the path of the direction of water flow or transmissivity to said well(s). Such areas surrounding wells are hereby designated as Wellhead Protection Areas. Such storage shall be in containers specifically designed for storage of fuel.
2. Nothing contained in this ordinance shall be deemed to apply to fuel tanks on trucks, fuel delivery trucks and automobiles which are regularly used for delivering fuel or to propane tanks.
3. The following uses are specifically prohibited within the wellhead protection area:
 - a. Underground storage tanks of any size;
 - b. Septage and/or sludge spreading
 - c. Animal confinement facilities

- d. Gas stations
 - e. Vehicle repair establishments, including auto body repair
 - f. Landfills or waste disposal facilities
 - g. Wastewater treatment facilities
 - h. Junk yards or auto salvage yards
 - i. Bulk fertilizer and/or pesticide facilities
 - j. Asphalt products
 - k. Manufacturing/dry cleaning businesses
 - l. Salt storage
 - m. Electroplating facilities
 - n. Exterminating businesses
 - o. Paint and coating manufacturing
 - p. Hazardous and/or toxic materials storage
 - q. Hazardous and/or toxic waste facilities
 - r. Radioactive waste facilities
 - s. Cemeteries
4. Any uses, structures or storage tanks, validly existing upon the date of this ordinance are hereby deemed to be valid non-conforming uses in accordance with Regulation VIII (Non-Conforming Uses, Signs, Etc.) of the Zoning Regulations of the Town of Crestone as enacted in Ordinance 2009-009; provided however that upgrade of such storage tanks to facilitate or enhance groundwater protection shall be allowed upon approval by the Planning Commission and an appropriate permit issued by the Town Clerk prior to any work being initiated.
5. Requirements for Existing Prohibited Uses.
- a. The owners of uses shall provide copies of all federal, state, and local facility operation approvals or certificates and ongoing environmental or safety structures/monitoring as deemed necessary by the Town, which may include but are not limited to storm water runoff management and monitoring.
 - b. Such users shall replace equipment or expand in a manner that improves the existing environmental and safety technologies already in existence.
 - c. Such users shall have the responsibility of devising and filing with the Town a contingency plan satisfactory to the Town Board for immediate notification of the public in the event of an emergency.
6. Ordinances 2003-005, 2004-008 and 2006-12 (Nuisances) are hereby amended by the addition of the following subsection, Section IV (Nuisances Declared):

P. Any violation of Ordinance #2011-004 relating to petroleum products storage tanks is hereby declared to be a nuisance.

IT IS HEREBY DECLARED THAT THIS ORDINANCE IS NECESSARY FOR THE IMMEDIATE PRESERVATION OF PUBLIC PEACE, HEALTH AND SAFETY AND

P. Any violation of Ordinance #2011-004 relating to petroleum products storage tanks is hereby declared to be a nuisance.

IT IS HEREBY DECLARED THAT THIS ORDINANCE IS NECESSARY FOR THE IMMEDIATE PRESERVATION OF PUBLIC PEACE, HEALTH AND SAFETY AND SHALL BECOME EFFECTIVE AND BE ENFORCED FROM AND AFTER PASSAGE OF THE SAME.

INTRODUCED, read in full, adopted, approved and signed this 13th day of June, 2011.



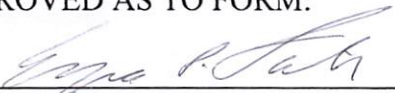
Ralph Abrams, Mayor
Kairina Danforth, Mayor Pro-Tem

Attest:



Akia Tanara, Town Clerk

APPROVED AS TO FORM:



Eugene L. Farish, #2557
Crestone Town Attorney

CERTIFICATION

I HEREBY CERTIFY that the within Ordinance was introduced, read in full, approved and adopted at the regular meeting of the Board of Trustees of the Town of Crestone, Colorado on the 13th day of June, 2011, and published by title in The Crestone Eagle, a legal newspaper in the Town of Crestone on July 1, 2011.



Akia Tanara, Town Clerk