

ORDINANCE NO. 73

AN ORDINANCE REGULATING THE SALE AND USE OF TOWN WATER OUTSIDE THE TOWN LIMITS OF THE TOWN OF NUCLA, COLORADO, REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT HEREWITH AND SPECIFICALLY REPEALING SEC. 1 (C) OF ORDINANCE NUMBER 42, AND PROVIDING FOR PENALTIES FOR VIOLATION AND DECLARING AN EMERGENCY.

WHEREAS, the water supply of the Town of Nucla at the present time is greater than the needs of the town for fire and domestic purposes; and

WHEREAS, the Board of Trustees of the Town of Nucla has for many years been disposing of surplus water to consumers outside the town limits; and

WHEREAS, the Board of Trustees of the Town of Nucla deems it advisable and necessary to regulate the sale and use of town water outside the town limits of the Town of Nucla;

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

Section 1. Contract For Use. The provisions of this ordinance shall constitute the contract between the Town of Nucla and the outside town water user or property owner, and each such water user or property owner by using town water or by allowing town water to be used, shall be conclusively presumed to express his consent to be bound by all provisions of this ordinance or amendments hereto hereafter made and to waive any and all objections to the jurisdiction of the courts of the Town of Nucla to enforce the provisions of this ordinance or amendments thereto. The term "water user" shall include the owners or management of privately owned water service lines, as well as individuals using water from such lines.

Section 2. Payment of Water Rent. All town water used outside the town limits shall be metered. All water rent shall be payable on the first day following the monthly charge period. The owner of the property where the water is used shall be held liable for the payment of water rent for all water used thereon. The owner or management of privately owned water service lines shall be held liable for the payment of water rent for all water used by such line.

Each separate residential building and each commercial user shall be regarded as a separate water user, provided, however, that the use of water for a farm residence and for the watering of livestock and other ordinary farm uses at the location of the farm residence shall be considered to constitute a single user, but provided further that no water obtained from the town water system shall be used at any residence for sprinkling or irrigating purposes, except as herein provided in Sec. 12.

Section 3. Non-Payment of Rentals. All water rent shall be payable at the office of the Town Clerk, and if not paid within fifteen (15) days after the payment shall have become due, shall become delinquent, and the water shall be shut off without notice. Whenever the water shall have been shut off for non-payment of water rent, the water shall not be turned on again until the back water rentals have been paid, together with \$6.00 additional for the expense of shutting off and turning on the water.

Section 4. Rates. The following monthly metered water rentals shall apply to all water users outside the town limits; except as provided in Section 12 hereof:

Minimum Charge (4,000 gallons or less) \$7.50

All over 4,000 gallons, per thousand gallons or less...50

When a group of individual units or users are served by a privately owned water supply line through a master meter, the minimum charge shall be made for each unit or user so served, with credit being given for a corresponding quantity of water on the total consumption, and water used in excess of such credit shall be charged for at the rate of 50 cents for each thousand gallons or less. In such case of service through a master meter by a privately owned water service line, the owners or management of such water service line shall be billed by the Town for the total amount due under this rate schedule.

Each water user shall, upon request by the Town Clerk, furnish to the Town Clerk within thirty (30) days after receipt of such request such information as may be necessary for the said Clerk to determine the proper charge to be made. Failure to furnish such information or the furnishing of incorrect information shall be a violation of this ordinance.

The Board of Trustees may, by resolution, establish separate schedules of water rates for industrial, commercial, school and special uses.

The Board of Trustees reserves the right from time to time to change, alter or amend the rate schedule so that the rate charged to consumers of water outside the town limits is just and proper in the opinion of the Board of Trustees.

Section 5. Meter Regulations. Individual meters for each water user shall be required, whether the user is served directly from the town water mains or from privately owned water service lines. All privately owned water service lines serving more than one individual shall also be required to install master meters at the expense of such service line. The Water Commissioner, with the approval of the Board of Trustees, shall determine the brand and quality of meters which will be approved for use. No meter shall be installed unless such meter has been approved by the Water Commissioner. All meters which are to be read by the Town shall be installed in compliance with the town plumbing code, in a convenient, accessible location outside the building and in a galvanized metal meter box approved by the Water Commissioner. It shall be the duty of the water user or property owner to purchase and maintain the meter and protect the meter from any harm, including freezing. When a meter gets out of order, it shall be the duty of the water user or property owner within ten days to send the meter to the Town Water Commissioner for repairs. The cost of repairing the meter shall be charged to the water user as part of his water bill. When a meter gets out of order and fails to register correctly, a charge shall be made by the Water Commissioner according to the average quantity of water used in a similar period as shown by the meter when in order. The charge as determined by the Water Commissioner shall be conclusive.

Section 6. Charges for Shutting Off or Turning on Water. A charge of \$3.00 will be made payable at the office of the Town Clerk for either shutting off or turning on water.

Section 7. Notice to Discontinue. Any person billed directly by the Town as a water user desiring to discontinue the use of water shall give written notice to the Town Clerk. No credit will be given for non-usage of water until such written notice has been received by the Town Clerk and the water shut off at the meter or curb stop box. In the case of privately owned water service lines, the management of such line shall forthwith notify the

Town Clerk of any users on said line who have discontinued the use of water. A discontinued use may be reinstated by the management of the private water line, provided that the Town Clerk is forthwith notified.

Section 8. Permit to Tap Water Mains. No connection or tap to the town water mains shall be made until the water user shall file with the Town Clerk an application for a permit to tap the water mains and until such permit has been granted by the Board of Trustees. A privately owned water line serving several individual water users may file an application for a permit on behalf of all of the individual water users to be served by such line, provided that the names and total number of such individual water users be included in the application. No privately owned water line shall serve individual water users in excess of the number authorized by the permit issued therefor, until there shall be filed with the Town Clerk an application for amendment of the permit listing the names and total number of the additional water users which such privately owned water line desires to serve, and until such amendment to the permit has been granted by the Board of Trustees.

Specifications for taps to the Town water mains shall be subject to approval of the Water Commissioner prior to the issuance of a permit therefor. In the case of privately owned water lines serving several individual water users, plans and specifications for the construction thereof, and specifications for the individual service connections therefrom, shall be subject to approval by the Water Commissioner prior to the issuance of a permit therefor or an amendment to such permit.

All taps to the town water mains for individual water users shall be made by the Town Water Commissioner.

All taps to privately owned water lines for individual water users shall be made by the said users of water line, except that, such taps shall be made with approval of Town Water Commissioner.

Forms for the application for permit and for the permit to tap the town water mains shall be furnished by the Town.

Section 9. Water Service Pipes--Meter Boxes. Each water user or property owner who is billed directly by the Town shall install at his own expense all necessary water mains, service pipe from the corporation cock to the meter box, the meter box and curb stop, and such additional service pipe as may be necessary to serve the premises owned by such property owner. All water service pipes shall be copper pipes of "K" or greater thickness, and no other kind shall be used, and such pipe shall be laid in a solid bed at a depth of not less than three feet. The Water Commissioner, with the approval of the Board of Trustees, shall determine the brand and quality of meter boxes and curb stops which will be approved for use. No meter box or curb stop shall be installed until approved by the Water Commissioner. Meter boxes and stops shall be kept by the property owner free from dirt, stones or other substances which would prevent access to, or impair the operation of, the curb stops. In the installation of corporation cocks and water service pipe from the corporation cock to the meter box, or in the installation or extension of any privately owned water line, boring under both paved and unpaved municipal streets shall be required, except that necessary access cuts shall be permitted. All holes or trenches excavated in the municipal streets or alleys shall be back-filled by the user at his expense. Master meters shall be installed at the expense of private water service lines in accordance with specifications and approval of the Town. Said meters shall be read and maintained by the Town, but any charges or expenses in connection with the maintenance of such meters shall be paid by water service lines. It shall be a violation of this ordinance for

any person other than the Town Water Commissioner or other authorized employee of the Town to interfere with, or in any way tamper with, such master meters. This entire section shall apply only to individual service lines tapped directly to the town water mains, and shall not apply to service lines from a privately owned water supply line, except that service lines from a privately owned water supply line shall be connected to the water main by copper pipe of "K" or greater thickness or by a copper loop four feet long, or longer.

Section 10. Size of Taps. All taps outside the town limits shall be restricted to a maximum of 3/4", and 3/4" taps shall be granted only when the main from which the tap is made is a 2" or larger main, provided, however, that the Board of Trustees may by resolution permit the use of larger taps for industrial, commercial, school, and special purposes, for privately owned water lines serving several individual water users, and where necessary to overcome gravity problems.

Section 11. Repairs. Each water user shall properly repair and maintain at his own expense all portions of his water service system from the point where the water leaves the water mains of the town. The responsibility of the Town for maintenance and repair terminates at the town water main where the water user's system is connected, except that the Town is responsible for maintenance of master meters to privately owned water lines.

Section 12. Use of Water. No person shall use water from the town mains for sprinkling or irrigating purposes unless such person shall first have applied for, and obtained, a permit from the Water Commissioner of the Town. Such permit shall specify the name and location of the user, the length of time he is permitted such use, and such other information as is required by the Water Commissioner. The rates for use of water for sprinkling and irrigating shall be:

Minimum Charge (4,000 gallons or less) \$7.50

All over 4,000 gallons to 34,000 gallons used,
per thousand gallons or less25

All over 34,000 gallons used, per thousand gallons or less .50

Forms of permits shall be supplied by the Town. The decision of the Water Commissioner as to the granting or denying of any permit may be changed only by a majority vote of the Board of Trustees. The use of non-recirculating air conditioning units or air cooling units which waste water is prohibited. No person shall sell or give water from any property connected to the town water system, or allow the owner or occupant of other premises to use water from his service. No person shall permit, suffer or allow water from the town water works to run to waste upon his premises or premises under his charge or control; and no person shall interfere with, or in any way tamper with, any part of the town water system, or shall without lawful authority open or close any fireplug, stop-cock, or valve, or other fixtures appertaining to the town water system.

Section 13. Continuation of Service. Consumers of town water outside the town limits shall have the right to continue their use of town water, subject to continued compliance with the provisions of this ordinance and any amendments thereto, and subject to the Board of Trustees' right, in their sole discretion, to determine whether the Town should continue to supply such water. If the Board of Trustees shall determine that the water supply of the town is not greater than the needs of the town for fire and domestic purposes,

or that use of town water outside the town limits must be curtailed to protect the water supply of the town, or for any reason determine that the Town should discontinue supplying water to out of town users, the Board of Trustees may limit, control, or completely shut off the use of water outside the town limits.

Section 14. Interruption of Service. The Water Commissioner shall have the right at any time without notice to shut off the water in the town mains, or any of them, for the purpose of making repairs, connections, extensions, or for other useful or necessary purposes, including the right to shut off water for a breach or violation of any provision of this ordinance. No water user or property owner shall be entitled to any damages or to have any portion of payment refunded for any interruption of water supply, however the same may be occasioned.

Section 15. Access and Inspection. The Water Commissioner and the members of the Water Department of the Town shall be authorized to enter and have free access at all reasonable hours to premises served by town water to ascertain the location or condition of all hydrants, pipes, or other fixtures, to read meters, to determine correct rate charges, to check fixtures for waste, and for any other useful or necessary purpose.

Section 16. Violation and Penalty. Any person, firm, or corporation that shall violate or cause the violation of any provisions of this ordinance, or that shall fail to comply with any requirement or regulation of this ordinance, or that shall violate or fail to comply with any order, requirement, or regulation made in pursuance of this ordinance by the Board of Trustees or by any officer or employee of the Town of Nucla, shall be deemed guilty of an offense and on conviction thereof shall be punished by a fine in a sum of not less than Twenty dollars and not more than Three Hundred Dollars. Each day that a violation is permitted to exist shall constitute a separate offense.

Section 17. Separability. If any part of this ordinance should ever be judicially determined to be invalid or unenforceable, such determination shall not affect or impair the remaining parts thereof.

Section 18. Ordinances Repealed. All ordinances and parts of ordinances in conflict herewith are hereby repealed and Sec. 1 (c) of Ordinance No. 42 is hereby specifically repealed.

Section 19. Declaring an Emergency and Effective Date. The Board of Trustees hereby finds and declares that an emergency exists, and that this ordinance is necessary for the immediate preservation of the health and safety of the citizens of the Town of Nucla, and shall become effective June 1, 1959.

Passed final reading this 12th day of May, A. D. 1959.

Ray B. Munster
Mayor

ATTEST:

Naida Stephens
Town Clerk