

AN ORDINANCE AMENDING THE TOWN WATER ORDINANCE BY PRESCRIBING A CHARGE FOR WATER SERVICES MADE AVAILABLE BY THE TOWN OF OPHIR TO OWNERS OF REAL PROPERTY WITHIN 100 FEET OF WATER LINES INSTALLED AND READY FOR CONNECTION BUT TO WHICH LINES SUCH REAL PROPERTY IS NOT CONNECTED. ALL VACANT LOTS WITHIN THE DESIGNATED AVALANCHE HAZARD ZONE ARE EXEMPT.

Recitals:

1. Section 31-35-402(1) (f), Colorado Revised Statutes, 1973, provides, in part, that any municipality has the power:
To prescribe...from...any owner...of any real property...charges...for the services furnished by...such water facilities or sewerage facilities or both, including,...charges for the availability of service...
2. The Town of Ophir has completed an extensive capital improvement project to provide water lines within a reasonable distance of many lots in the Town not within the Avalanche Zone.
3. The General Assembly believes it in the best interests of the Town to charge property owners for the availability of service of water facilities to retire the indebtedness for the costs of said capital improvements and to provide for the maintenance and eventual replacement of said improvements.

NOW THEREFORE, BE IT ORDAINED BY THE GENERAL ASSEMBLY OF THE TOWN OF OPHIR:

Section 1. Availability of Service Fee

There is hereby levied and charged against all owners of a building site (defined as two adjacent lots) within the Town whose building site is located within 100 feet of water lines installed and ready for connection but to which lines said building site is not connected, an availability of service fee in the amount of \$10.00 per month for each building site. All vacant lots within the Avalanche Zone are exempt from this charge.

Any owner of a building site who uses such building site as a yard incidental to a residential use may be exempted from the requirement to pay this availability of service fee upon proof of such yard use and execution and recordation of a restrictive covenant evidencing such owner's agreement that such building site will be used only as a yard and for no other purpose to the satisfaction of the General Assembly. In the event that any owner who has executed such a restrictive covenant desires to rescind such covenant, prior to the Town's agreement to rescind such covenant, the owner must pay all availability of service fees that would have

been charged hereunder but for his/her execution of such restrictive covenant plus 18% interest on the total fee.

Section 2. Use of Proceeds

Any and all fees derived from this ordinance shall be deposited in Town's Water Line Special Fund and used only for any purposes permitted therein.

Section 3. Publication, Public Hearing and Adoption

A copy of this Ordinance and notice of the public hearing shall be sent at least seven days prior to the public hearing by first class mail to all property owners determined by the Town to be subject to provisions of this Ordinance. This Ordinance shall be effective (5) days after its publication, public hearing and adoption by the General Assembly.

INTRODUCED AND FIRST READ BEFORE THE GENERAL ASSEMBLY THIS
_____ DAY OF _____, 1986.

ADOPTED BY THE GENERAL ASSEMBLY UPON SECOND READING AND PUBLIC
HEARING THIS _____ DAY _____, 1986.

TOWN OF OPHIR, COLORADO

By _____

Karl Thees, Town Administrator