

ORDINANCE NO. 79A

AN ORDINANCE PERTAINING TO THE WATER DEPARTMENT OF THE TOWN OF STRATTON, COLORADO, ESTABLISHING RATES AND REGULATING CONSUMER'S USE OF WATER AND PROVIDING FOR PENALTIES FOR THE VIOLATION OF THIS ORDINANCE AND REPEALING ORDINANCE 4A AND ALL AMENDMENTS THERETO.

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

Section 1. Ordinance 4A enacted July 6, 1972, and all amendments thereof, namely Ordinance 12A enacted January 5, 1978 and Ordinance 18A enacted October 4, 1979 and Ordinance 25A enacted December 2, 1982 and Ordinance 35A enacted August 8, 1985 and any other ordinances or provisions in conflict with this Ordinance is hereby repealed and reenacted with changes, all as set forth in this ordinance.

Section 2. Definition: (a) Resident Consumer: Any person, partnership, corporation or association using water supplied under this Ordinance by the Town of Stratton, Colorado, and residing or having their principal place of business, within the limits of the 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 Town of Stratton, Colorado, who resides or has their principal place of business outside of the corporate 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 Town of Stratton (formerly Claremont), Kit Carson County, Colorado, shall be deemed and known for the purpose of this Ordinances the Board of Trustees.

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

(e) Meter: Water Meters owned by the Town of Stratton 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.

(f) 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.

(g) Meter Box: A device with sufficient protection to guard against reasonable hazards and which is used to house the meter wherein the water is used by the consumer shall be deemed a Meter Box under this Ordinance.

(h) Responsibility: The Town of Stratton will be responsible for all water main lines and service connections to the meter. The customer will then be responsible for all water lines from the meter.

Section 3. (a) 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 approximate maximum amount of water to be used daily, the date of the application and the signature of the applicant. There shall accompany such application a \$50.00 fee payable by the applicant for the processing of such application.

(b) Tapping Fees: In the event that the consumer's application for a water tap as required by Section Two of this ordinance is approved as therein set forth, the applicant shall be so notified and thereupon the applicant shall pay to the Town Clerk the sum of \$550.00 for inside the town limits or \$1000.00 if outside the town limits (the town will provide the water line to the edge of the town limits) as a tapping fee for each water tap applied for. This tapping fee includes all charges for labor performed and materials to locate and connect the meter pit at the curb.

(c) There will be a connection fee of \$25.00 for each time the water is turned on at the meter.

Section 4. Upon receiving the applications as set forth in Section 3, thereof, the Board of Trustees shall consider the application and make finding 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 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. 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. Further, if in the future, water availability causes water shortages that

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would be a detriment to the public health, wealth and general welfare of the residents located within the corporate limits of the Town of Stratton, Kit Carson County, Colorado, the Board of Trustees can terminate non-resident customers at their discretion.

Section 5. In the event that the application is approved as herein set forth, then the applicant shall be notified and thereupon the applicant shall pay the Town Clerk the sum of Five Hundred Fifty Dollars (\$550.00) 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 6. The Town of Stratton shall furnish water only to the applicant's property line and before the water shall be turned into the applicant's pipe, the Town of Stratton shall furnish a meter pit which is placed within his property lines and in a reasonably convenient location for service and monthly reading. A meter box shall be required and a shut-off valve which shall be placed ahead of the meter within which the consumer desires to use water. 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 an agent of the Town of Stratton a reasonable opportunity to read the meter.

Section 7. 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 irrigation 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 8. Rates: (a) Rates to resident consumers shall be as follows: The first 3,000 gallons per month at \$14.00; All water consumed over 3,000 gallons per month shall be a rate of \$.55 per 1,000 gallons.

(b) Rates to non-resident consumers shall be as follows: The first 3,000 gallons per month shall be at \$23.00; All water consumed over 3,000 gallons per month shall be at a rate of \$.70 per 1,000 gallons.

(c) The term "unit" means a single family residential unit, and whether two or more units are in one building, the above rates apply to each unit whether billed separately or collectively.

Section 9. All consumer accounts, whether resident or non-resident shall be due and payable, without notice on the 10th day

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of each calendar month that water is used by the consumer. A penalty of 10 percent shall be added to all accounts not paid by the 10th of the month. 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 Town of Stratton and if the account is not paid by the 10th day of the following month, the Town 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 or non-resident, shall be required after the water has been turned off, to make application for further use of water in accordance with Section 3 as heretofore set forth and all fees required thereunder shall be due and payable.

Section 10. Water mains must not be tapped by any person, partnership or corporation except under the authority of the Board of Trustees of the Town of Stratton. 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 Town of Stratton.

Section 11. All service pipe between the property line and the structure wherein the water is to be used, shall be of Universal Plumbing Code (U.P.C.) approved material not less than 3/4 of an inch inside diameter and installed in accordance with U.P.C. code. All such service pipes shall be subject to inspection and 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 Town of Stratton or its authorized agent.

Section 12. 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 Town of Stratton 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.

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Section 13. The Board of Trustees shall have the right to restrict the use of water furnished by the Town of Stratton 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 Town of Stratton, Kit Carson County, Colorado.

Section 14. 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 15. Any person who shall violate any of the provisions of this Ordinance shall upon conviction thereof be fined the sum of one hundred dollars (\$100.00), together with the cost 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 and jury as he may so request.

Section 16. 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 17. All Ordinances or parts of Ordinances inconsistent with the provision of this Ordinance, shall be and the same are hereby repealed.

Section 18. 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 after its passage and publication as provided for by law.

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PASSED, ADOPTED AND ORDERED PUBLISHED THIS 14 day of
DECEMBER, 1995.

Donald E. Peters
Mayor

(SEAL)

Attest:

Paulette Thompson
Clerk

STATE OF COLORADO)
County of Kit Carson) ss. **CLERK'S CERTIFICATE**
Town of Stratton)

I, Paulette Thompson, the official Town Clerk of the Town of Stratton, do by these present say that the foregoing Ordinance No. 79A was passed and adopted by the Board of Trustees of the Town of Stratton on the 14 day of December, 1995, and that the above entitled Ordinance is a true, correct and full copy of the Ordinance as shown in the records of the Town of Stratton, Colorado.

Dated this 19th day of December, 1995.

Paulette Thompson
Paulette Thompson
Town Clerk

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STATE OF COLORADO)
County of Kit Carson) ss. **CLERK'S CERTIFICATE OF PUBLICATION**
Town of Stratton)

I, Paulette Thompson, the official Town Clerk of the Town of Stratton, do by these present say that the foregoing Ordinance No. 79A and Clerk's Certificate attached thereto was published in the Stratton Spotlight, a weekly newspaper of general circulation in Stratton, Kit Carson County, Colorado on Dec 27, 1995, and the "Proof of Publication" is filed wherewith.



Paulette Thompson
Town Clerk