

TITLE AND PURPOSE

TOWN OF LA JARA, COLORADO

ORDINANCE NO. 1984- 2

AN ORDINANCE AMENDING ORDINANCE NO. 1970-4 CONCERNING A SEWER SYSTEM, WATER WORKS, RATES AND CHARGES THEREFOR, REGULATIONS AND CONDITIONS, COLLECTIONS, FINES, AND PENALTIES

WHEREAS, on September 30, 1970, the Board of Trustees of the Town of La Jara adopted Ordinance No. 1970-4, an Ordinance of the Town of La Jara Concerning a Sewer System, Water Works, Rates and Charges Therefor, Regulations and Conditions, Collections, Fines, and Penalties, and

WHEREAS, the matter of non-payment of water rates and dues as by said Ordinance provided within a reasonable time after the mailing of Notice of Assessment and Demand for the payment thereof is becoming a matter of increasing concern to the Board of Trustees of the Town of La Jara, and

WHEREAS, as a matter of sound fiscal policy, it is necessary that all such water rates and dues as by said Ordinance provided be paid by all water users within a reasonable length of time after the mailing of Notice of Assessment and Demand for the payment thereof, and

WHEREAS, since such adoption, the Board of Trustees of the Town of La Jara has determined it to be in the best interest, convenience, and necessity to amend such Ordinance in part,

NOW, THEREFORE, BE IT ORDAINED by the Board of Trustees of the Town of La Jara, Colorado, as follows:

Section 1. Amendment: All of the second paragraph of Section 1.15 of Ordinance No. 1970-4 as hereinabove referenced now reading:

"SECTION 1.15. TURNING WATER ON - LICENSE - REQUIRED.

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."

is hereby repealed and the following is enacted in replacement thereof:

"SECTION 1.15. TURNING WATER ON - LICENSE - REQUIRED.

If any person shall turn on or use water without having a license therefor, or who, after the water is turned on, shall fail to pay the water rates as in this Ordinance provided, or in any amendment with respect thereto, or, if using a meter, shall fail to pay for such services as in this Ordinance provided, or in any amendment with respect thereto, thirty-one (31) days after the mailing of Assessment and Demand for the payment thereof to the last known address of the person occupying, or the owner of, any premises, house,

building, or lot to which such water was furnished, the Board of Trustees of the Town of La Jara, by appropriate resolution, may order the prosecution of such person or offender in the Municipal Court of the Town of La Jara, and, upon conviction thereof, such person or offender shall be fined in a sum not exceeding TWENTY-FIVE DOLLARS (\$25.00), and the Superintendent of Water shall shut off water to said premises, house, building, or lot to which such water was furnished until such fine and all costs, penalties, and dues or charges for water shall have been paid, together with the charges of the Superintendent of Water for turning on and shutting off the water as provided in Section 1.17 herein below."

Section 2. Amendment: All of Section 1.17 of Ordinance No. 1970-4 as hereinabove referenced now reading:

"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."

is hereby repealed and the following is enacted in replacement thereof:

"Section 1.17. SAME - AFTER TURNING OFF FOR VIOLATIONS, FEE.

If any person, after the water is turned on, shall fail to pay the water rates and rents as in this Ordinance provided, or in any amendment with respect thereto, or, if using a meter, shall fail to pay for such service as in this Ordinance provided, or in any amendment with respect thereto, thirty-one days after the mailing of Notice of Assessment and Demand for the payment thereof to the last known address to the person occupying, or the owner of, any premises, house, building, or lot to which such water was furnished, and irrespective of whether or not the Board of Trustees orders the prosecution of such person as provided by Section 1.15 hereinabove, the Water Superintendent shall shut off, without further notice, water to the premises, house, building, or lot to which such water was furnished, and the Water Superintendent shall not turn the same on again until all arrears and water rates, and all other costs, charges, fines, or penalties as in this Ordinance provided, or in any amendment with respect thereto, shall have been paid, and until he has collected the further sum of TWENTY-FIVE DOLLARS (\$25.00) for his services in turning on the water, which money he shall at once pay over to the Town Clerk."

Section 3. Retention: - All of the terms and provisions of Ordinance No. 1970-4 not otherwise amended by any Ordinance of the Board of Trustees of the Town of La Jara with respect thereto subsequent to the initial adoption of said Ordinance No. 1970-4, or by this Ordinance, shall remain in full force and effect without deletion or amendment thereto.

Section 4. Savings Clause: If any part, section, or subsection of this Ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the

remaining sections of this Ordinance. The Board of Trustees hereby declares that it would have passed this Ordinance in each part, section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more parts, sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 5. Repeal: Any and all ordinances or parts of ordinances of the Town of La Jara, Colorado, in conflict or inconsistent therewith, are hereby repealed, PROVIDED, HOWEVER, that the repeal of any ordinance or parts of ordinances of the Town of La Jara, Colorado, shall not revive any other section of any ordinance or ordinances heretofore repealed or superceded.

Section 6. Publication: The Town Clerk shall certify to the passage of this Ordinance, cause notice of its contents and passage to be published, as provided by law, and shall cause copies of this Ordinance to be attached to each copy of the previously adopted Ordinance No. 1970-4.

Section 7. Effective Date: This Ordinance shall be in full force and effect 30 days after its final passage and publication as provided by law.

PASSED BY THE BOARD OF TRUSTEES OF THE TOWN OF LA JARA, COLORADO, AND SIGNED THIS 13th day of December, 1984.

TOWN OF LA JARA

BY: Venceslao Gonzales  
Venceslao Gonzales, Mayor

(S E A L)

ATTEST:

Helen J. Hutchins  
Helen J. Hutchins, Town Clerk

FIRST PUBLICATION: .....