

**CITY OF RIFLE, COLORADO
ORDINANCE NO. 1
SERIES OF 2018**

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO, AMENDING
SECTION 13-3-440 OF THE RIFLE MUNICIPAL CODE REGARDING CITY
OBLIGATIONS IN NO-FAULT INSTANCES OF DAMAGE TO THE CITY
SEWER SYSTEM.

WHEREAS, the City of Rifle ("Rifle" or the "City") operates and maintains a municipal sewer system, including sewer mains, service lines, and other infrastructure necessary for the health and sanitation of the City and its residents and visitors; and

WHEREAS, Section 13-3-440 of the Rifle Municipal Code sets forth the City's responsibilities regarding the maintenance and repair of the municipal sewer system, which responsibilities implicate the effects of the Colorado Governmental Immunity Act and exceptions from the City's immunity from tort liability; and

WHEREAS, the City purchased extended coverage through the Colorado Intergovernmental Risk Sharing Agency ("CIRSA") to provide coverage in instances of no-fault damage to the City's municipal sewer system; and

WHEREAS, by purchasing said extended coverage, a portion of Section 13-3-440(c) of the Rifle Municipal Code authorizing the City to exercise its discretion in paying for clean-up in instances of no-fault damage to the municipal sewer system is no longer necessary or desirable; and

WHEREAS, the Rifle City Council desires to amend Section 13-3-440(c) of the Rifle Municipal Code to remove that portion of the Code that is unnecessary and potentially confusing due to the City's extended coverage provided by CIRSA.

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. Section 13-3-440 of the Rifle Municipal Code is hereby amended as follows, with ~~strike through language deleted~~:

Sec. 13-3-440. - City responsibility.

(c) Except as required by law, the City shall not be responsible to any person, firm or corporation for any damage caused by blockage of either a sewer main or service line. The fact that blockage has occurred shall not create any presumption of negligence on the part of

~~the City or City employees. Notwithstanding the foregoing, the City Manager may, without acknowledging responsibility or liability, and in cases where the cleanup is estimated to be less than four thousand dollars (\$4,000.00), authorize the cleanup of any sewage backup which, in his or her opinion, may have been caused by blockage of the sewer main. This provision is intended to alleviate the problems caused by sewage backup in cases where it is difficult to determine the responsibility therefor. In no case shall an agreement by the City to provide this service constitute an admission of liability of any kind.~~

INTRODUCED on February 21, 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 March 7, 2018, passed without amendment, approved, and ordered published in full as required by the Charter.

Dated this 7 day of March 2018.

CITY OF RIFLE, COLORADO

BY: _____

Mayor

ATTEST:

Kathy Christensen
City Clerk

