

PALMER LAKE, COLORADO

ORDINANCE NO. 5 OF 2008

AN ORDINANCE MODIFYING THE WATER RATES FOR THE TOWN OF PALMER LAKE, COLORADO ADDING A WATER CAPITAL IMPROVEMENT CHARGE AND DECLARING AN EMERGENCY

Whereas, the Town of Palmer Lake, Colorado has determined that the current rates are insufficient to allow for recovery of the costs of delivery of its water; and

Whereas, the Town of Palmer Lake, Colorado has determined that the water rates for the Town should be modified to encourage the prudent conservation of water; and

Whereas, the Town of Palmer Lake, Colorado has determined that the Water Capital Improvement Fund is inadequately funded due to the demands being placed on it by the need to improve or replace the town water treatment facility and that an additional ten percent (10%) charge; should be added to the minimum monthly charge; and

WHEREAS, the Town of Palmer Lake declares that passage of this ordinance is necessary for the health, safety and welfare of the people of the Town of Palmer Lake.

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

Section 1. Section 13 .02.060 of the Palmer Lake Municipal Code, Section 1 Ordinance 3-2008, Section 1 Ordinance 1-2006, Section 1 Ordinance 19-2002 and Sections 1 and 2, Ordinance 14-2000 are amended to read as follows:

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

A. As a minimum fee all metered service shall be charged as follows:

(a)	3/4" line or less	\$33.57 per month.
(b)	1" line	\$55.96 per month.
(c)	1 1/2" line	\$115.50 per month.
(d)	2" line	\$179.05 per month.
(e)	3" line	\$357.91 per month.
(g)	4" line	\$559.54 per month.
(h)	6" line	\$1119.06 per month.

B. All commercial water usage shall be charged at the rate of \$3.43 per One Thousand (1000) Gallons or a fraction thereof. All residential water usage shall be charged at the

rate of \$3.43 per One Thousand (1000) Gallons or a fraction thereof up to monthly usage of 15,000 gallons. Commercial and Residential water usage in excess of 15,000 Gallons per month shall be charged at the rate of \$5.60 per thousand gallons or fraction thereof for the excess usage. The water usage charge is in addition to the minimum fee charge listed above

C. An additional charge equal to ten percent (10%) of the minimum rate charge will be added to each bill and the proceeds from this additional charge will be placed in the Water Capital Improvement Fund and utilized for capital improvement projects.

D. Each May and November the town board will review the status of the water fund and if the fund is not generating sufficient revenue shall by resolution adjust the water rates up and if the water fund is generating more revenue than is needed shall adjust by resolution the water rates down.

E. Interpretation.

1. In the event a meter ceases to function, the user shall pay the amount based on the monthly average of the last six (6) months consumption until the same can be repaired.

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.

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 a residential unit share the same meter, then the commercial rate shall apply. In the event that there is more than one living unit sharing the same meter, then the commercial rate shall apply.

F. The Town may from time to time sell water to users for a flat fee of Five Dollars (\$5.00) per one thousand (1,000) gallons. The minimum purchase shall be one thousand (1,000) gallons. Said user shall conform to the procedures established by the Town Clerk.

Section 2. Emergency Declared. The Town Board hereby finds, determines and declares that this Ordinance is necessary for the immediate preservation of the health, safety and welfare of the Town of Palmer Lake, Colorado because time is of the essence in preserving the integrity of the town's water system.

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 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 November 1, 2008.

PASSED AND ADOPTED THIS 9th DAY OF OCTOBER, 2008



JOHN CRESSMAN, MAYOR

ATTEST:



DELLA GRAY, TOWN CLERK