

ORDINANCE NO. 4-A

AN ORDINANCE PERTAINING TO THE WATER WORKS OR THE INCORPORATED TOWN OF STRATTON, COLORADO, ESTABLISHING RATES AND REGULATING CONSUMER'S USE OF WATER AND PROVIDING FOR PENALTIES FOR THE VIOLATION OF THIS ORDINANCE.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE INCORPORATED TOWN OF STRATTON, COLORADO:

Section 1. Definition: (a) Resident Consumer: Any person, partnership, corporation or association using water supplied under this Ordinance by the Incorporated Town of Stratton, Colorado, and residing or having their principal place of business within the limits of the Incorporated Town of Stratton, Colorado, as it now exists or as it may be enlarged by annexation, is deemed a resident consumer under this Ordinance.

(b) Non-Resident Consumer: Any person, partnership, corporation or association using water supplied under this Ordinance by the Incorporated Town of Stratton, Colorado, who resides or has their principal place of business outside of the Incorporated limits of the Town of Stratton, Colorado, is deemed to be a Non-Resident Consumer under this Ordinance.

(c) Board of Trustees: The governing body of the Incorporated Town of Stratton (formerly Claremont), Kit Carson County, Colorado, shall be deemed and known for the purpose of this Ordinance as the Board of Trustees.

(d) Incorporation: The Incorporated Town of Stratton (formerly Claremont), Kit Carson County, Colorado, shall be deemed the "Incorporation" under this Ordinance.

(e) Town Clerk: The duly appointed Clerk of the Corporation shall be known as the Town Clerk under this Ordinance.

(f) Meter: Water Meters owned by the Incorporation and used to measure the amount of water furnished to the consumers, the basis of which when applied to the rate determines the monthly charge to the consumers shall be deemed meters under this Ordinance.

(g) Applicant: Any person, partnership, corporation or association desiring to become a resident consumer or non-resident consumer when making application under this Ordinance for such service shall be deemed an Applicant.

(h) Meter Box: A cement box measuring 30 inches square, 4 1/2 feet deep, with a sufficient protection covering to guard against reasonable hazards and which is used to house the meter in lieu of placing the meter in the basement of any structure wherein the water is used by the consumer shall be deemed a Meter Box under this Ordinance.

Section 2. Every person, partnership, corporation or association desiring to become a resident consumer or non-resident consumer shall make written application to the Board of Trustees, such application form shall be furnished by the Town Clerk upon request. The application shall contain the name and address of the person making such application, the legal description of the property where use of the water is contemplated, the purpose for which the water will be used in relation to domestic or commercial use, the

ORDINANCE NO. 4-A CONTINUED

approximate maximum amount of wate to be used daily, the date of the application and the signature of the applicant. There shall accompany such application a \$5.00 fee payable by the applicant for the processing of such application.

Section 3. Upon receiving the applications as set forth in Section 2, thereof, the Board of Trustees shall consider the application and make findings to determine the effect of additional water consumption on the present total consumer use and the economic feasibility of supplying water to the applicant. If in the discretion of the Board of Trustees, a present consumer use will not be impaired by the additional water consumption described in the application and such water service is economically feasible, such application shall be approved and water shall be furnished to the applicant as provided herein. In all instances, resident consumer use and applications and use shall be paramount to non-resident consumer use and applications and if the findings of the Board of Trustees determine that there is insufficient water to furnish non-resident consumer use as against resident consumer use, applicants for resident consumer use will be accepted prior to any non-resident consumer application even though the non-resident application may have been dated and filed with the Board of Trustees prior to the receipt of a resident consumer application. Further, if the findings of the Board of Trustees shall be that present total consumer use will be impaired by the additional water consumption described in the application or that furnishing water service to the applicant shall have the right to reject the application and refuse to furnish water to the applicant.

Section 4. In the event that the application is approved as herein set forth, then the applicant shall be notified and thereupon the applicant shall pay to the Town clerk the sum of One -hundred Dollars as a tapping fee. In the event that water is already piped to the property, then the fee for tapping shall not be charged and the water shall be turned on as provided for herein.

Section 5. The Incorporation shall furnish water only to the applicants' property line and before the water shall be turned into the applicants pipe. the applicant shall furnish a meter box which is to be placed within his property lines and in a reasonably convenient location for service and monthly reading. A meter box shall be required only if the meter cannot be placed in the basement of the structure within which the consumer desires to use water. In addition, and in the discretion of the Board of Trustees, the applicant shall furnish a shut-off valve which shall be placed ahead of the meter. It shall be the obligation of the consumer, whether the consumer be resident or non-resident consumer, at all times to protect the meter from any damage whatsoever and to keep the meter box, if one be in use, in a reasonable clean condition in order to afford agents of the Incorporation a reasonable opportunity to read the meter.

ORDINANCE NO. 4-A CONTINUED

Section 6. It shall be unlawful to use water for sprinkling or irrigation during any fire, or while the fire department is using the same for extinguishing any fires and it shall be the duty of any consumer, whether the consumer be resident or non-resident, to cease sprinkling or irrigating when any fire alarm is sounded and thereafter any consumer being resident or non-resident shall immediately shut off all water use until such time as any fire shall be extinguished.

Section 7. Rates (a) Rates to resident consumers shall be as follows: The first 3,000 gallons per month at \$5.00; All water consumed over 3,000 gallons per month shall be at a rate of \$.30 per 1,000 gallons.

(b) Rates to non-resident consumers shall be as follows: The first 3,000 gallons per month shall be at \$7.50; All water consumed over 3,000 gallons per month shall be at a rate of \$.30 per 1,000 gallons.

Section 8. All consumer accounts, whether resident or non-resident shall be due and payable, without notice on the 20th day of each calendar month that water is used by the consumer. If the consumer fails to pay the same by the last day of the month in which the water is used, notice of the account shall be sent to the consumer from the Town Clerk of the Corporation and if the account is not paid by the 20th day of the following month, the Town Clerk shall turn off the water delivered to the consumer but only after 48 hours notice has been given that such water shall be turned off. The word consumer in this Ordinance when used by itself shall be deemed a non-resident or resident consumer. All notices required herein shall be given through the United States Mail and the time required in such notice shall start when the same is delivered to the United States Post Office located in Stratton, Colorado. In the event that the water shall be turned off at the request of any consumer or user or for violation of any provisions of the terms and conditions of this Ordinance, the consumer, whether the consumer be a resident of non-resident, shall be required after the water has been turned off, to make application for further use of water in accordance with Section 2 as heretofore set forth and all fees required thereunder shall be due and payable.

Section 9. Water mains must not be tapped by any person, partnership or corporation except under the authority of the Board of Trustees of the Incorporated Town. Water mains must always be tapped on the side at an angle of 45 degrees and never closer than six inches from the hub. Two taps shall never be closer than one foot apart on any water mains. A four inch main shall receive no larger than a three quarter inch tap and any larger tap shall not be inserted without the consent and approval of the Board of Trustees of the Corporation.

Section 10. All service pipe between the property line and the structure wherein the water is to be used, shall be of copper tubing of not less than 7/8 of an inch outside diameter, unless tubing of other material and size is approved in writing by the Board of Trustees, such approval to be determined under the circumstances then existing. All such service pipes shall be subject to inspection and

ORDINANCE NO. 4-A

approval by the Board of Trustees or their authorized agent at any time whatsoever and prior to the pipes being buried, the water works shall be inspected by the Board of Trustees of the Incorporation or its authorized agent.

Section 11. The Board of Trustees reserves the right for themselves or their authorized agent to go upon any property which is to be given water service under this Ordinance, in order to read the meters of the Incorporation and/or to turn off the water in the event of a violation of the terms and conditions of this Ordinance as herein set forth.

Section 12. The Board of Trustees shall have the right to restrict the use of water furnished by the Incorporation to any resident or non-resident consumer whenever in the discretion of the Board of Trustees, it shall find that such restrictive use is necessary in order to protect the public health, wealth and general welfare of the residents located within the corporate limits of the Incorporated Town of Stratton, Kit Carson County, Colorado.

Section 13. No consumer whether resident or non-resident shall permit other families or person to use water from his premises nor extend plumbing beyond his premises.

Section 14. Any person who shall violate any of the provisions of this Ordinance shall upon conviction thereof be fined the sum of One Hundred Dollars, together with the costs of prosecution and shall stand committed to jail until such fine and costs are paid. In addition to such fine and costs of prosecution, the Board of Trustees, when notified that any person charged with the violation of this Ordinance, shall have been found guilty as charged, shall in their discretion have the right and option to order a discontinuance and thereafter discontinue water service to the property of any violator of any of the terms and conditions of this Ordinance. It is expressly provided that any person being charged with the violation of this Ordinance shall have the opportunity of a trial by judge or jury as he may so request.

Section 15. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses or phrases of this Ordinance and they shall remain in full force and effect, it being the intent that this Ordinance shall stand, notwithstanding the invalidity or unconstitutionality of any part thereof.

Section 16. All Ordinances or parts of Ordinances inconsistent with the provision of this Ordinance, shall be and the same are hereby repealed.

Section 17. It is hereby declared that an emergency exists and that this Ordinance is necessary for the immediate preservation of the public health, peace, welfare and safety of the residents of the Incorporated Town of Stratton, Colorado, and the support of the municipal government and its existing institutions and shall be in full force and effect after its passage and publication as provided for by law.

ORDINANCE NO. 4-A CONTINUED

PASSED AND ADOPTED this 6th day of July, A. D., 1972.

INCORPORATED TOWN OF STRATTON, COLORADO

BY CHARLES WM. NELSON, MAYOR

ATTEST: VIDA MAY YOUNG, TOWN CLERK