

ORDINANCE NO. 1970-~~4~~4

AN ORDINANCE OF THE TOWN OF LA JARA  
CONCERNING A SEWER SYSTEM, WATER WORKS, RATES AND  
CHARGES THEREFOR, REGULATIONS AND CONDITIONS,  
COLLECTIONS, FINDS AND PENALTIES

BE IT ORDAINED By the Board of Trustees of the Town of La Jara,  
Conejos County, Colorado, as follows:

1. WATER SYSTEM

SECTION 1.1 NAME OF SYSTEM .

The water works constructed by the Town and used to supply  
the Town and its inhabitants with water, shall be known as the  
"La Jara Water Works."

Such water works and all things pertaining thereto shall be  
under the control of the Board of Trustees, who shall direct the  
maintenance and operation thereof, and the construction of all  
additions thereto, and in all cases not particularly provided for  
by ordinance, shall determine in what manner and upon what terms  
water may be taken from the water system by any water consumer  
and the character of the connections and appliances which may be  
made or used therefor.

SECTION 1.2. WATER SYSTEM PROPERTY; INJURY, TAMPERING;  
TRESPASS.

It shall be unlawful for any person to injure or in anywise  
damage any property or appliances constituting or being a part of  
such water works, or any fences, guards, rails, boxes, covers,  
buildings or storage facilities constructed and used to protect  
the water works or any part thereof.

It shall be unlawful for any person except the superintendent  
of water, or those employed by him or authorized by the Board of  
Trustees, to operate the water works, to trespass upon the water  
works or the grounds upon which the same are constructed, to tap  
or make connection therewith or in any manner to interfere with  
the water works or the property or the appliances constituting  
the water works or any part thereof, or to meddle or interfere  
with any pipe, valve or appliances used regulating the flow of  
water in the water works, or any part thereof, or to change or  
alter the position of any valve or appliance regulating the flow  
of water in any pipe line of the water works.

It shall be unlawful for any person to interfere or meddle  
with or attempt to alter or change the flow of any well or wells  
which are a part of the water works or in any way connected there-  
with.

It shall be unlawful for any person to cast, place, dump or  
deposit in any pipe, reservoir, well, filter, or any part whatso-  
ever of the water works, any substance or material which will in  
any manner injure or obstruct the same or any material or substance  
which will contaminate or pollute or which would tend to contam-  
inate or pollute the water in the water works or in any pipe,  
reservoir, filter, sedimentation basin, well, or any appliance  
forming a part of the water works, or in any manner to obstruct  
the water works or pollute the water therein.

Any person who shall violate any provision of this section  
upon conviction thereof shall be fined in a sum not less than  
twenty-five dollars, nor more than three hundred dollars, and  
shall in addition thereto be liable for all damages for his un-  
lawful acts.

SECTION 1.3. FIRE HYDRANTS.

All fire hydrants shall be under the control and shall be kept in repair by the superintendent of water and shall be tested frequently to see if the same are in order. In case of fire the members of the fire department and such other persons as the superintendent of water shall authorize, shall have free access to the fire hydrants. No other person shall open or operate any fire hydrants without permission of the superintendent of water, or draw water therefrom, or destroy the approach thereto.

Wrenches for fire hydrants shall be furnished by the superintendent to the fire department, whether the department be a voluntary or paid department, for the use of its members and to such other persons as the superintendent may deem proper, and no person to whom any wrench is so furnished shall permit the same to be taken from the place of deposit, or to be used by any other person for any other purpose than that authorized by the superintendent.

Any person who shall violate any provision of this section upon conviction thereof shall be fined not less than five dollars nor exceeding one hundred dollars.

SECTION 1.4. PERMIT TO TAP ON - APPLICATION, INFORMATION REQUIRED.

It shall be unlawful for any person to tap or make any connection with any pipe line or water mains forming a part of the La Jara Water Works, or to take or use any water from the water works without first having made application and obtained a permit therefor as in this article provided.

Any person desiring to tap the pipes or mains of the water system, or make any connection therewith, or use water therefrom shall make application therefor in writing for a permit so to do to the town clerk on a form to be used for the purpose, therein agreeing to pay such rates or rents for the use of water as may be then or thereafter established by the Board of Trustees and also agreeing to conform to and be governed by such rules and regulations that may at any time be adopted by the Board of Trustees for the governing and control of the La Jara water works system or any part thereof, which application shall also state the nature or character of the tap or connection or appliance to be made with the water works, the full legal names of the owners of such property, the name or names of the tenants for such property, if any, the location by lot, block and street number thereof, the number of taps, the premises upon which water is sought to be used, the character and size thereof, the nature of the appliance from which it is to be used and the purpose for which it is to be used, and in all cases every application shall be accompanied by a tender of sufficient money to pay not less than the minimum rate for the use of water and all other charges of every kind until the next period for collecting water rates or dues.

If the application for connection or use of water falls within the provisions of this article, the town clerk shall issue a permit which shall be subject to all the matters provided for in the application and in this article. If the application shall include any provision for connection with the town water works or use of water not specified in this article, the town clerk shall, at the next meeting of the Board of Trustees, refer the same to the Board of Trustees for their action thereon, and if granted, he shall thereupon issue a permit.

SECTION 1.5. SAME - SIGNING, RECORDS, COPIES.

All permits shall be signed by the town clerk and shall set forth the name of the person for whose benefit they shall be granted, the date thereof, the point on the water main at which the tapping is to be done, the size and number of taps and stop cock, the premises to which the water is to be conducted, the use to be made of the water and the number and character of the appliances through which the same is to be used.

The town clerk shall keep a duplicate record of all permits by him issued in a book or books kept for such purpose, and shall deliver the permit to the superintendent of water, with directions to him to make or cause to be made the connection therein provided.

SECTION 1.6. SAME - JOINT, SCOPE.

Persons occupying definite premises may join in obtaining a permit for a single service pipe for such premises. Such permit being granted, a single service pipe may be laid therefor; but such service pipe must be provided with separate and distinct stop cock for each of the premises, provided a person may under his license take water from any hydrant not connected with his premises, and on consent of the person having control of any such hydrant, and such permit shall be the plumber's authority for doing work specified therein. Even though a single service pipe is used, such shall not affect the rates as herein set for the categories.

SECTION 1.7. TAPS - WHERE PERMITTED

No connection with the water works or use of water therefrom shall be made through any extension of the service pipe of any other premises. Whenever any person desires to tap the water main and there is no main in the street adjoining his premises, and the town is unable to extend the same, and the property owners will not join in the extension of the same, as by law provided, such person may take water to his premises or premises by connecting a private pipe at his expense, in the street under the direction of the superintendent of water to a point opposite his premises, which private pipe line shall be treated as a water main and a tap shall be placed therein opposite such premises. If any person desires to tap or extend such private pipe line, adding thereto additional taps, he shall first procure the written consent of the owners thereof, and shall, also, procure the regular permit from the town clerk, and thereupon a tap may be put in in the usual way, at the expense of the applicant. Whenever a regular water main is laid along where such private pipe line exists, the town may at its expense at any time discontinue such private pipe line and make all connections with the regular water main. In all other cases where private service pipes have been laid on public or private grounds and the owners desire or are required to make connections with the regular water main, it shall be done at the expense of such owner or water consumer.

In all cases where service pipes have been constructed from a single tap to different houses, buildings or premises, and a separate stop cock accessible to the superintendent of water has been placed on the pipe leading to each house, building or premises so that water can be easily turned on or shut off from the premises, the continued use of such water extension will be permitted until a water main is laid in the street in front of such house, building or premises, at which time connections shall be made with such water main at the expense of the owner or consumer, and all service through the extension pipes shall thereupon be discontinued.

If any premises shall have an extension of service pipe without a separate stop cock, it will be required immediately to connect with the water main in front of the premises if there be such, water main, or lay a private water main and connect therewith as above provided.

SECTION 1.8. SAME - SIZE, ORIFICE; EQUIPMENT BELONGS TO CITY.

Except in cases where the Board of Trustees shall grant permission for a connection or a tap of a greater size than herein provided for the use of water for mechanical purposes only, no tap inserted in or connected with the service pipes shall have an orifice of a greater diameter than five-eighths of an inch, and every such tap shall be of brass, and such service pipes shall be connected with such stop by lead pipe known as "strong," and the service pipe shall extend from the main to the curb line, at which point shall be placed a stop cock with a cover, or if there be no curb line, then at such point as the superintendent of water shall direct, and so that the same shall be accessible to the superintendent of water for the purpose of turning on or shutting off water by means thereof.

No service pipe for sprinkling or domestic purposes shall be connected to any water main by a tap or opening of a greater size than ~~five-eighths~~ of an inch, but any number of ~~five-eighths~~ of an inch taps is permitted, when the character of the service requires it.

SECTION 1.9. SAME - BY WHOM MADE, EXPENSES; SERVICE PIPE REQUIREMENTS.

The superintendent of water or some person acting under his authority shall make all taps, lay connecting service pipes and place stop cock as above provided, whenever a permit therefor shall have been granted as herein provided, and in such connection the material to be furnished and the labor to be performed and the manner of doing the same shall be as follows: All service pipes shall be of lead, extra strong. The corporation cock, curb stop cock and service pipe must be of the size specified in the permit.

*Plastic* *Test at 200 PSI*  
The ~~lead~~ service pipe shall extend from the water main to the curb stop cock and stop cock box, which shall be placed ~~twelve feet from~~ the lot line. In any portions of the town where curbs and gutters may hereafter be installed the curb stop cock and stop cock box shall be placed at points within the curb line to be designated by the superintendent of water.

*Lot Line*  
The town will furnish the corporation cock, curb stop cock, stop cock box, saddle for converse joint pipe, tapping machines and repairs for the same. The town shall furnish the above named material and piping, and shall put in the connections from the water main to the ~~curb line~~, and shall have exclusive control of the same. The superintendent of water shall from time to time estimate the average actual cost of such lead pipe, the cost of connecting the same with the water main and the cost of the necessary excavation and backfilling in order to install the same; basing his estimate upon the average length of pipe and the amount of excavation required to make such connections and each consumer before making any connections shall pay the sum so estimated to the town clerk in advance. No cost shall be assessed during the construction period, but if such is not so installed prior to January 1, 1971, then cost figures or the tap charge as herein provided shall apply. An extra charge may be made at the option of the superintendent of water to cover the additional expenses

made necessary by making connections while the ground is frozen. The consumer shall at his own expense furnish all other material, tools and labor to make the finished connections; all material shall be strictly first class and all work shall be done in a substantial and workmanlike manner. Any work done or material contrary to the requirements of this section shall be done over or refurbished by the consumer, upon direction of the superintendent of water.

All service pipes shall be laid at least ~~three~~ <sup>Five</sup> feet below the established grade of the street from the main to the gutter, and in all places at least ~~three~~ <sup>Five</sup> feet below the surface of the ground.

In making excavations in avenues, streets, alleys or other places for the purpose of laying service pipes or making repairs, or for any other purpose, the earth removed must be kept and deposited in a manner that will occasion the least inconvenience to the public, with provision for the passage of water along the gutter, and a safe passageway for foot travel. The back filling of all trenches shall be settled with water if practicable, and shall be tamped in order that the excavated material may be consolidated into the place so as to leave the street in as good condition as before excavation. All excavations in the street shall be made in conformity to the ordinances of the town and in a workmanlike manner, and suitable barricades and guards shall be placed around such excavations sufficient to protect all persons from injury and damage, and, also, from twilight until sunrise, sufficient red lights shall be kept burning near such excavation in order to protect all persons from injury or damage thereby, and the persons making such excavation shall be liable for all injuries or damages resulting from his failure to so guard and place danger signals on and around such excavations in order to give proper warning and to protect persons and property from injury on account of such excavations.

#### SECTION 1.10. SAME - UNAUTHORIZED ACT.

It shall be unlawful for the town clerk to issue any permit for any connection with the water works or any other purpose, or in any manner other than by this article provided; or for the superintendent of water to permit any tap or connection to be installed or made contrary to the ordinance of the town, or until a permit has been issued and delivered to him, or contrary to or in excess of the provisions thereof.

It shall be unlawful for any water consumer to use water through any tap or service connection with the water main contrary to the provisions of this article, or to turn on water to his premises, lot, lots, buildings or house when the water has been shut off.

Any person convicted of violating this section or any provision of this section or article in regard to tapping water mains, laying service pipes and stop cocks, or taking or using water from the same, contrary to the provisions of this article, shall be fined in a sum not less than ten dollars nor more than three hundred dollars.

#### SECTION 1.11. TESTING CONNECTIONS; PAYMENT OF CHARGES AND FINES.

When tap or connection is made and work completed as above provided, the same shall be tested, and when found sufficient, the water shall be shut off at the stop cock unless and until the owner of the premises shall produce to the superintendent of water a receipt for his water rates for the current period.

No water shall be turned on for any premises, house, building or lot by the superintendent of water or any other person until the water rate has been paid according to the provisions of this article, and in case any person shall fail to pay for use of water and all other charges, as provided, or shall otherwise violate any of the provisions hereof, the person so offending may by the water superintendent, or by order of the Board of Trustees, or upon conviction thereof before the police magistrate or other court of competent jurisdiction, in addition to the fines and penalties herein provided, be deprived of the use of water from the water works system of the town until all fines, penalties, costs, damages and lawful charges of every kind shall have been fully paid and until such offense or offenses shall have ceased.

SECTION 1.12. MAINTENANCE AND REPAIR OF FIXTURES.

The owner and user of any premises for which a connection is made and a stop cock with box and cover placed as aforesaid shall keep such stop cock with box and cover placed as aforesaid in good condition at his expense and so that the superintendent of water shall be able to turn on and shut off water from the service pipes at any time. From the stop cock to, in and upon his premises the owner and user shall provide his own pipe and plumbing which shall be constructed and placed so as to comply with all ordinances upon plumbing and shall, at his expense at all times keep all pipes, fixtures and appliances on his premises tight and in good working order, so as to prevent waste of water.

In case any pipe or fixture shall break or become imperfect or so as to waste water, he shall forthwith repair the same and keep the same in repair.

If the owner or user of water shall fail to comply with the provisions of this section he shall be fined in a sum not to exceed twenty-five dollars; and until his pipes and fixtures are placed in good repair, the superintendent of water shall shut off all water from the premises.

In case the superintendent of water shall on inspection ascertain that any plumbing or fixtures on any premises are so defective as to waste any water, he shall notify the owner or user of water to repair the same immediately, and if not repaired within twenty-four hours he may shut off the water from the premises and the same shall remain shut off until such plumbing and fixtures are repaired.

SECTION 1.13. CHANGE IN CHARACTER OF WATER USE - NOTICE.

If at any time the owner or user of water in any premises whatsoever shall add to or increase the number or character of his fixtures or increase the size of his building or buildings or make any alterations which will increase the use or change the character of the use of water on the premises, he shall immediately notify the town clerk of such change, alteration or increase in appliances or use of water, and upon his failure so to do may be fined in a sum not exceeding twenty-five dollars, and shall be required to pay all water rates and rent due on account of such increased use of water, and on his failure so to do his water shall be shut off.

SECTION 1.14. SAME - PERMIT TO INSTALL FIXTURES AND TO TURN ON WATER.

It shall be unlawful for any plumber or other person to place any plumbing fixtures for the use of water on any premises or premises whatsoever without a permit therefor, stating the number

and character of its fixtures, appliances or apparatus to be placed therein; or to place any fixtures in the premises in excess or of a different character from that specified in the permit; or in any manner to alter any existing plumbing on any premises, thereby increasing the use of the water, without permit, unless the same be under meter measurements.

It shall be unlawful for any plumber or other person to turn water on to any premises when shut off for any reason without a permit from the superintendent of water, or in cases of new plumbing to leave the water turned on without such permit.

Any plumber or other person who shall violate the provisions of this section, upon conviction, shall be fined not exceeding twenty-five dollars, and if such violation be by a plumber, his plumber's license shall be subject to forfeiture if the Board of Trustees so elect.

SECTION 1.15. TURNING WATER ON - LICENSE - REQUIRED.

It shall be unlawful for any owner, lessee or user of water or any other person to turn or cause to be turned on water for his premises or to take and use water on his premises without having first obtained a license therefor.

Any person who shall turn on or use water without having license therefor, or who after the water is turned on shall fail to pay the water rates and rent as in this article provided, or if using a meter shall fail to pay for such service as in this article provided, shall upon conviction thereof be fined in a sum not exceeding twenty-five dollars, and the superintendent of water shall shut off water from the premises until such fine and all costs, penalties and dues for water shall have been paid, together with the charges of the superintendent of water for turning on and shutting off the water.

SECTION 1.16. SAME - SAME - FAILURE TO HAVE; PENALTY.

If after a license shall have been issued it shall be ascertained that water is being used on any premises contrary to the provisions of this article, it shall be the duty of the superintendent of water to shut off all water from the premises until the proper license shall have been procured.

If any person having a license shall suffer or permit any other person not having a license to take or use water through his fixtures or appliances, in any manner whatsoever, he, upon conviction thereof shall be fined in a sum not exceeding twenty-five dollars.

SECTION 1.17. SAME - AFTER TURNING OFF FOR VIOLATIONS, FEE.

The superintendent of water, when required to shut off the water from any premises, house, building, or lot, for any of the causes stated in this article, shall not turn the same on again until all arrears in water rates and all other costs, charges, fines and penalties as in this article provided for have been paid, and until he has collected the sum of one dollar for his services in turning on the water, which money he shall at once pay over to the town clerk.

SECTION 1.18. REPAIRS TO SYSTEM, TURNING OFF WATER.

The Board of Trustees reserves the right to cause the water to be shut off from any street main when they deem it necessary for repairing the same or making connections or extensions of the

same, or for the purpose of clearing the same, or for any necessary work in repairing the pipe line or other appliances or connections of the waterworks, and in case of repair on the pipe line or in case of scarcity or for any other reason may temporarily restrict the use of water, and if need be for any reason may forbid sprinkling and otherwise regulate the time, place and manner or use of water and purpose for which the same may be used, as occasion may require. In case of an emergency the Board of Trustees may, by proclamation, restrict or regulate the use of water until the next meeting of the Board of Trustees.

SECTION 1.19. TAP FEES FOR CONNECTIONS AFTER JANUARY 1, 1971.

The tap fees to be paid to the Town for connections to said Town Waterworks system for all connections after January 1, 1971, shall be Two Hundred Dollars (\$200.00).

SECTION 1.20. WATER RATES - RESPONSIBILITY IN MULTIPLE-TENANT PROPERTY.

Owners or agents in charge of any business block or other building occupied by more than one tenant using or taking water from the same service pipe, shall be required to pay the water rates for the whole of such block, building or premises before a permit shall be granted for the use of water therein.

SECTION 1.21. WATER USE DURING FIRES, PROHIBITED FOR PRIVATE PURPOSES.

It shall be unlawful for any water consumer or other person to turn on or use any water for any other than domestic use during any fire, or while the fire department is using water for fire purposes, and it shall be the duty of all water consumers when the fire alarm is sounded, to turn off any hydrant or hose having a continuous flow until the requirements for the use of water for fire purposes shall cease.

Any person violating the provisions of this section shall upon conviction be fined in a sum not less than twenty-five dollars.

SECTION 1.22. WASTING WATER - PENALTY.

Any person having a license to use water from the La Jara Water Works who shall permit, suffer or allow water to run to waste upon his premises, building, house or lots, in, through or out of any water closet, lavatory, urinal, bathtub, hose, hydrant, faucet, or other fixtures, appliances or apparatus whatsoever, or in any manner through neglect or by reason of faulty or imperfect plumbing or fixtures, shall upon conviction thereof be fined not exceeding fifty dollars.

SECTION 1.23. SAME - ENTRY TO DETERMINE; PROSECUTION THEREFOR.

It shall be the duty of the superintendent of water or his assistants to enter in and upon all premises and buildings using water at least once in each year, and oftener if need be, and carefully examine and inspect all such premises and buildings and all water pipes, fixtures and appliances therein in order to ascertain the nature, character and extent of such water fixtures and plumbing and the use to which the water is being put, and whether the water pipes, fixtures and appliances therein are in tight and perfect condition, and whether the user of water is wasting the same, and if he shall find such water pipes, plumbing or fixtures or appliances defective, he shall forthwith require the same to be repaired, and if water is being wasted it shall be his duty to make complaint to the police magistrate, and in all cases where he shall find any person violating any provisions of this article he shall make complaint to the police magistrate, who shall proceed against such persons as by ordinance provided.

SECTION 1.24. PENALTIES FOR FAILURE .

Any person who shall violate any of the provisions of this article or who shall fail or refuse to obey any lawful order or direction of the Board of Trustees or water superintendent made under or pursuant to this article, or in carrying out any of its provisions, shall be deemed guilty of a misdemeanor and upon conviction thereof, when no other fine or penalty other than that of being deprived of the use of water is imposed by any other provision of this article, shall be fined in a sum not less than one dollar nor more than one hundred dollars for each and every offense, and each day that any violation of any provision of this ordinance shall exist, shall constitute a separate offense.

SECTION 1.25. WATER USE OUTSIDE TOWN.

The Town may furnish and provide water for persons or property outside the incorporated areas of the Town upon the terms and rates as set by the Board of Trustees. Priority shall first be given to Town inhabitants prior to providing such outside of Town services.

SECTION 1.26. LIEN FOR UNPAID CHARGES.

All rates and charges for the use of water upon the property to which it is delivered shall be and remain a lien against such property until the same shall be paid.

2. SEWER SYSTEM

SECTION 2.1. CONNECTION WITH SYSTEM - REQUIRED WITHIN THE EXTERIOR BOUNDARIES OF THE TOWN .

Every owner of any inhabited building or building regularly used by human inhabitants situated within the Town is hereby ordered to connect such building with the sewer as installed in the Town on or before January 1, 1971.

SECTION 2.2. SAME - PRIVIES AND WATER CLOSETS PROHIBITED NEAR SEWERS.

No occupant or owner of any premises within the Town shall keep or maintain any open privy or water closet located within four hundred (400) feet of any established sewer or sewer line in the Town.

SECTION 2.3. SAME - PENALTY FOR FAILURE TO CONNECT .

Any person who shall violate any provision of Sections 1 or 2 shall, upon conviction thereof, be fined a sum not less than Ten Dollars (\$10.00) nor more than Three Hundred Dollars (\$300.00) for each offense, or ten (10) days in the Town jail or both such fine and imprisonment. Each day during which any such owner or occupant shall fail to connect a building with a sewer as required by Section 1 and each day during which an owner or occupant of any premises shall maintain an open privy or water closet thereon in violation of the provisions of Section 2 hereof, shall constitute a separate and distinct offense.

SECTION 2.4. SAME - BY WHOM MADE.

No person other than the supervisor of the sewer system or some licensed plumber duly authorized so to do by the supervisor of the sewer system shall make any taps for connections with the sewer system of the Town.

Add  
CassPool  
& Septic  
Tank

SECTION 2.5. SAME - LAYING LINE THEREFOR, REQUIREMENTS.

No person shall lay any sewer line in the Town in any public street or avenue for the purpose of connecting with the Town sewer system unless such line be laid in accordance with the grade and alignment established by the supervisor of the sewer system and under his supervision.

SECTION 2.6. SAME - PENALTY FOR VIOLATIONS.

Any person who shall violate any provisions of Sections 4 and 5 shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than Ten Dollars (\$10.00) nor more than Three Hundred Dollars (\$300.00), or ten (10) days in the Town jail, or both such fine and imprisonment.

SECTION 2.7. SAND TRAPS FOR WASH RACKS - REQUIRED.

Every garage both public and private, every filling station and every other place within the Town limits of the Town which contains a washrack of any description or other washing facility which is used for the purpose of, or is ever used for, washing motor vehicles of any kind whatsoever, or other washing operation, and which is connected to the sanitary sewer system of the Town, shall establish and maintain a sand or mud trap in connection with such washrack or washing facility. Such trap shall be so located as to catch mud, grease, and other matter washed from cars and to prevent the same from getting into the Town sewer system and shall be built in compliance with the plans and specifications as prepared by the supervisor of the sewer system of the Town.

SECTION 2.8. SAME - LOCATION, SIZE.

Every private garage within the Town which is equipped with facilities for washing automobiles therein, connected with the Town sanitary sewer, shall establish and maintain a sand trap in connection with such washing facilities so located as to catch mud, grease or other matter washed from cars in such garage, and prevent the same from entering the Town sewer. Such sand traps shall be of at least five (5) cubic feet in capacity.

SECTION 2.9. SAME - INSPECTING, CLEANING .

It shall be the duty of all owners of garages in the Town, whether public or private, to inspect such sand traps frequently and to keep the same cleaned out and working effectively. It shall be the duty of the supervisor of the sewer system to inspect all such sand traps in garages as often as in his judgment shall be necessary and to order the same cleaned when he finds them to contain mud, or other matter.

SECTION 2.10. VIOLATIONS OF SECTIONS 7-9, INCLUSIVE - PENALTY .

If any person shall fail or refuse to obey any order of the supervisor of the sewer system given pursuant to the provisions of Sections 7 through 9 or if any owner or person in charge of a place of business within the Town shall maintain a commercial washrack or other washing facility therein without having the same connected with a sand trap which complies with the provisions of Sections 7 through 9, or if any person shall in any other manner violate any other provision of Section 7 through 9, he shall, upon conviction thereof, be fined in a sum not in excess of Fifty Dollars (\$50.00), and in addition, his premises shall be cut off from connection with the Town sewer system until the provisions of said sections or the orders of the superintendent of sewers given in accordance therewith shall have been complied with. If any person or business entity shall fail to maintain good and sufficient traps or controls

and as a result thereof damage is caused to the system, then such damages shall be paid by the owners of said property, occupant or business entity causing the same.

SECTION 2.11. SEWER CONNECTION CHARGES WITHIN TOWN AND ANNEXED AREAS; USE OF RECEIPTS.

No charge shall be made for connection to the sewer system if connection is made prior to January 1, 1971. The rate of charge for each connection thereafter made by any dwelling unit or other building situate with the Town, for connection with the Town's sewerage system as the same may hereafter be constructed, shall be the sum of Two Hundred Dollars (\$200.00), provided that no fee shall be charged against any property upon which an assessment shall theretofore have been levied and fully paid by the owner of the property to be served or his predecessors in interest under and by virtue of an ordinance of this Town, or which was connected to the system prior to the date herein, and provided further, that the fee for connection to the Town after the effective date of this ordinance shall be the sum of Two Hundred Dollars (\$200.00). No connection shall hereafter be made with such sewer system until the required fee shall have been paid to the Town clerk and a permit to make such connection issued by the Town clerk.

Moneys derived from the collection of such connection charges shall be placed in the "Sewer Fund" of this Town hereafter mentioned and may be used, at the discretion of the Board of Trustees, for the purpose of extending the Town's sewerage system to neighborhoods in which the premises paying such charges are situated. No such extension shall be made unless the total of the connection charges so collected is sufficient to pay the entire cost of connection of a trunk line sewer from the then existing Town's sewerage system to the premises so to be served; provided, if such trunk line sewer is intended to serve territory in addition to the territory for which such connection charges are made, then no such trunk line shall be constructed unless the connection charges so collected are sufficient to pay the fair share of the cost thereof properly allocable to the territory paying such charges.

Any person who makes any such new connection with the sewerage system without first obtaining the permit, and paying the fee prescribed by this chapter shall upon conviction thereof be fined not less than ten dollars and not more than three hundred dollars, or ten (10) days in jail, or both such fine and imprisonment.

SECTION 2.12. SAME - PAYMENT, BILLING, COLLECTION.

Sewer charges shall be entered upon bills for sewer charges against the premises. The owners or occupants of premises connected with the Town sewer system, shall be billed by the Town clerk each month for the charges hereby established. Any property owner or occupant may pay the charges hereby fixed for the first six (6) months of any year during the month of January of such year, the charges for the second six (6) months of any year during July of any year, or for the entire year during January of any year, if they desire to pay such in advance.

SECTION 2.13. SAME - DELINQUENCY.

If any person using the sewerage system shall neglect, fail or refuse to pay the rates and charges fixed by this ordinance for connection with or use of the sewerage system, such person and the premises occupied by him shall not be disconnected with the use of the sewerage system, but the charges due from any such person and filed by the town clerk to the Board of County Commissioners of Conejos County, Colorado, within ten (10) days after such date, together with a statement showing the names of the persons so delinquent and the description of the real property served by sewer

connections for which charges fixed in this ordinance are so delinquent. Such charges shall thereupon become a lien upon such real property and shall be collected in the manner provided by Chapter 139, Article 53, of the Colorado Revised Statutes, 1963; provided, however, that charges so imposed upon real property which is not subject to taxation or lien under the constitution or laws of this state by reason of its ownership, character or use, may be collected by any appropriate action in the County or District Court of Conejos County, Colorado.

SECTION 2.14. SEWER USE CHARGES OUTSIDE CITY - SCHEDULE.

Under and by virtue of the authority conferred upon the governing bodies of towns by Chapter 139, Article 54 of the Colorado Revised Statutes, 1963, to fix rates for the use of the sewerage systems of the municipalities in this state by owners of property in unincorporated territory without the boundaries thereof, the following rates and charges as herein set forth are hereby determined to be just, reasonable, and necessary, and are hereby fixed and established for connection with, and use of, the sewerage system of the Town, either directly or indirectly, and whether such connection has been heretofore or shall be hereafter made, in unincorporated territory without the boundaries of this Town.

SECTION 2.15. SAME - PAYMENT, COLLECTION - OUTSIDE TOWN.

The rates and charges established herein shall become effective on and after January 1, 1971. The rates above specified shall be paid on a monthly basis and shall be due and payable on the first day of each month, and if not paid during the month in which they become due shall become delinquent. Any property owner may pay the charges hereby fixed for the first six months of any year during the month of January of such year, the charges for the second six months of any year during July of any year or for the entire year during January of any year. In the event such charges are not paid on such six-month or annual basis, in January or July, they shall be paid monthly as herein set forth.

Such sewer charges may be entered upon bills for water charges against the same premises as additional separate items.

The owner or occupants of premises which are outside the Town and not connected with the Town water system, but connected with the Town sewer system shall be billed by the Town Clerk each month (unless such charges are paid on such six month or yearly basis). All delinquent charges shall be certified by the Town clerk to the Board of County Commissioners of Conejos County, Colorado, together with a statement showing the names of the person so delinquent and the description of the real property served by the sewer connection for which charges fixed herein are delinquent. Such charges shall thereupon become a lien upon such real property and shall be collected in the manner provided by statute, PROVIDED HOWEVER, that charges so imposed upon real property which is not subject to taxation or lien under the constitution or laws of this state by reason of ownership, character or use may be collected by any appropriate action in the County Court or District Court of Conejos County, Colorado.

SECTION 2.16. AMENDING RATES.

The Town reserves the right to amend the rate provisions as herein set forth and thereby change the rates to be charged for connection with, and use of, the Town sewerage and water system; PROVIDED, no such change in rates shall be made without notice to such property owners.

SECTION 2.17. DEPOSITING RECEIPTS.

Revenue derived from the rates and charges fixed and established by this division shall be placed in the Town treasury in sewer fund of this Town.

3. RATES FOR SEWER AND WATER

SECTION 3.1. WATER AND SEWER CHARGES; MANNER OF DETERMINING.

The price charged and the amount collected for water and sewer by the Town shall be the amount as fixed from time to time by the Board of Trustees.

SECTION 3.2. RATES.

The following shall be the combined monthly rates and charges for both water and sewer use:

Residential Dwellings	\$10.00	
Churches	10.00	
Mobile Homes and Modular Dwellings	10.00	
Railroad Depots	10.00	
Parsonages or Pastor Living Quarters	10.00	
Non-Profit Organization Offices or Dwellings	10.00	
Barber Shops and Beauty Shops	12.00	
Drug Stores or Pharmacies	12.00	
Gas Stations or Garages	12.00	
Mortuaries	12.00	
Pool Halls or Recreation Centers	12.00	
General Merchandise Businesses	12.00	
Dry Cleaning Businesses	12.00	
Dairy Queens	12.00	
Mills, Elevators or Warehouse Offices	12.00	
Garages and Gas Stations with Wash Racks	15.00	
Restaurants	15.00	
Restaurants with Bar	20.00	
Doctors and Dentists Offices	20.00	
Hotels	12.00	plus \$1.00 per room
Laundries	30.00	
Public Schools	75.00	
Business Plus Attached Living Quarters	12.00	plus \$5.00 for each apartment
Motel and Cafe Living Quarters and Rental Units	12.00	plus \$10.00 for living quarters plus \$1.00 per rental unit
Public Housing Projects	10.00	per family unit
Potato Warehouse With Washer (Sewer Only)	25.00	
Apartments	12.00	plus \$5.00 for each additional living unit
Any Business Not Herein Enumerated	12.00	
Any Dwelling Not Herein Enumerated	12.00	
Trailer Park (Multiple Units - One Owner)	5.00	per unit attached

*Out of town Rates will be*

*1 3/4 Times The Regular Rate.  
Homes out of town without sewer, our don't pay for sewer  
will pay \$10.00 per month for water plus Tax charges*

SECTION 3.3. USE CALCULATION AND PARTIAL USE.

The use period shall be from the first day of each month to the last day of each month. The connection or use to either the water or sewer system for any portion of the month shall result in a full month's billing charge.

SECTION 3.4. BUSINESS AND RESIDENTIAL COMBINED RATE.

Any building that is used both for business and single living quarters shall be charged at the monthly rate of \$12.00 plus \$5.00 for the living quarters. If such business or living quarters does not possess or contain water or sewer facilities, or either of them, then the monthly rate or \$12.00 shall only be charged.

SECTION 3.5. MULTIPLE CONNECTION - DWELLING.

Any dwelling that has an additional use of water or sewer or both on the same lot shall pay a monthly base charge of \$10.00 plus \$5.00 for each additional use of water or sewer or both.

SECTION 3.6. EXCESSIVE USE CHARGE.

Any user of the service of the water and sewer and sewer system making excessive and abnormal use over and above usual and normal use shall be subject to a rate to be determined by the Board of Trustees as based upon the use of the system, comparative costs for similar uses, costs for service and supplies, and all other attendant costs and expenditures.

SECTION 3.7 DIVISIBILITY OF ORDINANCES.

If any part or section of this ordinance shall be held to be unconstitutional or unlawful, then such shall not invalidate the sections or parts not so held unlawful or unconstitutional.

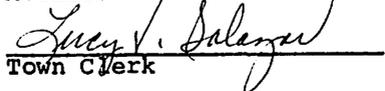
SECTION 3.8. DIVISIBILITY OF RATES.

The rates as herein set forth, except where so designated, shall be a combined rate for both water and sewer charges. If it shall be determined by a Court having proper jurisdiction that a combined rate is illegal or unconstitutional, then ~~75%~~<sup>75%</sup> of such rates as herein set forth shall be for sewer charges and ~~25%~~<sup>25%</sup> shall be for water charges. 2590

DULY PASSED, APPROVED AND UNANIMOUSLY ADOPTED THIS 30th day of September, A.D., 1970.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
Town Clerk

STATE OF COLORADO )  
COUNTY OF CONEJOS )  
TOWN OF LA JARA )

ss.

DELIVERY CERTIFICATE

The undersigned, the duly elected, qualified and acting Treasurer of the Town of La Jara does hereby certify that:

1. On the 10th day of July, 1970, I delivered to the Farmers Home Administration of the United States Department of Agriculture, the purchaser thereof, the bonds of said Town dated as of the date of delivery and described as follows:

Town of La Jara Joint Water and Sewer Revenue Bonds, Series 1970, in the aggregate principal amount of \$309,950.00, consisting of 310 bonds in the denomination of \$1,000.00 except bond numbered 1 in the denomination of \$950.00, numbered from 1 through 310 (herein "bonds")

and received on said date from said purchaser the following amount in payment therefor:

Principal: \$309,950.00

2. The provisions in the General and No-Litigation Certificate, dated the 10th day of July, 1970, concerning said bonds, including but not limited to the no-litigation provisions therein, remain true and accurate to the date of this certificate; and each of the numbered paragraphs therein set forth is herein incorporated by reference thereto as if set forth herein verbatim in full.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of La Jara, this 10th day of July, 1970.

  
\_\_\_\_\_  
Treasurer

(SEAL)

TO THE EMPLOYER: This notice must be posted in a conspicuous place upon your premises.

N O T I C E T O E M P L O Y E E S

ORDINANCE NO. 1970-4

An Ordinance of the Town of La Jara concerning a sewer system, water works, rates and charges.

SECTION 2.7 Sand Traps for Wash Racks-Required.

Every garage both public and private, every filling station and every other place within the Town limits of the Town which contains a washrack of any description or other washing facility which is used for the purpose of, or is ever used for, washing motor vehicles of any kind whatsoever, or other washing operation, and which is connected to the sanitary sewer system of the Town, shall establish and maintain a sand or mud trap in connection with such washrack or washing facility. Such trap shall be so located as to catch mud, grease, and other matter washed from cars and to prevent the same from getting into the Town sewer system and shall be built in compliance with the plans and specifications as prepared by the supervisor of the sewer system of the Town.

SECTION 2.8 Same location, Size.

Every private garage within the Town which is equipped with facilities for washing automobiles therein, connected with the Town sanitary sewer, shall establish and maintain a sand trap in connection with such washing facilities so located as to catch mud, grease or other matter washed from cars in such garage, and prevent the same from entering the Town sewer. Such sand traps shall be of at least five (5) cubic feet in capacity.

SECTION 2.9 Same inspecting, Cleaning.

It shall be the duty of all owners of garages in the Town, whether public or private, to inspect such sand traps frequently and to keep the same cleaned out and working effectively. It shall be the duty of the supervisor of the sewer system to inspect all such sand traps in garages as often as in his judgment shall be necessary and to order the same cleaned when he finds them to contain mud, or other matter.

SECTION 2.10 Violations of Sections 7-9. Inclusive - Penalty.

If any person shall fail or refuse to obey any order of the supervisor of the sewer system given pursuant to the provisions of Sections 7 through 9 or if any owner or person in charge of a place of business within the Town shall maintain a commercial washrack or other washing facility therein without having the same connected with a sand trap which complies with the provisions of Sections 7 through 9, or if any person shall in any other manner violate any other provisions of Sections 7 through 9, he shall, upon conviction thereof be fined in a sum not in excess of fifty dollars (\$50.00), and in addition, his premises shall be cut off from connection with the Town sewer system until the provision of said sections or the orders of the superintendent of sewers given in accordance therewith shall have been complied with. If any person or business entity shall fail to maintain good and sufficient traps of controls and as a result thereof damage is caused to the system, then such damage shall be paid by the owners of said property, occupant or business entity causing the same.

This Ordinance was duly passed, approved and unanimously adopted the 30th day of September, A.D., 1970.