

Section 2

Power of the Board

A. The Board of Trustees of the Town of Rico, Colorado, is vested with the power and authority to acquire, keep and perfect any and all water rights presently owned by the Town of Rico, and to acquire, keep and protect other water rights deemed necessary to provide adequate service for the inhabitants of the Town of Rico for the future increase in its municipal, domestic, irrigation and industrial needs. The Board of Trustees shall be vested with full and complete power and authority to maintain, add to, provided for, furnish, and deliver water to all water users in and about the Town of Rico as determined advisable by the Board of Trustees.

B. The Board of Trustees is hereby vested with full power and authority to establish and provide for fees, charges, and penalties determined reasonable for furnishing said water service, and for the maintenance, upkeep and addition to the Town's Water Enterprise, and to establish rules, regulations, and resolutions determined necessary to carry out and fulfill the Board of Trustees' power and authority hereunder.

C. The Board of Trustees is hereby vested with such incidental or collateral power, as deemed necessary, to assist them in carrying out said obligations, and shall have all other incidental powers as enumerated by the state law of Colorado.

Section 3

Water Rates

A. All water tap holders in the Town of Rico shall pay to the Town Clerk the sums set forth in the following schedule:

1. Two hundred and fifty-two U.S. dollars (\$252) per year minimum for each tap holder within the Town of Rico. The \$252 per year minimum payment may be paid monthly at the rate of twenty-one dollars (\$21) per month. The minimum payment shall entitle each tap holder to use seven thousand gallons per calendar month.

2. Each tap holder shall pay in addition to the minimum monthly fee three dollars (\$3) per one thousand (1,000) gallons of water usage above

the entitled seven thousand (7,000) gallons of water usage for each calendar month.

3. Each tap holder outside the municipal limits of the Town of Rico shall pay fees for water service at the rate of one and one-half times the prevailing rates in the Town of Rico.

B. Water fees shall begin the month that a water tapholder connects to the Rico Water System. The minimum monthly fees shall be assessed in full for the first month, on a calendar basis, that the water tapholder connects to the Rico Water System.

Section 4 Water Tap Fees

A. The Water Tap Fees for all new water taps shall be according to the following schedule:

1.	3/4 inch size water tap	=	\$2,350.00
2.	1 inch size water tap	=	\$4,700.00
3.	1 & 1/4 inch size water tap	=	\$6,000.00
4.	1 & 1/2 inch size water tap	=	\$9,400.00
5.	2 inch size water tap	=	\$14,000.00

B. Water Tap Fees shall be paid in full before connection to the Rico water system. All costs associated with connection to the Rico water system shall be borne by the water tap holder and such costs shall be in addition to the Water Tap Fees in paragraph A. of this Section. The Town of Rico shall have the exclusive authority to connect Water Taps to the Rico Water System and to install all required valves, meters, and other equipment.

C. Each Water Tap Holder shall have a separate line and tap running to the premises served, if any, to a meter vault on the edge of the property line, and then into the water main.

D. A water user or water consumer shall be the same as a water tapholder and shall include any individual, partnership, corporation, limited liability company, or other association or entity which owns a water tap connected to the Rico Water System, whether or not said person uses or consumes water from said system. The tapholder shall be responsible for the tap and tap fees regardless of whether tapholder rents premises to others, or whether or not the tap holder owns the premises.

E. Water Tap Fees may be pre-paid by the property owner. Any subsequent increase in water tap fees shall not be applied to any water tap holder who has pre-paid, in full, a water tap fee.

F. The Board of Trustees may adjust water tap fees by Resolution by a maximum of 10% annually. Greater adjustments shall be by Ordinance.

Section 5 Meter Reading and Billing Procedures

A. Meters will be read on a monthly basis and bills rendered monthly, except during periods of deep snow when meter reading may be impractical. During this period users will be billed the minimum monthly rates and an adjustment will be made when readings are continued. Bills are payable at the office of the Town Clerk. Bills are delinquent 60 days after bill are sent by the Town Clerk. A delinquency charge of 12%, compounded monthly, will be charged on all delinquent accounts.

B. Water service to a tapholder shall be discontinued by the Town when the water assessment for such tapholder is 60 days delinquent unless the Board of Trustees decides otherwise pursuant to paragraph D. of this Section. All past due assessments, interest thereon, and a \$30 reconnect fee shall be paid prior to reconnection of water service.

C. After 24 months of non-payment, the Board of Trustees may declare the water tap in default after holding a public hearing thereon and providing 15 days written notice by certified mail to the water tapholder. Such notice shall state the time and place where the Board of Trustees will hold a hearing to determine whether a default exists.

D. The Board of Trustees may waive any water fee due, or portion thereof, after holding a public hearing thereon, if the Board of Trustees finds that such waiver promotes the overall intent and purpose of this Ordinance and relieves undue hardship. Reasons to allow waiver of fees include, but are not limited to: reasonable failure to detect a leak causing excessive usage and water usage to flush lines of debris and sediment.

Section 6 Unpaid Water Fees a Lien

A. All water assessments and fees, including the minimum monthly charge, shall be a lien against the premises to which said water was delivered from the date the same becomes delinquent until paid, whether or not tapholder is identical with the owner, and the owner of every building, premises, lot or house shall be liable for all water delivered to or taken and used upon that premises. Said lien shall be in addition to any other statutory or equitable lien to which the Town may be entitled. A lien attaching to said premises may be enforced by the Town of Rico in an action at law or in equity and the Town may foreclose such premises and sell the same to satisfy said lien. Tenants in possession shall not relieve the owner or tap holder from any obligation to pay water assessments, and the same shall be the sole responsibility of the owner or tapholder. The Town shall not be required to look to any person or entity other than the Water Tapholder for the payment of these charges. In the event that legal action must be brought for the enforcement of this Ordinance, the foreclosure of any lien or action, the Town shall be entitled to reasonable attorneys fees and costs of collection and litigation.

Section 7 Ownership of the Water System

A. The Town shall own each and every part of the water supply and distribution system at all times and shall further own all service lines from the Town's water main to the property lines and/or cutoff and meter. Individual water tapholders shall be responsible for the maintenance of their pipe from the cutoff and meter vault and shall be solely liable for any damage caused by the failure to maintain the same. Individual users shall install their own water line from the meter to their premises at their sole expense.

Section 8

Depth of All Water Lines

A. The top of any and all water lines of all kinds shall be installed at a minimum depth of six feet below the surface of shall be spaced a minimum 10 feet from any sewer line. The lines of all users shall at least the same minimum depth and manner except for outlet facilities.

Section 9

Water Users Outside Corporate Limits

In addition to the provision found elsewhere in this Ordinance any service furnished users outside the corporate limits shall be by written contract, which contract shall state that the Town may furnish said service so long as the Town does not reasonably need the use such water to service users within the corporate limits of the Town.

Section 10

Unlawful Acts

A. It shall be unlawful for any person to tamper with any meter, or to install or use any bypass or other device whereby water may be drawn from the service pipe without being registered by the meter. It shall also be unlawful for anyone other than a Town employee to remove or open any meter vault lid, to lock or seal any meter shutoff or meter vault lid. It shall be unlawful to service more than one dwelling, premises or building with one meter unless permitted by the Board of Trustees.

B. All meter shall be furnished, set, placed and kept in repair by the Town of Rico and shall remain the property of the Town and under its control.

C. It shall be unlawful for any person to tamper with, climb upon or commit any form of trespass upon any structure or facility of the Town water works, including the diversion tunnel, chlorinating structure and water tanks, or commit any act that could disrupt or contaminate the municipal water supply.

D. It shall be unlawful for any person to drive motor vehicles upon any section of water line right-of-way from the intake to the supply tank, when the same is posted against such use.

E. It shall be unlawful for any person to place, dump, throw, discharge or deposit any material which will in any manner pollute or contaminate the waters of Silver Creek above the intake of the Town of Rico water system, or to allow any polluting or contaminating substance to remain in such a position that such substance may be carried by natural causes into Silver Creek, or fail to comply with any regulations placed in effect by the United States Forest Service for the protection of the municipal watershed.

F. It shall be unlawful for any person, partnership, corporation or other entity to sell, offer for sale, grant option to sell or to lease, rent, encumber or in any manner, dispose of or transfer a water tap separate and apart from the real estate and appurtenant buildings which the water tap services. Water taps may be purchased from the Town of Rico without the purchaser of the water tap having any real property or contract interest in any real estate in the Town of Rico but only upon the person, partnership, corporation or entity declaring that it is their intention to connect the water tap within one year of the date of purchase. Failure to have the water tap connected within one year of the date of purchase shall result in a forfeiture of any and all amounts paid pursuant to **Section 4** of this Ordinance.

G. It shall be unlawful for any person, partnership, corporation, limited liability company, or entity to violate any provision of this Ordinance.

Section 11 Penalties

A. The violation of any provision of this Ordinance, except non-payment of water fees according to **Section 3**, is declared to be a misdemeanor and shall be punished by a fine not to exceed \$1,000 per day for each occurrence, or imprisonment for a term not exceeding ninety days, or by both such fine and imprisonment in the discretion of the Court. Unless otherwise indicated, each day or portion thereof in violation of this Ordinance shall constitute a separate offense.

B. The Town may, in its discretion, also proceed against any violation or violations of this Ordinance by any person, partnership, corporation, limited liability company, or entity, in a civil action for abatement, injunction, damages, specific performance or by a lien, foreclosure, or through other equitable

remedies, and these remedies shall be in addition to the criminal penalties provided in this section.

Section 12 Severability

If any provision of this ordinance or portion thereof is held by a court of competent jurisdiction to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect any other provision which can be given effect without the invalid portion.

Section 13 Publication

After final adoption, the Town Clerk shall cause a copy of this ordinance to be posted in accordance with Resolution No. 104 of the Town of Rico, Colorado.

Section 14 Immediate Preservation of Public Health and Safety

Ensuring the financial ability of the Town of Rico to provide sufficient potable water supplies and sufficient fire protection water supplies is immediately necessary for the preservation and promotion of the health, safety and welfare of the Rico community.

Section 15 Effective Date

This Ordinance shall take effect upon adoption and passage of the second reading.

First Reading Introduced, Read, and Adopted on the 7th day of November, 1994.

Second Reading Adopted on the 19th day of January, 1995.

By: 
Robert Small, Mayor

Attest: 
Linda Yellowman, Town Clerk