

**PALMER LAKE, COLORADO**

**ORDINANCE NO.15 OF 1996**

AN ORDINANCE PROVIDING FOR TERMINATION OF SERVICE FOR NON-PAID WATER BILLS, ESTABLISHING FEES FOR REINSTATEMENT OF SERVICE AND ESTABLISHING THE POSITION OF WATER SUPERINTENDENT

WHEREAS, THE TOWN OF PALMER LAKE WISHES TO ESTABLISH CERTAIN RULES AND REGULATIONS REGARDING TERMINATION OF WATER SERVICE AND TO ESTABLISH FEES FOR REINSTATEMENT OF SUCH SERVICE AS WELL AS ESTABLISH THE POSITION OF WATER SUPERINTENDENT

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

**Section 1.** A portion of Section 1, Ordinance No. 1, 1979 and Section 13.01.020 of the Palmer Lake Municipal Code are amended to read as follows:

**13.01.020 Powers of the Board of Trustees or their Duly Appointed Representative.** The Board of Trustees or their duly appointed representative shall have control and management of all things pertaining to the Town water works system, and they, or said representative as the case may be, shall perform all acts that may be necessary for the prudent, efficient, and economical management and protection of said water works. The representative shall perform such other duties and responsibilities as the Board of Trustees may assign from time to time. The Board shall have the power to prescribe all rates, rules and regulations as it may deem necessary.

**Section 2.** A portion of Section 1, Ordinance No. 1, 1979 and Section 13.01.040 of the Palmer Lake Municipal Code are amended to read as follows:

**13.01.040 Inspections.** Whenever, in the judgment of the Board of Trustees or their duly appointed representative, he or they deem it necessary, he or they 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. The duly appointed representative shall be vigilant to protect and remedy all abuses, whether from waste or other improper use of water.

**Section 3.** A portion of Section 1, Ordinance No. 1, 1979 and Section 13.01.060 of the Palmer Lake Municipal Code are amended to read as follows:

**13.01.060 Tap Regulations.** No tap shall be made without the written approval of the Board of Trustees or their duly appointed representative, 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.

**Section 4.** A new section 13.01.090 D is added and shall read as follows:

**13.01.090 D.** Water Superintendent is a Town employee appointed by the Board and serving at the pleasure of the Board whose duties are spelled out in his job description as it may be changed by the Town from time to time.

**Section 5.** A portion of Section 1, Ordinance No. 1, 1979 and Section 13.01.070 of the Palmer Lake Municipal Code are amended to read as follows:

**13.02.070 - Water Bills and Payments.**

A. All water bills shall be due and payable in full within twenty-five (25) days after the billing date appearing on the statement (Due Date: 20th of the month). A late charge of \$10.00 shall be charged if the proper payment has not been received by the 30th day. If proper payment is not received by the 60th day, an additional late charge of \$25 shall be charged. The late charge may be waived for good cause shown by the Water Committee.

B. A \$20.00 fee, along with any other bank service charges, shall be added to the water bill of a customer if a check is returned for non-payment. If the Town is unable to collect the amount of the check along with the \$20.00 fee and any bank service charges assessed within five (5) working days after notice has been given by the Town of non-payment, the water service shall be disconnected. If a customer has a check returned for non-sufficient funds, future water bills shall be paid with cash, money order, or certified check.

**Section 6.** A new section 13.02.075 is added and shall read as follows:

**13.02.075. Non-Payment Over Thirty Days.**

A. In addition to any late fees, all water bills delinquent in excess of thirty (30) days from due date (20th of the month) may result in termination of service, or other penalty, including, but not limited to filing or recording of a Notice of Unpaid Assessments or Notice of Lien. A customer receiving a second shutoff notice in a six-month period shall provide a cash deposit of \$175.00 with the Town Clerk. This deposit will be held for a period of one year at no interest by the town as security for future water bills.

B. The El Paso County Health Department will be notified immediately if a restaurant, mobile home park, or an apartment building is disconnected.

**Section 7.** A portion of §2 Ord. 1-1979 and Section 13.02.040 and 13.02.050 of the Palmer Lake Municipal Code are hereby deleted as being duplicates of §1-11 and 1-12 of Ord. 7-1993 and §13.08.130 and 13.08.140 of the Palmer Lake Municipal Code.

**Section 8.** A portion of Section 1, Ord. 1-1993, Section 1-1, Ord. 1-1974 and Section 1-16, Ord. 7-1993 and Section 13.02.100 of the Palmer Lake Municipal Code are amended to read as follows:

**13.02.100 Charge for Turning Water On and Off.** If the water supply is turned on or off for any reason at a curb stop box during regular business hours of the Town, no charge shall be made. If the water supply is turned on or off, for any reason, outside regular Town business hours, a \$20.00 charge shall be made. If water is to be turned on or off at a location where a curb stop box has not been installed, a charge of \$75.00 per hour, with a minimum of two hours to turn on water service, and a charge of \$75.00 per hour, with a minimum of two hours to turn off the water service, shall be charged. Charge for turn-on and turn-off for delinquent accounts and nonpayment shall be \$20.00 each for a total of \$40.00.

**Section 9. 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 10. Publication and Effective Date.** 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 thirty (30) days after the date of publication.

PASSED AND ADOPTED THIS 12<sup>th</sup> DAY OF SEPTEMBER, 1996

*Charles W. Jones*  
MAYOR

ATTEST:

*Pamela J. Meyndert*  
PAMELA J. MEYNDERT, CMC, TOWN CLERK