TOWN OF CRESTONE, COLORADO

ORDINANCE NO. 2026-005

(EMERGENCY ORDINANCE)

AN EMERGENCY ORDINANCE OF THE TOWN OF CRESTONE AUTHORIZING TOWN-OWNED MONITORING METERS AT POINTS WHERE PRIVATELY OWNED WATER LINES CONNECT TO THE TOWN WATER SYSTEM, AND DECLARING AN EMERGENCY

WHEREAS, The Town of Crestone (the "Town") is a Colorado statutory town that owns and operates a municipal water system and is the licensed public water system serving its residents;

WHEREAS, The Board of Trustees is authorized "[t]o do all acts and make all regulations which may be necessary or expedient for the promotion of health," C.R.S. § 31-15-401(1)(b); to regulate the use of the Town's streets and the openings therein for water mains and pipes, C.R.S. § 31-15-702(1)(a); and to make and publish ordinances necessary and proper to carry those powers into effect, C.R.S. § 31-15-103;

WHEREAS, Privately constructed water lines that connect to the Town's water system can affect the safety, pressure, and integrity of the entire system, and the Town must be able to measure the water delivered through each such connection in order to detect leaks, line breaks, and frozen lines and to protect the system from pressure loss and backflow;

WHEREAS, The Town Code addresses meters on individual service lines but does not expressly address Town-owned monitoring meters at points where a privately owned distribution line connects to the Town's water system;

WHEREAS, The Town delivers water to the Living Wisdom Village development through a privately constructed line that connects to the Town's main within the Town's right-of-way, and the service meters installed on that development do not conform to Town specifications and cannot be read reliably, leaving the Town unable to measure the water it delivers there; and

WHEREAS, The Board of Trustees, by Resolution No. 2026-017, has made findings regarding the public-health risks presented by that condition, and adopts this Ordinance to state the Town's authority expressly and uniformly for all such connections.

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

Section 1. Findings. The Board of Trustees adopts the foregoing recitals as findings of fact and finds that this Ordinance is necessary and expedient for the promotion of health and the protection of the Town's water system.

Section 2. Amendment of the Town Code.

The Town of Crestone Municipal Code is amended by the addition of a new Section 7-1-60, which shall read as follows:

Section 7-1-60. **Monitoring meters at private interconnections.**

(a) Definitions. As used in this Section:

(1) "Private distribution line" means any water main, line, or pipe that is not owned by the Town and that delivers water from the Town water system to two or more service connections, dwelling units, or buildings.

(2) "Interconnection" means the point at or near which a private distribution line connects to a Town main or other Town facility.

(3) "Monitoring meter" means a meter, and any associated vault, enclosure, transmitter, or appurtenance, installed by or for the Town to measure the flow of water delivered through an interconnection.

(b) Authority. The Town may install, own, operate, read, maintain, repair, and replace a monitoring meter at or near any interconnection. A monitoring meter shall be located within the public right-of-way, on other Town property, or within an easement held by the Town.

(c) Method of installation. Where practicable, the Town shall use an external, non-invasive meter that does not cut, tap, penetrate, or alter the private distribution line. If the Public Works lead and the Town's Operator in Responsible Charge determine that any modification of a private distribution line is necessary, the Town shall give the owner at least ten days' written notice of the proposed modification and an opportunity to be heard by the Board of Trustees before the modification is made, except in an emergency that threatens public health or the integrity of the Town water system.

(d) Ownership and access. A monitoring meter is the property of the Town. Town personnel and the Town's contractors may access a monitoring meter at all times. No person other than the Town shall remove, disconnect, alter, obstruct, or interfere with a monitoring meter.

(e) Use of readings. The Town may use readings from a monitoring meter to detect leaks, line breaks, frozen lines, and other irregularities; to protect the Town water system; and for billing, as provided in the Town's adopted rates and fees.

(f) Costs. Where a monitoring meter is required because service meters on a private distribution line do not conform to Town specifications or cannot be read reliably, the Town may recover the reasonable cost of the monitoring meter and its installation from the owner of the private distribution line, as provided by law.

(g) No acceptance. The installation, ownership, operation, or reading of a monitoring meter, and the Town's provision of water or sewer service to, or billing of, any customer served by a private distribution line, shall not constitute acceptance of dedication of, or the assumption of ownership, operation, or maintenance responsibility for, any private distribution line or related facility.

Section 3. Application. This Ordinance applies to all interconnections existing on or after its effective date, including the interconnection serving the Living Wisdom Village development.

Section 5. Severability. If any section, subsection, sentence, clause, or phrase of this Ordinance is held invalid, the remaining provisions shall remain in full force and effect.

Section 6. Declaration of emergency. The Board of Trustees finds and declares that this Ordinance is necessary to the immediate preservation of the public health and safety, for the following reasons:

(a) The Town cannot accurately measure the water it delivers to the Living Wisdom Village development, and therefore cannot timely detect a leak, line break, or frozen line serving that development.

(b) An undetected leak or break can deplete storage relied upon by the entire community for drinking water and fire protection; an undetected freeze can cut off water to residents, many of whom are seniors; and a break or blockage can reduce system pressure, which is a recognized pathway for backflow and contamination of a public drinking water system.

(c) Freezing conditions in Crestone are imminent, and the measurement that this Ordinance authorizes must be in place before they arrive.

(d) The thirty-day delay that would otherwise apply before this Ordinance takes effect would leave the system unmeasured into the winter.

Section 7. Effective date and publication. Pursuant to C.R.S. § 31-16-105, this Ordinance shall take effect upon adoption if adopted by an affirmative vote of three-fourths of the members of the Board of Trustees, taken by ayes and noes. The Town Clerk shall record and publish this Ordinance as required by C.R.S. § 31-16-105.

INTRODUCED, READ, AND ADOPTED AS AN EMERGENCY ORDINANCE at a Special meeting of the Board of Trustees of the Town of Crestone, Colorado, held on October 14, 2026, by the following vote, taken by ayes and noes:

ATTEST:

X _____

Arielle Blackwell
Town Clerk

X _____

Benjamin Byer
Mayor