

ORDINANCE NO. 941

AN ORDINANCE OF THE TOWN OF BERTHOUD, LARIMER AND WELD COUNTIES, COLORADO ADOPTING THE INDUSTRIAL PRETREATMENT PROGRAM AND ENFORCEMENT RESPONSE PLAN CODE TO REGULATE AND CONTROL THE INTRODUCTION OF POLLUTANTS; PREVENTION OF THE INTRODUCTION OF INADEQUATELY TREATED POLLUTANTS; PROTECT THE PERSONNEL AND THE GENERAL PUBLIC AFFECTED BY WASTEWATER AND SLUDGE; PROMOTE REUSE AND RECYCLING OF INDUSTRIAL WASTEWATER AND SLUDGE; PROVIDE FOR FEES FOR EQUITABLE DISTRIBUTION OF THE COSTS OF OPERATION, MAINTENANCE AND IMPROVEMENTS; AND, TO ENABLE THE TOWN TO COMPLY WITH ITS NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT CONDITIONS, SLUDGE USE AND DISPOSAL REQUIREMENTS AND ANY OTHER FEDERAL OR STATE LAWS AFFECTING THE TOWN OF BERTHOUD WASTEWATER TREATMENT FACILITIES IN THE TOWN OF BERTHOUD; REPEALING ALL OTHER ORDINANCES AND PARTS OF THE ORDINANCE IN CONFLICT THEREWITH.

BE IT ORDAINED BY THE TOWN OF BERTHOUD, LARIMER AND WELD COUNTIES, COLORADO AS FOLLOWS:

Section 1. Adoption of the Code by Reference

That certain documents, three (3) copies of which are on file in the office of the Clerk of the Town of Berthoud being marked and designated as "Industrial Pretreatment Program and Enforcement Response Plan Code, be and are hereby adopted as the code of the Town of Berthoud for regulating and controlling the introduction of pollutants in the Town of Berthoud; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, conditions and terms of such "Industrial Pretreatment Program and Enforcement Response Plan Code" on file in the office of the Town of Berthoud are hereby referred to, adopted and made a part hereof as if fully set out in this ordinance.

Section 2. Criminal Penalties

The criminal penalties for a violation of this code shall be as set forth in Section 20 of the Code which provides:

- (1) A user who discharges any pollutant into the Town's Publicly Owned Treatment Works commits a criminal pollutant violation if such discharge violates any provision of the Code, the Town's wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, and the discharge is made:
  - a. With criminal negligence or recklessly, in which case the user shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than twelve thousand five hundred dollars (\$12,500) per violation, per day, imprisonment for not more than one (1) year.
  - b. Knowingly or intentionally, in which case the user shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than twenty

five thousand dollars (\$25,000) per violation, per day, or imprisonment for not more than one (1) year.

(2) A user who knowingly makes a false statement, representation, or certification in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to the Code, wastewater discharge permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under the Code shall, upon conviction, be punished by a fine of not more than ten thousand dollars (\$10,000) per violation, per day, or imprisonment for not more than six (6) months or both.

(3) If two separate offenses occur in two (2) separate occurrences during a period of two (2) years, the maximum fine for the second offense shall be double the amounts specified in (1) or (2) above, whichever is applicable.

### Section 3. Partial Validity

If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Trustees hereby declares that it would have passed this ordinance, each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

### Section 4. Emergency Clause

The Board of Trustees has determined that an emergency exists because of the inflow of pollutants into the Town's Public Wastewater Treatment System and that the enactment of this ordinance is necessary to preserve the health, safety and welfare of the citizens of the Town of Berthoud.

### Section 5. Effective Date.

The Board of Trustees of the Town of Berthoud herewith finds, determines and designates that this ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect upon adoption.

Pursuant to §31-16-203, C.R.S., notice has been published on June 27, 2002, July 3, 2002 and July 11, 2002 in a newspaper of general circulation in the Town of Berthoud prior to the hearing on July 16, 2002. After the public hearing at a special meeting of

the Board of Trustees, this ordinance was read, passed and ordered published by the Board of Trustees this 16<sup>th</sup> day of July, 2002.

TOWN OF BERTHOUD:

ATTEST:

Milan Karspeck  
Milan Karspeck - Mayor

Mary K. Cowdin  
Mary K. Cowdin - Town Clerk

Published: 7-18-02