

ORDINANCE NO. 1 OF 1979

AN ORDINANCE AMENDING SECTION 13.04 OF THE PALMER LAKE MUNICIPAL CODE IN ITS ENTIRETY PROVIDING FOR CREATION OF SECTIONS 13.01 THROUGH 13.04 AND PROVIDING FOR PENALTIES FOR THE VIOLATION THEREOF.

WHEREAS, the Town of Palmer Lake deems it desirable to revise its present water ordinance, and

WHEREAS, the present code is not current and reflective of the actual costs necessary to run the water system,

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF PALMER LAKE, EL PASO COUNTY, COLORADO, AS FOLLOWS:

Section 1. That Section 13.04 of the Palmer Lake Municipal Code be amended in its entirety and Sections 13.01 through 13.04 be created to provide as follows:

CHAPTER 13 - WATER

SECTION 1 - CREATION; REQUIREMENTS

- 13.01.010 Creation of Water Department
- 13.01.020 Administrator; Powers
- 13.01.030 Receipts and Deposits
- 13.01.040 Inspections
- 13.01.050 Application for Water
- 13.01.060 Tap Regulations
- 13.01.070 Tap Installation Requirements
- 13.01.080 Size of Service Tap

13.01.010 Creation of Water Department - There is hereby created and established a water department of the Town of Palmer Lake, Colorado, for the purpose of the management, maintenance, care and operation of the water works of the Town.

13.01.020 Administrator; Powers - The Water Commissioner shall have the immediate control and management of all things pertaining to the Town water works system, and he shall perform all acts that may be necessary for the prudent, efficient, and economical management and protection of said water works, subject to the approval and confirmation of the Board of Trustees. The Board shall have the power to prescribe such other and further rates, rules and regulations as it may deem necessary.

13.01.030 Receipts and Deposits - The Town Clerk shall keep a correct account of all receipts, make out all bills for the same, and deposit the proceeds so collected with the Town Treasurer to the credit of the water works fund of the Town, and in accordance with the direction of the Board. All new water users shall pay a deposit of \$25.00 to the Town Clerk at the time application is made for water service. Such deposit shall be returned to the user at the time water service is terminated, less any amounts then due and owing to the Town.

13.01.040 Inspections - Whenever in the judgment of the Water Commissioner he deems it necessary, he may inspect the premises or buildings of any water consumer for the purpose of examining the condition of all pipes, motors, meters and water fixtures or the manner in which the water is used. He shall be vigilant to protect and remedy all abuses, whether from waste or other improper use of water.

13.01.050 Application for Water - Application for the use of water shall be made to the Town Clerk by the owner or agent of the property to be benefited, designating the location of the property and stating the purpose for which the water may be required.

13.01.060 Tap Regulations - No tap shall be made without the written approval of the Water Commissioner, and all tap fees must be paid in advance to the Town Clerk (or by other legal arrangements, satisfactory and acceptable to the Town for the payment thereof). No building permit shall be issued by the Town until such time as the requirements of this section have been fully satisfied.

13.01.070 Tap Installation Requirements -

A. A curb stop valve shall be installed at consumer expense, on the Town side of the property line.

B. A curb box shall also be installed at consumer expense over the valve in the following manner:

(1) It shall be adjustable in height and, except where vehicular traffic shall cross over it, shall protrude 1-1/2 inches above the finish grade of the terrain.

(2) Where vehicular traffic is to be encountered, a concrete base shall be poured on undisturbed or compacted ground immediately below the curb stop valve, on which the curb box can rest. Said base shall be at least 4 inches thick and 19 inches in diameter and of such depth that the curb box will protect the valve as designed.

(3) All earth moved in such street digging shall be compacted when replaced in accordance with the El Paso County Regulations in existence at that time or regulations set by the Board. At street level on said installation, the curb box shall be equipped with a cap designed to withstand traffic. A 4 inch thick by 12 inch diameter concrete slab shall surround the curb box concentrically and be at the finish grade of said street or parking lot.

(4) Any street, sidewalk, curb, alley or gutter disturbed by such excavation as necessitated by the installation of said water tap shall be replaced and/or repaired at the expense of the consumer. All maintenance after final approval of the Board or its appointed inspectors shall be at the expense of the Town of Palmer Lake.

(5) All copper used in underground water supply shall be type K.

(6) No water service shall be less than 3/4 inch.

(7) A brass corporation cock shall be properly affixed to the main water line either by direct tapping or by the use of a double strap saddle commercially designed and approved for such service.

(8) All necessary trenching and backfilling shall be at the expense of the applicant and under the supervision of the consumer. The Town shall own and maintain the water line from the main to the curb box and the property owner shall own and maintain the service line from the curb box to the premises served.

13.01.080 Size of Service Tap - No service tap shall be more than 3/4 inch in diameter for a single family residence; provided, however, that the Board of Trustees may grant special permission for larger taps upon a showing by the consumer of good cause. The Town shall have the final determination as to the size of the tap necessary to serve the property.

13.01.090 Definitions -

A. "Residential" shall apply to any building occupied solely as a residence, school building or non-profit organization having up to and including a 1-1/2 inch water line.

B. "Seasonal residential" shall apply to any building used solely as a single residence but which is not used as the occupant's permanent residence or which remains unoccupied for more than six months per year and is not customarily used as a permanent residence.

C. "Commercial" shall apply to:

(1) Any building occupied by any individual, partnership or corporate entity for any use other than residential.

(2) Any building having in excess of 1-1/2 inch water line.

SECTION 2 - METERING; TAP FEES; RATES

- 13.02.010 Metering of Water
- 13.02.020 Tap Fees
- 13.02.030 Service Line Regulations
- 13.02.040 Waste of Water Prohibited
- 13.02.050 No Use During Fire Alarms
- 13.02.060 Water Rates
- 13.02.070 Water Bills and Payment
- 13.02.080 Delinquent Rent Must Be Paid
- 13.02.090 Property Charged With Rent
- 13.02.100 Charge for Turning Water On

13.02.010 Metering of Water - All water sold by the Town shall be metered by meters which shall be installed inside of the building, unless the Water Commissioner shall give written permission to locate the meter in a curb box, or unless the Board of Trustees waives the requirement because of unusual circumstances.

13.02.020 Tap Fees - Upon application for a new tap and service connection by a consumer the applicant shall pay to the Town Clerk the appropriate fee, based upon the following schedule and subject to the approval of the Board of Trustees:

A. Residential dwellings:

- | | | |
|-----|--------|-------------|
| (1) | 3/4" | \$ 1,250.00 |
| (2) | 1" | 1,666.67 |
| (3) | 1-1/2" | 2,500.00 |

B. Commercial structures:

(1)	3/4"	\$ 1,666.67
(2)	1"	2,166.67
(3)	1-1/2"	3,333.33
(4)	2"	4,333.33
(5)	3"	8,833.33
(6)	4"	15,000.00
(7)	6"	33,333.33

This cost is plus the cost to the Town for the water meter. The water meter is to remain property of the Town. This fee shall not include the cost of installation of a water meter. Said cost shall be the responsibility of the customer.

13.02.030 Service Line Regulations - No more than one (1) building shall be permitted to use a water service line. All service lines shall be installed at a depth of at least sixty inches (60") below the surface of the ground. Each service line shall contain a stop and waste cock where the water may be turned off. No building permit shall be issued for improvements to existing structures unless the existing service line is brought into compliance with the above specifications.

13.02.040 Waste of Water Prohibited - Consumers shall prevent unnecessary waste of water and keep all water outlets closed when not in actual use. Hydrants, urinals, water closets, bath tubs and other fixtures must not be left running for any purpose other than the use for which they were intended. In addition to the penalty provided herein for Code violations, the water supply may be turned off where any such waste occurs.

13.02.050 No Use During Fire Alarms - During all alarms of fire, the use of hose and all outlets where a constant flow of water is maintained is positively forbidden.

13.02.060 Water Rates - All water sold by the Town shall be sold at the following rates:

A. Residential Users:

(1) Non-metered seasonal residential users shall pay a fee in the amount of \$60.00 per year. This shall not be prorated on the basis of monthly use.

(2) (a) Metered residential users shall pay a minimum fee for the first 5,000 gallons or less per meter as follows:

- (i) Up to 3/4" line - \$6.75 per month
- (ii) For 1" line - \$12.50 per month
- (iii) For 1-1/2" line - \$22.50 per month

(b) Usage over the minimum shall be charged at the rate of \$.50 per 1,000 gallons or fraction thereof.

B. Commercial Users:

All commercial users shall pay a fee based on the following rates:

(1) As a minimum fee:

(a) Up to 3/4" line using 7,500 gallons or less - \$10.00 per month.

(b) 1" line using 9,000 gallons or less - \$20.00 per month.

(c) 1-1/2" line using 10,000 gallons or less - \$35.00 per month.

(d) 2" line using 12,000 gallons or less - \$45.00 per month.

(e) 2-1/2" line using 15,000 gallons or less - \$52.50 per month.

(f) 3" line using 16,500 gallons or less - \$62.50 per month.

(g) 4" line using 20,000 gallons or less - \$80.00 per month.

(h) 6" line using 30,000 gallons or less - \$120.00 per month.

(2) Usage over the applicable minimum shall be charged at the rate of \$.70 per 1,000 gallons or fraction thereof.

C. Interpretation.

(1) In the event a meter ceases to function, the user shall pay an amount based on the monthly average of the last six months consumption.

(2) All buildings other than seasonal residences shall be metered. Once a meter is installed, usage of water shall be regulated as residential or commercial use and the seasonal residential rate shall not apply. Except that when there is more than one living unit, or commercial user in any one building owned by the same person, only one meter shall be required. Only one rate shall be charged per meter. However, an owner may request additional meters for each living unit or commercial unit in the building.

(3) The usage of the building or unit shall determine the rate to apply to each meter. In the event that both a commercial and residential user share the same meter, then the commercial rate shall apply.

(4) The Town Clerk shall assess the new water rates effective January 1, 1978.

13.02.070 Water Bills and Payment - All water bills shall be due and payable in full within thirty days after the billing date appearing on the statement. (Ord. 7-1973 §1-13, 1973).

13.02.080 Delinquent Rent Must Be Paid - In case there shall be any water rent delinquent and the supply has been turned off, the water shall not be turned on again until all such delinquent water rents have been paid.

13.02.090 Property Charged With Rent - All water rents shall be charged against the property served and against the owner thereof and, if for any cause any sums owing therefor become delinquent, the water shall be cut off and in no case shall it be turned on to the same property until such delinquencies shall have been paid in full. Change of ownership or occupation shall not affect the application of this section.

13.02.100 Charge for Turning Water On and Off - If the water supply is turned on or off for any reason, a charge of \$5.00 shall be made. (Ord. 1-1974 §1-1, 1974; Ord. 7-1973, §1-16, 1973).

SECTION 3 - NON-RESIDENT USERS

13.03.010 Non-Resident Users - The Board of Trustees may provide water for non-resident users at the heretofore mentioned rates, but only after the following conditions have been met:

(a) That the Board of Trustees is satisfied that the water needs of all resident users are being met for the immediate future.

(b) That the Town will not incur a permanent legal obligation to supply water by providing water service on a year-to-year basis.

(c) That the non-resident users enter into an annual contract with the Town regulating the price and amount of water to be supplied, and providing for such other and further conditions as the Board of Trustees may deem necessary.

SECTION 4 - REIMBURSEMENT FOR INSTALLATION COSTS

13.04.010 All property owners will be required to pay the cost of running any water lines from the present water lines to their property. The Town will enter into an agreement to reimburse any such property owner for subsequent taps on that water line during the following seven year period. The terms of such agreement will be worked out between the property owner and the Town on a case by case basis.

Section 2. 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 Town Board of Trustees hereby declares that it would have passed this ordinance and each part or parts thereof, irrespective of the fact that any one part or parts be declared invalid.

Section 3. Repeal. Existing ordinances or parts of ordinances covering the same matters 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 4. Severability. It is hereby declared to be the intention of the Board of Trustees of the Town of Palmer Lake that the sentences, clauses and phrases of this ordinance are severable, and if any sentence, clause or phrase of this ordinance be declared unconstitutional or invalid by the valid judgment or decree of Court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining sentences, clauses or phrases of this ordinance since the same would have been enacted by the Board of Trustees without the incorporation of any unconstitutional or invalid sentence, clause or phrase.

Section 5. Penalties. The following penalties, herewith set forth in full, shall apply to this ordinance:

(a) It is unlawful for any person to violate any of the provisions stated or adopted in this ordinance.

(b) Every person convicted of a violation of any provision stated or adopted in this ordinance shall be punished by a fine not exceeding Three Hundred Dollars (\$300.00), or by imprisonment not exceeding ninety (90) days, or by both such fine and imprisonment.

Section 6. Publication. The Town Clerk shall certify to the passage of this ordinance and cause notice of its contents and passage to be adopted or posted. This ordinance shall become effective thirty (30) days after the date of publication.

PASSED AND ADOPTED THIS 18th DAY OF April, 1979.

Dail M. Krafft
TOWN CLERK

SIGNED AND APPROVED THIS 18th DAY OF April, 1979.

Randall W. Worthen
MAYOR