

AN ORDINANCE REPEALING CHAPTER 22 OF THE LAS ANIMAS CITY CODE ENTITLED WATER AND RE-ENACTING SAME.

WHEREAS, the City Council of the City of Las Animas, Colorado, has determined that Chapter 22 of the Las Animas City Code is incomplete and outdated in its present form, and

WHEREAS, the City Council has determined that it is in the best interests of the citizens of Las Animas to revise said Chapter 22.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAS ANIMAS, COLORADO, THAT Section 22 of the Las Animas City Code is hereby repealed and re-enacted as follows:

CHAPTER 22

Section:

- 22-1 Definitions
- 22-2 Superintendent of Water
- 22-3 Authority of the City
- 22-4 Unauthorized Use
- 22-5 New Construction
- 22-6 Initial Connections and Specifications
- 22-7 Owner Maintenance
- 22-8 Meters
- 22-9 User's Outside the city
- 22-10 Rates and Billings
- 22-11 Delinquent Accounts
- 22-12 Water Works Operating Fund
- 22-13 Water Works Depreciation Fund

22-1 DEFINITIONS

For the purpose of this Chapter certain terms and words are defined as follows:

Words used in the present tense include the future; words used in the singular number include the plural and words in the plural include the singular; the word "shall" is mandatory and not directory; words in the masculine gender include the feminine gender.

"Distribution main" means any water main carrying treated water and which is tapped by service pipes. Such mains may also serve fire hydrants.

"Water distribution system" means that network of water mains within the City which supply treated water to its various points of use. These mains shall be owned and maintained by the City.

"Service pipe" means any pipe tapped onto a main and extending from the main to and across the customer's premises to the structure served.

"Water tap permit" means a license granted by the City which allows a consumer the privilege of procuring water service by tapping onto the water system.

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"Consumer" means the individual, business or other unit being served through the City water system.

"Superintendent" means the superintendent of water and/or his duly authorized agents.

"City" means the City of Las Animas, Colorado.

#### 22-2 SUPERINTENDNET OF WATER

The superintendent of water, under the direction of the City Council and Water Board, shall have charge of the water system. The Superintendent shall inspect and approve all plumbing work done in connection with the water system.

The superintendent of water shall, in the discharge of his duties concerning the administration of the water system, have the right and authority to enter upon any and all premises to which water service is being supplied by the City.

#### 22-3 AUTHORITY OF THE CITY

The City reserves the right to tap all mains and place service pipes to line of curbing; provided, that no tap of any main shall be made unless written application for water service is made to the City Clerk accompanied by sufficient cash deposit to defray all expense and cost of making said tap.

All water service shut-off or turned on will be performed by City employees during regular working hours. Any water turned on by other than authorized service personnel shall be back-charged and billed from the original date of shut-off.

The service charge for turning water off and on shall be set by City Council resolution.

The City reserves the right to cause the water to be shut-off from the mains when necessary for repairs, making connections or extensions or doing any other necessary work. The superintendent shall notify as many as possible of those consumers affected when any part of the water system is "valved out" or shut off for purposes of repairing a break in a water main or in an uncontrollable water pipe. Such notification shall not be mandatory in a case of emergency where the magnitude of water loss may be such as to imperil the supply of water storage needed for fire fighting or domestic use. No claim shall be made against the City on account of shutting off the water from the main or for the breaking of any service pipe or fixtures connected thereto.

The City shall have the right to enforce payment of any charges due it, by appropriate legal action in any court.

Water will not be turned on in any house or private service line except upon the order of the superintendent, after the property owner has paid all arrearages and charges due, including delinquent payment charges.

The use of water from the water system for lawn sprinkling purposes may be prohibited or restricted by order of the superintendent. Such order shall be effective when notice is published once in a weekly newspaper.

#### 22-4 UNAUTHORIZED USE

It shall be unlawful for any person to interfere with, tap or open any water main, water pipe, pump, hydrant, engine, boiler, house fixture or appurtenance of the City Water system without first getting written permission of the superintendent.

It shall be unlawful for any person having the lawful right to use water from the City water system to permit persons having no right to the use of water, to use the same. It shall be unlawful for any person not having the right to use water to use the same, or for any person having the right to use water on

certain lots to use water from the water system on other lots to which such person has no right to use water from the water system, or permit it to be done. This shall not apply to public use of water from any public hydrant.

It shall be unlawful for any person to turn on the water from any water main after the same has been turned off by City officials without the written consent of City officials. The fact that water has been turned off by City officials and is found to have been turned on again, shall be prima facie evidence of the guilt of the owner or occupants of such premises.

#### 22-5 NEW CONSTRUCTION

When a subdivider or other person doing the construction finds it necessary to construct water lines through undeveloped areas or areas not served by water lines in order to serve a platted subdivision or other property, the entire cost of such water lines shall be paid by the subdivider or person constructing the same. As the property abutting such water lines is developed and connections are made to the same, the City may collect a charge per front foot based upon the original construction cost and, if so collected, shall reimburse the original subdivider or constructor to the extent of the collection so made; provided, however, that in no event shall such reimbursement exceed the total cost of the water line. A subdivider's or constructor's right to reimbursement shall terminate seven years after execution of the water line extension contract.

Water used for the purpose of building construction shall be delivered through a standard meter installation and billed to the building contractor on the same basis as any other water user.

Peripheral distribution mains abutting a development shall be designed to extend the full length of the developer's property.

The City shall reimburse a developer for the cost of the incremental size increase of a transmission main which is in excess of the cost of such a main sized only to meet the needs of the developer's project provided the pipeline design has been approved by the superintendent and that such expenditure has been approved by City Council.

Any new lines, including mains and those from the main to the meter, shall be the responsibility of the owner to maintain for one year from the date of construction before the City takes over maintenance.

#### 22-6 INITIAL CONNECTIONS AND SPECIFICATIONS

All service lines from the distribution main to the property line or to the meter are to be installed by the property owner and shall be maintained by the City.

All service pipes shall be laid under the supervision of the superintendent and shall be of soft Type K copper or high grade plastic from main to meter, of such gauge as to withstand a hydrostatic pressure of not less than 150 pounds per square inch. The lines shall be laid sufficiently waving to allow for not less than one to one and one-half feet extra length, and in such a manner as to prevent rupture by settling. Service pipes shall have a depth of bury of not less than four feet below the established grade. Pipes of a diameter of four inches or more shall be of AC or high grade PVC from the main to meter.

Unless otherwise permitted by the superintendent, stop cocks shall be placed in the service pipe between the curb line and the property line and shall be accessible by a curb stop box leading from the top of the stop cock to the surface of the ground and of suitable size to admit a stop key for turning on and off the stop,

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and protected by a metallic cover. There shall be a stop and waste cock, or its equivalent, in the service pipe of all buildings at or near the point of entry of said pipe into the building, said device to be located within the building. Corporation cocks shall be installed in the City mains by the superintendent. The stop and waste cocks and the stop box with lid shall be furnished by the consumer. Stop boxes shall be kept in good repair and free from any material which could prevent the use of a stop key. Meter yoke with shut-off valve shall be used in place of a stop cock wherever feasible. Meter, yoke, and meter pit up to one inch are to be furnished by the City and are included in the cost of the water tap fee.

All automatic sprinkler systems must have a vacuum breaker.

When a consumer requests a larger or smaller water tap than he already has, he will be charged the installation fee commensurate with the size tap requested. A credit equal to one-third the current City cost will be allowed for those components of the existing meter installation which are salvaged and usable by the City.

Meter installations larger than one inch will be furnished by the property owner according to City specifications.

#### 22-7 OWNER MAINTENANCE

The owners of real property shall be considered consumers of water delivered by the City to their property and shall be held liable and responsible for the payment of any and all charges accruing for such water services.

The owner of any premises to which water shall be delivered shall keep all fixtures and pipes from the meter or property line whichever is closer to the main to the premises, and inside the premises, in good repair.

The consumer shall keep the stop cock and curb stop box in repair so that the superintendent may be able to turn off the water at any time.

Minor leaks or breaks in the service pipe from the meter or property line to the premises shall be repaired by the property owner within seventy-two hours from the time of notification of such condition by the superintendent. If satisfactory progress toward repairing such break has not been accomplished within 72 hours, the superintendent may shut off the water to the premises until the leak or break has been repaired. Major leaks or breaks shall be subject to immediate repair, and if the owner fails to respond promptly in making the repair, the superintendent shall cause the leak to be repaired and the cost shall be billed to the property owner. It shall be lawful for any consumer who has the right to use City water to turn the water off and/or on for the purpose of making repairs or while on vacation.

#### 22-8 METERS

On metered services the meters are to be controlled and maintained by the City. The size of each meter is to be determined according to the needs of the consumer. The City shall have the right to enter the premises to read, inspect, repair and remove the meter. The consumer shall cooperate in the location of the meter so as to be convenient to access for reading and repairing. The consumer is encouraged to cooperate in preventing freezing of meters.

If a meter has to be removed because of unlawful use of water, tampering with, or damaging the meter, all repair costs plus a service charge set by City Council resolution shall be assessed.

It shall be the duty of the superintendent to see that all water furnished by the City shall be delivered through and measured by meters. All water meters used in connection with the water system shall be of standard manufacture and approved

by the superintendent. All property owners on whose premises meters are installed shall be held responsible for their safe-keeping and for any and all injury to the meters from external sources. The superintendent shall have the right to test any water meter at any time. All water meters shall be the property of the City and shall be maintained by the City.

With the consent of the City Council, individual meters need not be supplied and billing may be maintained through a master meter for each building within a multiple dwelling unit development or multiple occupancy commercial or industrial building. Similarly, a master meter may be used to service a mobile home court or similar development, provided that, in the opinion of the superintendent, it would be in the City's interest to do so.

#### 22-9 USER'S OUTSIDE THE CITY LIMITS

Rates on water sold outside the City limits shall be double the rates charged inside the City limits.

All consumers outside the City limits shall agree, when accepting service from the City, to follow the rules and requirements that apply to the consumers within the City limits.

As of October 12, 1978, any property owner outside the City limits who desires inclusion in the City water system and whose property is eligible for annexation to the City must petition the City to annex the serviced property before the taps will be approved. Those outside the City limits who are not eligible for annexation must have City Council approval before tapping onto the City water system.

#### 22-10 RATES AND BILLINGS

All rates for water and water service furnished by the City within and without the City shall be those established by the City Council by resolution and collected by the City Clerk monthly.

All consumers are invited to review their files used for billing. It will be the responsibility of the consumer to notify the City of any changes in services. If discontinuance notification is given after the meter is read, the consumer shall pay the monthly charge for that full month.

In the event of failure to obtain meter readings, whether due to error or failure of equipment, billing charges will be the average of previous readings obtained. In the event of under- or over-payment, the corrected amount will be billed or credited.

#### 22-11 DELINQUENT ACCOUNTS

If the monthly bill is not paid within thirty days of the billing date, the consumer shall be notified once. If the bill remains unpaid for another ten days, water service will be discontinued without further notice.

Water will not be turned on in any house or private service line except upon the order of the superintendent after all arrearages and charges due have been paid.

In case of delinquent accounts on non-owner occupied residences, the property owner will be given an additional 30 days notice before service will be discontinued.

#### 22-12 WATER WORKS OPERATING FUND

There is hereby created a fund to be known as the waterworks operating fund. All the proceeds and revenue derived from water taxes, rents, tolls, service charges and rates, including the

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plumbing and tapping of mains and laying and connecting of supply pipes thereto by reason of the operation of the waterworks of the City, shall be credited to the waterworks operating fund and shall be applied to the following uses and purposes:

- (a) To defray the current operational and maintenance expenses of such waterworks;
- (b) For the extension of the mains of the waterworks and making such improvements and additions thereto whenever, in the opinion of the City Council, such extensions, improvements and additions shall be necessary and expedient and shall have been ordered by the City Council.

22-13 WATERWORKS DEPRECIATION FUND

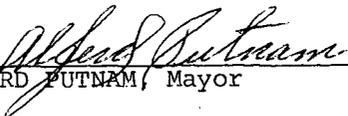
There is hereby created a waterworks depreciation fund. At the end of each fiscal year the City Council by resolution may transfer from the balance in the waterworks operating fund to the water works depreciation fund such amounts as it deems advisable.

Money in the waterworks depreciation fund shall be applied to the uses and purposes specified in subsection (b) of section 22-12, and upon resolution of the City Council for the uses and purposes specified in subsection (a) of section 22-12.

After the depreciation fund is established, the City Council, by resolution, may transfer remaining funds in such amounts as it deems advisable to the general fund of the City.

INTRODUCED, APPROVED AND ORDERED PUBLISHED ON FIRST  
READING THIS 7<sup>th</sup> DAY OF October, 1980.

ADOPTED AND ORDERED PUBLISHED BY TITLE ON SECOND  
READING THIS 2<sup>nd</sup> DAY OF December, 1980.

  
ALFERD PUTNAM, Mayor

ATTEST:

  
LILA M. MAUPIN, City Clerk