

ORDINANCE NO. 53B

AN ORDINANCE AMENDING UNIT DEFINITIONS FOR WATER AND SEWER RATES, CONSOLIDATING PROCEDURES AND PENALTIES FOR FAILURE TO PAY WATER OR SEWER CHARGES AND REPEALING PREVIOUS WATER AND SEWER FEE AND REGULATION ORDINANCES FOR THE TOWN OF STRATTON, COLORADO

WHEREAS, the Board of Trustees of the Town finds that in order to preserve the health, safety and welfare of the citizens of the Town, regulations, rates and fees relating to the sanitary sewer services are necessary;

WHEREAS, the Town of Stratton has previously adopted Ordinance No. 93A establishing water use and service regulations and rates;

WHEREAS, the Town of Stratton has previously adopted Ordinance No. 94A establishing sanitary sewer use and service regulations and rates;

WHEREAS, the Town of Stratton has adopted Ordinance No. 10B, which amended Ordinance Nos. 93A and 94A, regarding failure to pay water and sewer charges;

WHEREAS, the Town of Stratton has previously repealed Ordinance Nos. 15B, 17B and 33B by the adoption of Ordinance No. 42B;

WHEREAS, the Town of Stratton has previously adopted Ordinance 42B regarding initial fees, unit definitions and water and sewer rate increases;

WHEREAS, the Town of Stratton has previously adopted Ordinance No. 47B regarding water and sewer rates;

WHEREAS, the Town of Stratton has previously adopted Ordinance No. 50B regarding water rates;

WHEREAS, the Town of Stratton has previously adopted Ordinance No. 51B regarding water service regulations; and

WHEREAS, the Board of Trustees of the Town of Stratton finds that consolidation of water and sewer rates and related fees, redefining Units, and consolidating procedures and remedies, including a lien against the real property served by water or sewer connections and collection costs for failure to pay water or sewer charges, is necessary to maintain and repair the water and sewer systems, plan for future upgrades to the Town's water and sewer system, obtain grant funds from all available sources and for the efficient administration of the Town of Stratton.

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

Section 1. Purpose. The purpose of this ordinance is for the consolidation of water and sewer rates and related fees, redefining Units, and consolidating procedures and remedies, including a lien against the real property served by water or sewer connections and collection costs for failure to pay water or sewer charges, and to repeal all previous ordinances related to water and sewer service with the exception of Ordinance Nos. 93A and 94A. The changes are deemed necessary by the Board of Trustees of the Town of Stratton, Colorado in order to maintain and repair the water and sewer system, plan for future upgrades to the Town's water and sewer system, obtain grant funds from all available sources and for the efficient administration of the Town of Stratton.

Section 2. Repeal of Ordinance No. 10B. Ordinance No. 10B concerning procedures and remedies, including a lien against the real property served by water or sewer connections for failure to pay water or sewer charges of the Town of Stratton, is hereby repealed.

Section 3. Repeal of Ordinance Nos. 47B, 50B, and 51B. Ordinance Nos. 47B and 50B and 51B, concerning fees, unit definitions and water and sewer rates, are hereby repealed.

Section 4. Continued Repeal of Ordinance Nos. 15B, 17B, 33B, and 42B. Ordinance Nos. 15B, 17B, 33B, and 42B shall continue to be repealed.

Section 5. Amendment to Ordinance Nos. 93A and 94A. Ordinance Nos. 93A and 94A shall be amended to delete the rate schedule attached thereto and to adopt the following:

Fees. The applicable fees shall be as follows:

Nonrefundable Application Fee:	\$50.00
Nonrefundable Activation Fee (Commercial):	\$50.00
Nonrefundable Activation Fee (Residential):	\$35.00
Water Tap Fee (Resident only):	\$1000.00
Sewer Tap Fee (Resident only):	\$500.00
Re-install meter (to same account after customer requests it be pulled for seasonal use):	\$20.00
Late Payment Fee:	\$15.00
Violation Fee:	\$250.00 to \$500.00 per judicial discretion

Unit Definitions for water:

Residential:

Stand alone dwellings: each dwelling = one Unit

Building with multiple dwelling units: each unit regardless of occupancy
= one Unit multiplied by .7 of Residential Rate

Mobile home park: each home = one Unit

Commercial (includes all other property not defined as Residential):

- Camper sites (temporary camping sites)
 - Seasonal: each two sites = one Unit
 - Non-seasonal: each four sites = one Unit
- Hotel: each four hotel rooms = one Unit
- Hotel: kitchen = one Unit
- Commercial property: each location = one Unit
- Schools: all bathrooms = two Units
- Schools: one locker room = one Unit
- Schools: kitchen = one Unit
- Non-Profit owned property = one Unit

Unit Definitions for sewer:

Residential:

- Stand alone dwellings: each dwelling = one Unit
- Building with multiple dwelling units: each unit regardless of occupancy = one Unit multiplied by .7 of Residential Rate
- Mobile home park: each home = one Unit

Commercial (includes all other property not defined as Residential):

- Commercial property (each separate location): 1+ bathrooms = one Unit
- Commercial property (each separate location): kitchen = one Unit
- Camper sites (temporary camping sites)
 - Seasonal: each two sites = one Unit
 - Non-seasonal: each four sites = one Unit
- Hotel: each four hotel rooms = one Unit
- Schools: all bathrooms = two Units
- Schools: one locker room = one Unit
- Schools: kitchen = one Unit
- Non-Profit owned property = one Unit

Water and sewer rates. The water and sewer rates shall be as follows:

RESIDENT rate for each Unit:

Residential Water	\$46.09 per month for initial 3000 gallons used
	\$1.50 for each additional 1000 gallons used per month
Commercial Water	\$59.09 per month for initial 3000 gallons used
	\$1.50 for each additional 1000 gallons used per month
Residential Sewer	\$24.44 per month
Commercial Sewer	\$34.44 per month

NON-RESIDENT rate for each Unit:

Residential Water \$59.09 per month for initial 3000 gallons used
 \$1.70 for each additional 1000 gallons used per month

Commercial Water \$71.59 per month for initial 3000 gallons used
 \$1.70 for each additional 1000 gallons used per month

Residential Sewer \$34.44 per month
Commercial Sewer \$44.44 per month

Section 6. Amendment to Ordinance No. 93A. Ordinance No. 93A shall be amended to delete Section 7 as set forth therein and replaced with the following:

Section 7. Water usage charges to resident and non-resident consumers shall be applied according to the current adopted rate schedule, which is attached hereto and incorporated herein. Service on any day of the month constitutes service for the entire month and no proration of charges shall be permitted.

Section 7. Amendment to Ordinance No. 93A. Ordinance No. 93A shall be amended to delete Section 8 as set forth therein and replaced with the following:

Section 8. All consumer accounts, whether resident or non-resident, shall be due and payable, without notice on the 10th day of each calendar month for water used by the consumer. An assessed penalty shall be added to all accounts not paid by the 10th of the month. If the consumer fails to pay the same by the 20th day of the month, written notice of the past due status of the account shall be sent to the consumer from the Town clerk of the Town of Stratton and if the account is not paid in full, including any arrears, by the last day of the month in which the payment is due the Town shall turn off the water and remove the water meter. In the event that the water be turned off and meter removed, either at the request of the consumer or for violation of any provisions of the terms and conditions of this Ordinance, the consumer, whether resident or non-resident, shall be required to make application for further use of water in accordance with Section 3 as heretofore set forth and all fees, including any delinquent or past due balances, required thereunder shall be due and payable. In the case of a rental unit, the delinquent or past due amounts will revert back to the property owner.

In the event collection of unpaid balances is necessary, the consumer is responsible for the costs of collection, including, but not limited to, disconnection or reconnection fees and reasonable attorney fees and costs, or penalties assessed where fraud is involved.

In addition to turning the water off, the Town Clerk shall certify to the Board of County Commissioners of Kit Carson County, pursuant to the authority of §31-

15-302(1)(e), C.R.S. the amounts due and owing, which shall become a lien on the property served and collected as though they were part of the taxes due on such property.

Section 8. Amendment to Ordinance No. 94A. Ordinance No. 94A shall be amended to delete Section 6 as set forth therein and replaced with the following:

Section 7. Sewer system charges to resident and non-resident consumers shall be applied according to the current adopted rate schedule, which is attached hereto and incorporation herein. Service on any day of the month constitutes service for the entire month and no proration of charges shall be permitted

Section 9. Amendment to Ordinance No. 94A. Ordinance No. 94A shall be amended to delete Section 8 as set forth therein and replaced with the following:

Section 8. All consumer accounts, whether resident or non-resident, shall be due and payable, without notice on the 10th day of each calendar month for water used by the consumer. An assessed penalty shall be added to all accounts not paid by the 10th of the month. If the consumer fails to pay the same by the 20th day of the month, written notice of the past due status of the account shall be sent to the consumer from the Town Clerk of the Town of Stratton and if the account is not paid in full, including any arrears, by the last day of the month in which the payment is due the Town shall certify to the Board of County Commissioners of Kit Carson County, pursuant to the authority of §31-35-617 and §31-35-708, C.R.S. the amounts due and owing, which shall become a lien on the property served and collected as though they were part of the taxes due on such property. In the event that the sewer service shall be terminated, either at the request of the consumer or for violation of any provisions of the terms and conditions of this Ordinance, the consumer, whether resident or non-resident, shall be required to make application for further use of sewer service in accordance with Section 3 as heretofore set forth and all fees, including any delinquent or past due balances, required thereunder shall be due and payable. In the case of a rental unit, the delinquent or past due amounts will revert back to the property owner.

In the event collection of unpaid balances is necessary, the consumer is responsible for the costs of collection, including, but not limited to, disconnection or reconnection fees and reasonable attorney fees and costs, or penalties assessed where fraud is involved.

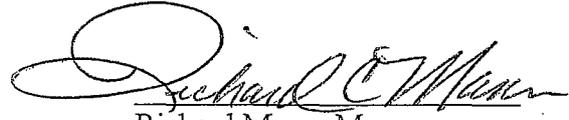
Section 10. Inconsistent Ordinances. All Ordinances or parts of Ordinances inconsistent with the provisions of this Ordinance, are hereby repealed.

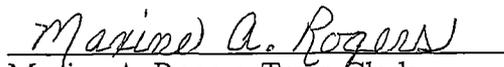
Section 11. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses 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 invalidated or unconstitutionality of any part thereof.

Section 12. Effective Date. 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 Town of Stratton, Colorado, and shall be in full force and effect on **April 1, 2013**.

INTRODUCED, READ, ADOPTED AND ORDERED PUBLISHED this 28th day of February, 2013.


Richard Mann, Mayor


Maxine A. Rogers, Town Clerk

[seal]



STATE OF COLORADO)
COUNTY OF KIT CARSON)ss.
TOWN OF STRATTON)

CLERK'S CERTIFICATE

I, Maxine A. Rogers, the official Town Clerk of the Town of Stratton, does by these presents say that the foregoing Ordinance No. 53B was passed and adopted by a three-quarters majority of the Board of Trustees of the Town of Stratton on the 28th day of February, 2013, and that the above-entitled Ordinance is true, correct and fully copy of the Ordinance as show in the records of the Town of Stratton, Colorado.

Dated this 1st day of March, 2013.

Maxine A. Rogers
Maxine A. Rogers, Town Clerk