

ORDINANCE NUMBER 247

THE BOARD OF TRUSTEES OF THE TOWN OF HUGO, LINCOLN COUNTY, COLORADO, DOES HEREBY ORDAIN AND RESOLVE TO SET RATES FOR THE PROVIDING OF WATER TO TOWN AND OUT OF TOWN USERS, SET RULES FOR THE OPERATION OF THE TOWN OF HUGO WATER WORKS, AND PRESCRIBE PENALTIES FOR THE VIOLATION OF THIS ORDINANCE.

Whereas, the Town of Hugo, hereinafter referred to as the “Town”, in the County of Lincoln and the State of Colorado, is the body corporate operating as a statutory town pursuant to the general statutes of the State of Colorado; and

Whereas, Colorado Revised Statutes, 31-15-708 gives to the governing body of each municipality the power and authority to regulate the water supply used in each municipality for commercial use and for domestic or household purposes, and to charge necessary fees and rates to each user for the use of the municipal water system; and

Whereas, the Town ordinances governing the regulation of Town water require updating; and

Whereas, the Board of Trustees of the Town, hereinafter referred to as the “Board”, wish to create a new water policy, through this Ordinance, repealing all previous ordinances concerning the subject of this Ordinance; and

Whereas, the rates and charges, as well as the system development charges, are designed to compensate the Town for the costs to the Town in the operation and maintenance of the water system;

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

SECTION 1 – WATER USE REGULATIONS:

A. TOWN WATER SYSTEM. The Town Water System shall consist of the municipal water wells, and the water system including all water mains, water pipelines, storage tanks, meters, meter pits, and all additions and appurtenances thereto or in any manner connected therewith and shall be owned, managed, and operated by the Town, as a municipal enterprise water system.

B. WATER MAINTENANCE SUPERVISOR: The Town of Hugo Public Works Director shall also hold the position of Water Maintenance Supervisor, hereinafter referred to as WMS. The WMS shall be responsible for the general operation of the Town Water System, also referred to as the water department, and for all functions thereof and shall perform such functions as the Board may require, including but not limited to supervising and directing the installation of water meters, meter pits, water pipelines, water mains, and any and all other equipment necessary for the proper functioning of the Town Water System. The WMS shall report monthly to the Board as to actions taken concerning the Town Water System. If the WMS cannot attend the regular monthly Board meeting, a written report will be submitted. The WMS shall hold appropriated state certifications to operate and maintain the Town Water System.

C. EMERGENCY SITUATIONS. The WMS shall be given the authority to make emergency decisions concerning the use of municipal water by all users subject to confirmation by the Board at the next regular or special meeting after the emergency action is taken. An emergency situation shall include, but not be limited to equipment or conduit failure, shortage of water, high use, water pollution, or any other circumstance which threatens the municipal water supply and / or the welfare of the Town citizens. Such emergency decisions shall include, but not be limited to, the authority to set watering or water use restrictions, to shut off the water flow when deemed to be necessary, and to take whatever other action is necessary to meet the requirements of this Ordinance.

D. CONNECTION (TAP) FEES: No connection shall be made to the Town water main without an application being submitted to the Town Clerk. The permit shall be on a form provided by the Town Clerk. The tap fee shall be for each new connection when applicable, and shall be charged for all new connections. All such connections, from the tap to the meter pit, including the installation of a water service line, connection, water meter and meter pit (and accessories), when necessary shall be included in the tap fee. Connections and service lines from the meter pit to the dwellings and/or intended use are the property owner's responsibility. All construction and installation of water service shall be done by Town personnel, the cost to be covered in the tap fee set forth below. In the event the applicant requests a meter size larger than one (1) inch, the installation shall be performed by an entity approved by the Board, such entity to be supervised by the WMS. The tap fees will be included in the permit cost if the connection involves a new construction, or a site not previously served with Town water. Any water taps that serve outside of the corporate Town limits will be determined by the Board of Trustees. The following schedule shall apply to the tap fees:

<u>Meter Size</u>	<u>Areas Inside The Town Limits</u>
¾ Inch	Determined by the Board
1 Inch	Determined by the Board
1 ¼ Inch	Determined by the Board
1 ½ Inch	Determined by the Board
2 Inch	Determined by the Board

E. WATER METERS; REGULATIONS; MAINTENANCE; PENALTIES. All premises and property served by the Town Water System must be equipped with an approved water meter and accessories furnished by the Town. The following regulations shall also apply:

1. At the discretion of the WMS, each meter that is installed shall include, either in the meter itself or at a location approved by the WMS, a backflow device that meets state regulations. The Town herein adopts those cross connection control regulations imposed by state and federal laws, rules, regulations, code, and legislation concerning cross connection control and backflow prevention. Such regulations shall include the general requirements, standards for backflow prevention devices, installation requirements, testing and maintenance requirements, and other relevant requirements, which will be at the owners cost.

2. All property owners will be required to pay a meter deposit, on each property they own. The amount of the deposit will be determined by the Board of Trustees.
3. All water meters, meter pits, shutoff boxes, and other relevant equipment shall be installed only at a location approved in advance by the WMS. A curb stop shall be inserted in each service pipe, protected by a curb stop cover with the word "water" marked thereon, and shall be included in the tap fee.
4. All service lines from the meter pit to the owner's property line shall be installed by, and at the cost of, the owner of the property to be served on the application for service.
5. All repairs for service pipes and plumbing systems of buildings existing on the property of the land owner shall be made by and at the expense of the owners of the property so served.
7. Any and all water meters, meter pits, shutoff boxes, and related accessories installed within the Town pursuant to this Ordinance shall be and shall remain the property of the Town. In the event of a disconnection from the Town Water System, such equipment shall be returnable to the Town.

F. **EXTENSION OF WATER SYSTEM.** The Board and Public Works Director shall have exclusive discretion as to the extension of mains, pipes, and water services upon, through, under, and along all streets, alleys, and parks within the corporate limits or beyond. The Board may enter into development agreements with those wishing to receive water from the Town Water System under such terms and conditions as the Board may direct.

G. **AUTHORITY TO TURN OFF WATER.** The Town may, at any time with or without notice to users, shut off the water in the main for the purpose of making repairs or extensions.

H. **WATER RATES AND CHARGES.** The Town is tasked with the duty of providing certain municipal services within the Town boundaries, including the provision of water to its citizens. In order to pay for water improvement projects, promote orderly development, protect the health, safety, and welfare of its citizens, and to maintain self-supporting water facilities for the benefit of the Town, certain rates, charges, levies, and regulations are imposed. These rates will be determined by the Board of Trustees.

I. **LANDOWNER ULTIMATELY RESPONSIBLE.** All rates, charges, tolls, fees, and other assessments for Town water service shall ultimately be the responsibility of the owner or owners of the subject property. If the property is leased or rented by the landowner, the owner through a written lease agreement may require the tenant to assume responsibility for the account and to pay any required deposit. Upon the tenant, or tenants, and property owner completing the proper application and providing the required deposit, the Town shall accept the tenant as the party to be billed for the water service. However, the owner or owners shall remain ultimately responsible for the payment of all water rates, charges, tolls, fees, and other assessments in the event of a delinquent account. The Town shall inform the owner, in writing, upon any payment becoming delinquent.

J. **PAYMENT POLICY AND DELINQUENCY CHARGES.** The following provisions shall apply to payment and delinquency charges as to Town water services. Water statements may include charges for water usage, waste water, trash, street light fee,

or other Town utility services and may be referred to herein as “utility charges” as well as “water statements”:

1. Failure to receive a water statement shall in no event excuse the property owner or consumer from payment of water service charges when the same become due.
2. If payment is made for a water statement by check, and the check is returned to the Town by the bank upon which it is drawn, for insufficient funds or closed account, the check will be conveyed to the Hugo Marshal’s Office for collection. The user will be notified, by letter that he or she has issued a check for insufficient funds and the user will have ten calendar days to remit the amount of the check plus bank fees and any service charges incurred by the Town. The remittance by the delinquent user must be in cash or certified funds. If the account is not paid within the ten calendar days notice time, the Town will pursue collection of the amount due by any allowed remedy including suit brought in Lincoln County Court.
3. Water statements shall be billed quarterly. Water statements will be mailed to users within the first ten days of January, April, July, and October. The statement will reflect water charges for the previous quarter, amount due for trash, amount due for waste water, and the amount due for the street light fee. Water statements shall be due and payable at the office of the Town Clerk on the fifteenth day of the following month, i.e. February, May, August, and November. Water services shall be discontinued, i.e. “shut off” on the twenty eighth (28th) day of the following month, i.e. March, June, September, and December. A notice of termination of service will be sent to the customer and the owner of the property prior to the shut off date. If services are disconnected because of nonpayment, a fifty dollars (\$50.00) disconnect fee will be assessed. Further, a reconnect fee of fifty dollars (\$50.00) will be assessed to the user / owner to turn the service back on. The notice will contain the account number, total amount due for the services, the shut off date, the disconnect fee and the reconnect fee, if the water is shut off. All amounts due will be paid before water service is restored. If any of the dates set forth above fall on a weekend or holiday the subject date will be the next working business day.
4. Monthly payment arrangements may be made by contacting the Town Clerk at the Hugo Municipal Building, located at 522 Second Avenue, Hugo, Colorado; telephone number 719-743-2485. Monthly payments may be allowed despite the fact that water statements are mailed quarterly, if the user or owner so requests, and upon approval of the Town Clerk.

K. PERPETUAL LIEN /COLLECTION BY TAX ASSESSMENT. Until paid, all water / utility charges, tolls, fees, and assessments shall become and remain a first and perpetual lien against the real property served by the water. If not paid, as set forth above, the Town Clerk may certify the delinquent charges to the Lincoln County Treasurer to be placed on the tax rolls for the current year to be collected in the same manner as other taxes are collected. The Town Clerk may assess a charge of ten percent (10%) of the total delinquent amount which amount shall be added to the balance due to defray the costs of collection. A notice of this action will be sent to the property owner or user.

L. VOLUNTARY DISCONNECTION. If the property owner so requests, any real property served by the Town Water System may be temporarily or permanently disconnected from the Town Water System, provided that the property is not inhabited by tenants. In such case, the meter will be disconnected and removed by the Town at no charge.

M. PROHIBITED ACTS.

1. It shall be unlawful to tamper with water meters or any part of the Town Water System, to by-pass a meter, or to receive water service by any means other than authorized metering. It shall be unlawful for any person to tamper with, break, cut or pull down or in any manner interfere with any pump, machine, pipe main, meter, curb stop, tank or any other connection or construction in or about the Town Water System or any part thereof.
2. It shall be unlawful for any person in any manner to pollute the water in any well, pipeline, storage tank, or other equipment connected with or used in the Town Water System or to cast in so such well or pipe any substance which might make the water in the Town Water System impure.
3. Failure of any person to follow the regulations concerning cross connection control and the installation of backflow prevention devices shall be grounds for discontinuance of water service to the offending property, such discontinuance to be summarily and immediately imposed to protect the purity of the Town water supply.

N. PENALTY. Any person violating any provision of this ordinance shall be fined not less than twenty five dollars (\$25.00) or more than five hundred dollars (\$500.00) for each offense. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

SECTION II. - VALIDITY.

If any part or parts of this Ordinance are for any reason held to be invalid such decision shall not affect the validity of the remaining portions of this Ordinance. The board hereby declares that it would have passed this Ordinance and each part or parts thereof, irrespective of the fact that any part or parts be declared invalid.

SECTION III. - REPEAL.

Existing or parts of any previous ordinance covering the same matter as embraced in this Ordinance are hereby repealed and all ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed, except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the taking effect of this ordinance.

SECTION IV. - EFFECTIVE PERIOD.

The Town Clerk shall publish this Ordinance immediately after passage by the Board. The Ordinance shall take effect thirty (30) days after publication, and shall be applicable to all existing and future water users. The Town Clerk shall, thereafter, place the Ordinance in the Book of Ordinances.

Adopted and Approved this 9th day of January, 2017

Signed by Tom Lee
Mayor

Attest:

Maria Nestor
Town Clerk