

PALMER LAKE, COLORADO

ORDINANCE NO. 12 OF 1996

AN ORDINANCE INCREASING THE MINIMUM MONTHLY RATE FOR NON-METERED WATER USE IN THE TOWN OF PALMER LAKE.

WHEREAS, THE TOWN OF PALMER LAKE IS REQUIRED TO HAVE ALL WATER USAGE IN THE TOWN METERED; AND

WHEREAS, ALTHOUGH THE TOWN HAS MADE A GOOD FAITH EFFORT TO ACCOMPLISH SAME, THERE STILL REMAIN A FEW INDIVIDUALS WHO HAVE NOT OBTAINED METERS FOR THEIR WATER USAGE; AND

WHEREAS IT IS IMPOSSIBLE UNDER THE PRESENT ARRANGEMENT TO DETERMINE THE ACTUAL AMOUNT OF WATER USE FROM A NON-METERED WATER TAP; AND

WHEREAS THE TOWN HAS DETERMINED THAT ABUSE OF THE EXISTING SYSTEM EXISTS;

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

Section 1. Portion of Section 1, Ordinance 4, 1981 and Section 13.02.060 (C)(2) of the Palmer Lake Municipal Code are amended to read as follows:

Section 13.02.060(C)(2): All buildings shall be metered by January 1, 1982. Whether metered or not, all buildings within the Town of Palmer Lake shall pay the minimum monthly fee, whether connected to the town water service or not, so long as such water service is available for use to the property. If the water service is shut off at the water main, the monthly water availability fee shall be \$25 per month. Effective January 1, 1997, should a meter not be installed, four (4) times the minimum flat fee as set forth in 13.02.060 (A)(1) or (B)(1) applicable to that size of water tap as set forth in 13.02.060 (A)(1) or (B)(1) shall be charged. Any existing property that is not metered shall be sent a written notice by the town clerk notifying them of this change in the town ordinance. Written notice shall be deemed adequate if sent to the most recent address of the property owner as shown in the El Paso County Tax records. All unpaid water charges and water availability charges shall constitute a perpetual lien against the real property benefitted, as provided under Colorado law. Should the town deem it appropriate, the town reserves the right to discontinue water service if a property owner refuses to permit installation of a meter.

Section 2. Section 1, Ordinance 7, 1986 and Section 2, Ordinance 1, 1979, and Section 13.02.010 of the Palmer Lake Municipal Code are amended to read as follows:

Section 13.02.010 Metering of Water:

All water sold by the Town shall be metered by meters which shall be installed in a pit located outside of the building unless the water committee recommends that the meter be placed inside the building and the Board of Trustees waives the requirement because of unusual circumstances.

Section 3. Severability. It is hereby declared to be the intention of the Board of Trustees of the Town of Palmer Lake, Colorado 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 4. Publication. The Town Clerk shall certify to the passage of this ordinance and cause notice of its contents and passage to be published or posted. This ordinance shall become effective on January 1, 1997.

PASSED AND ADOPTED THIS 12th DAY OF SEPTEMBER, 1996


MAYOR

ATTEST:


PAMELA J. MEYNDERT, TOWN CLERK