

TOWN OF
COAL CREEK, COLORADO
OFFICE OF THE TOWN CLERK

P.O. Box 36
Coal Creek, Colorado 81221

ORDINANCE NO. 04 SERIES 2011

An Ordinance to establish the rates, charges, terms and conditions for use of water supplied by the Town of Coal Creek and to repeal Ordinance 1 Series 2007 establishing rates, charges, terms and conditions for use of water supplied by the Town of Coal Creek, Colorado, hereafter referred to as “Town.”

BE IT ORDAINED BY THE TOWN BOARD OF COAL CREEK, COLORADO:

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I. Definitions.

Bulk water. Water sold pursuant to the Town's discretion to users who haul or transport such water as opposed to water that the Town delivers through water lines. The rates and charges to be collected for water sold to bulk water haulers shall be determined by resolution(s) approved by the Town Board.

Water user. A water user shall include each and every person or entity to whom water is supplied on any lot, parcel of land, building, premises or any real property within the legal boundaries of the Town of Coal Creek, to include the owner(s) of said property, tenant(s), occupant(s), or any other persons to be charged, whether the property is occupied or not.

Business Day. A business day shall be defined as any day falling within a normal work week, Monday thru Friday, not inclusive of Saturday and Sunday.

II. Acceptance of Rules and Regulations

- A. Every person using water from the Town's water system shall thereby be deemed to have consented to and agreed to the terms and provisions of these Rules and Regulations as now constituted or hereafter amended, and to have acknowledged the right of the Town to discontinue water service without notice in the event of failure of such user to make timely payment of all amount due to the Town and to otherwise comply with the terms and provisions of these Rules and Regulations.

III. Water Rates

- A. Rates and charges determined by resolution(s).
The rates and charges to be collected for the allowance and use of water inside the Town limits, including bulk water, shall be determined by resolution or resolutions approved by the Town Board for such purposes.
- B. Water users to pay for capital and operating costs.
It is declared that it is the policy of the Town that the charges to water users of the Town water system shall include an amount necessary to pay for the capital and operating costs of such system including the acquisition of water, treatment and storage of water, distribution of water to users, purchase of treated water, and administrative costs in connection with each of said functions. In computing user charges, the Town will consider 1) the cost of operation and maintenance of the system; 2) the cost of acquisition of the system and debt retirement, depreciation and administration; 3) the cost of purchase of water; and 4) the cost of transportation of water, depreciation, administration, and debt retirement fees.

IV. Metering.

- A. Each and every building certified for occupancy, each single-family dwelling, each unit of a two-family dwelling, each hotel unit, motel unit, each living unit within a rooming house or apartment house, each business or commercial unit, or each tract of land receiving water service shall be construed as a separate tap and

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shall have a separate meter unless the Board, in their discretion, directs that a master meter be used. Therefore, one meter serving two (2) or more buildings certified for occupancy is prohibited without Board approval and any violation shall be cause for discontinuance of water service to any property either in violation of this paragraph or permitting such violation.

- B. It shall be unlawful for any person to open, interfere with, damage, or deface or in any way impair the workings of any water meter. It shall also be unlawful for any person other than duly authorized representative of the Town to remove any meter from its setting. Any such unlawful action(s) shall result in possible immediate disconnection of water service and reconnection shall be as otherwise provided in this ordinance at the discretion of the Town Board. A minimum fine of \$25 up to \$200 plus the cost of repair and labor if necessary shall be assessed.

V. Billing.

- A. Monthly Bills.

Bills for service will be rendered monthly. The meters shall be read as nearly as may be practicable every thirty (30) days. Should the Town be unable to read the meters, the bill shall be equal to the preceding month's bill and shall be adjusted at the next billing after the next meter reading. Failure to receive a bill in no way exempts the customer from payment for water furnished.

- B. Payment of Accounts.

All account balances are due and payable no later than the twenty-fifth (25th) of each month to the Town of Coal Creek at P.O. Box 36, 615 Main, Coal Creek, CO 81221. The Town will accept payment by cash, credit card (with a processing fee), money order or checks payable to the Town of Coal Creek in the amount of the bill only. No two-party checks will be accepted. In the event a check is tendered to the Town, which does not clear, there will be an additional charge as stated by Resolution as a collection and reprocessing fee. In the event a customer tenders two (2) checks that fail to clear in any given twelve (12) month period, no further checks will be accepted from that customer and all future payments must be in cash, credit card or certified funds.

- C. Past Due Accounts

All current account balances shall become past due if not paid in full by the twenty-fifth (25th) day of the current billing month. A past due account shall be charged a \$10.00 penalty fee on the past due amount. Past due balances not paid by 3:00 p.m. on the twentieth (25th) of the month shall be subject to discontinuance of water service (meter will be shut-off).

- D. Responsibility of purchaser of property for delinquent accounts.

It is the responsibility of the purchaser of property to ascertain that the water account is paid to the date of sale. Property owners who lease property should

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ascertain whether the water account is paid to date when a tenant vacates. Delinquent bills shall be paid by the property owner.

- E. Perpetual lien against property.
Until paid, all water bills are a perpetual lien against the property served. Such lien may be enforced in accordance with the Colorado Statutes when authorized by the Town Board.
- F. Change of address.
The customer shall be responsible for advising the Town of the address to which bills shall be sent and any change thereof.
- G. Read out of meter.
Any request by a customer for a read out of the customer's meter shall be honored by the Town at such times and circumstances as are convenient to the Town but not later than three business days after the request by the customer.

VI. Nonpayment of Water Rates and Charges.

- A. Should any water user violate any of the rules, regulations, or ordinances of the Town with regard to the payment of water rates, charges or fees as established or fixed by applicable ordinances and regulations of the Town, the Town Clerk shall mail to the last known address of the water user or to "owner or occupant" of the lot or parcel of real property to be charged, a notice of the past due amount. From the date of the mailing of the past due notice, the water user shall have no later than 3:00 p.m. the twenty-fifth (25th) of the month in which to pay in full, all account balance fees and charges. Should the total account balance fees and charges then due not be paid, water service to the user will be discontinued by the Town of Coal Creek.
- B. Water service which has been disconnected for non-payment shall not be resumed, until such time as the account has been paid in full, including \$20.00 shut-off and \$20.00 turn-on fees for residential service and \$50.00 shut-off and \$50.00 turn-on fees for any other service.
- C. Water accounts on vacant properties with no water service that become past due will be assessed a fee of \$50 per month. The fee will be assessed if not paid by the 25th of the following month in which the account became past due.

VII. Lien upon Property and Tap Forfeiture

If any owner(s) or water user of any building, premises, lot, parcel of land, or any real property within the legal boundaries of the Town of Coal Creek shall neglect, fail or refuse to pay the rates, charges, or fees fixed by the Town for a period of no more than 6 months, the Town Clerk shall certify such past due charges and record a notice of such lien with the Fremont County Clerk and Recorder. Such rates, charges or fees due therefore shall become, from and after the date of such recording of the notice in the office of the clerk and recorder, a continuing lien upon the real property so charged. The Town Clerk shall assess and charge the

amounts of the charges or fees due against the property involved, and collect the same, plus the statutory rate of interest thereon and costs and attorney's fees, in the manner as are delinquent real property taxes. An additional fee of at least seventy-five dollars (\$75) for administrative and other incidental costs incurred in certifying said amount to the Treasurer of Fremont County, and the above mentioned assessments will be collected in the same manner as other taxes are collected.

The lien created hereby shall be superior and prior to all other liens, regardless of their dates of recordation, except liens for general taxes and special assessments. Ninety days after a lien is put upon the real property, the Town Board may declare a tap forfeited for failure to pay property charges, including, but not limited to, water charges, tap or meter fees, and line extension fees. In addition to the remedies set forth herein, an action or other process provided by law may be maintained by the Town of Coal Creek to recover or collect any amounts, including fees, miscellaneous costs, and attorney fees, owing under this provision.

VIII. Shut Off and Restoration Charges.

A. Water service shut off without notice

Water service may be shut off to any consumer by the Town Board without notice if such consumer has tampered or in any way interfered with any meter, connections, valves or other appurtenances belonging to the Town, or for any violation by a consumer of the terms of these Rules and Regulations or any applicable statutes of the State of Colorado pertaining to water districts.

B. Water main shutoff

In instances where public safety or welfare requires, the Town shall shut off the flow of water in its mains without notice but will endeavor, insofar as possible to notify consumers affected by the pending interruption of service. Interruption of service under such conditions shall not give rise to any claim on the part of any consumer against the Town.

C. Possible contamination

The Town will refuse to deliver water to any premises whereon any condition exists which might lead to the contamination of the public water supply and will continue to refuse to deliver water to such premises until such condition is remedied.

D. Customer requests for shutoff

Any request by a customer to temporarily interrupt or shut off water services to property owned by the customer shall be honored by the Town as soon as practical, at which time the meter shall be read and the customer billed for services due at the time. Thereafter, the customer shall be charged the minimum monthly water charge as hereinafter set forth and will be charged a reconnect fee in the amount of \$20.00 for residential service and \$50.00 for any other service upon a request for resumption of services. Providing, however, that should there

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be any person or persons living or residing upon the premises owned by the customer and serviced by the Town, the Town shall provide such person or persons ten days' notice, which may be oral or written at the discretion of the Town Clerk, of the request of the customer to interrupt such service before honoring such request.

E. Charges for service calls

A \$20.00 fee shall be charged to the water user for each service call made by the Town of Coal Creek, whether such service call is for the termination of water services or the restoration of water services. No restoration of water service shall be made by the Town of Coal Creek until all service fees rates and charges due by the water user are paid in full

IX. Owner Responsibility for Payment.

The owner of the real property where the water is to be used shall be responsible for the payment of all water rates, charges, and fees for the water used thereon. Water billing is to be in the owner's name unless other arrangements and proper papers filled out with the Town of Coal Creek.

X. Lien by Town -- Owner Deemed Notified.

All water supplied by the Town shall be deemed to be supplied at the instance and request of the owner of the property so supplied, and each and every owner of the property to whom such water is supplied and all persons claiming through them or under such owner or owners shall be deemed to have notice of the Town's lien, whether the property is occupied by the owner, tenant, or any other persons.

XI. Water Tap Charges and Applications.

A. Charges for new water taps.

Charges for new water taps served by the Town shall be determined by resolution(s) approved by the Town Board and Water District. In addition to such tap charges, the owner or person requesting such new service shall pay the actual cost of the installation of the water meter, including the cost of the meter and all fittings and equipment necessary for installation and the cost of the labor required as set forth by resolution.

B. Applications for new water taps.

Applications for all water taps must be made in writing at the office of the Town Clerk by the owner of the property to be served or by his or her lawful agent. All such applications shall be subject to the approval of the Town Board.

The Town reserves the right to refuse service to a customer at a new address until all delinquent bills of such customer for service by the Town incurred prior to such application are paid. The Town further reserves the right to refuse service to any customer who fails to execute a water tap contract on the Town form or who fails to execute a water service contract on the Town form.

C. Stock transfer required for new water taps outside the town limits.

No water taps shall be authorized outside the Town limits unless the applicant shall obtain and transfer to the Town capital stock of the Union Ditch and Water Company in accordance with a schedule to be approved by resolution of the Town Board. Within the Town Board's discretion, the applicant may transfer an alternative stock with Board consent. In lieu of the transfer of such water shares as required by such schedule, the applicant may pay to the Town certain monetary sums as set forth in a schedule approved by resolution of the Town Board.

XII. Maintenance of Water Lines.

All owners, users, and/or occupants of property or premises served with municipal water shall keep and repair all water lines upon their premises from the municipal water meter. No alteration, addition or disconnection in or about any conduit, service pipe or water cock, or any other apparatus connected therewith shall be made by any person without first obtaining written permission from the Town Board. The Town Board shall at all times have authority to direct that municipal water meters be moved or placed at a location upon or proximate to the owner, user or occupant. The Town may terminate water service to make repairs or for other necessary purposes.

XIII. Water Main Extensions.

The sub divider and the owner of large tracts of land inside the town limits shall pay the costs of water main extensions to their property. The sub divider shall install a complete water distribution system, including a connection for each lot and appropriately-spaced fire hydrants in accordance with town specifications. All water main extensions outside the town limits may be installed in such amounts and in such areas at the town's convenience and in its sole discretion. All extension mains shall become the property of the town.

The sub divider or any property owner inside the town limits shall install a 6-inch minimum water main extension to their property at the responsibility and expense of the owner. The following specifications will apply for the installation of water main extensions:

- a) 6-inch minimum water main
- b) 5 foot in depth and a 4-foot cover
- c) bedded with 12 inches of sand on bottom and 12 inches on top
- d) valves where needed
- e) fire hydrants 500 feet and shall be at the side of the street
- f) tracer wire to Town specifications (tape not allowed)

XIV. Emergency Water Rates

The Town is authorized to declare an emergency necessitating the implementation of emergency water rates. Such declaration shall only be made upon any drought, dry year, emergency or other condition under which it appears that the Town shall not be able to fully meet its water service commitments. If the emergency is declared by the Town

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Mayor, such determination shall be ratified by the Town Board within seven days thereafter.

XV. Hardship Waiver

The Town Board may suspend or waive the provisions of these Rules and Regulations in a particular case where it is clearly demonstrated by a customer that, by virtue of his or her particular circumstances the literal enforcement of any particular provision of these rules and regulations is impracticable or will cause undue hardship. A request for such suspension or waiver is addressed to the absolute discretion of the Town, is not available as a matter of right, and will only be granted when the requested suspension or waiver is consistent with the general purposes for which the Town was organized and is in the best interests of the Town.

XVI. Effective Date.

It is determined that the immediate preservation of the public health and safety requires that the passage of this ordinance become effective thirty (30) days after the second posting hereof.

XVII. Grandfathered Installations.

Any installation or device installed prior to the effective date of these operating Rules and Regulations which conformed to the Town rules and regulations in effect at the time of installation shall be deemed in conformity herewith; however, any expansion, alteration, or substantial repair to such installation after the effective date hereof must conform hereto.

Introduced as a bill and passed on its first reading and ordered published in the Canon City Daily Record by title only this 1st day of November 2011.

Passed on its second reading this 6th day of December, 2011.

Town Mayor

ATTEST:

Town Clerk