

Ordinance No. 333
Town of Rico

AN EMERGENCY ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF RICO, COLORADO ESTABLISHING A ONE-TIME FEE FOR THE PURPOSE OF FUNDING THE PORTION OF A 201 FACILITIES STUDY NOT FUNDED BY A GRANT FROM THE STATE OF COLORADO

WHEREAS, the Town of Rico has received a grant of \$21,120 from the State of Colorado for the purpose of undertaking and completing a 201 facilities study (the "201 Study"); and

WHEREAS, such grant is will fund only 80% of the estimated cost of completing the 201 Study, and the Town must fund the additional 20% of the estimated cost; and

WHEREAS, the Town does not have sufficient funds to pay its 20% share; and

WHEREAS, in numerous public meetings held in the summer of 1997, the community voiced strong support for a one-time assessment for the purpose of paying for the Town's share of the 201 study; and

WHEREAS, the Board of Trustees desires to begin the 201 Study as soon as it receives the grant money from the State; and

WHEREAS, the Town's share of the cost of the 201 study, including contingency and costs, equals \$5500; and

WHEREAS, there are currently 220 water taps in the Town of Rico; and

WHEREAS, the Board finds and determines that the assessment of a one-time fee against all holders of water taps is necessary for the health, safety and welfare of the Town and its citizens.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF RICO, COLORADO, AS FOLLOWS:

Section 1

One-time Fee for Funding 201 Facilities Study

A. **Purpose.** The purpose of the one-time fee is to fund the Town's share of the cost of completing a 201 facilities plan study, including contingencies and costs associated therewith.

B. **Establishment of Unified Water and Sewer Utility System.** A unified municipal water and sewer utility system is hereby established for the purpose of providing municipal water service and for investigating and providing appropriate municipal sewer service to municipal residents.

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C. Establishment of One-Time Fee. A one-time fee of \$25.00 shall be assessed against all water tap holders. Such fee shall be included in the first water service charge billing following the effective date of this ordinance and shall be due and payable concurrently with payment of the water service bill.

Section 2

Failure to Timely Pay the Fee

- A. The Town shall have an action against the owner of a water tap for failure to timely pay the one-time assessment.
- B. In addition to any other remedy provided by ordinances of the Town and state law, a penalty of five percent (5%) of the total amount of the delinquent fee shall be imposed on the thirty-first day after billing, and at the commencement of each month thereafter, until the delinquent fee and any outstanding penalty are paid in full.

Section 3

The officers of the Town are authorized to take all action necessary or appropriate to effectuate the provisions of this ordinance.

Section 4

This ordinance shall not have any effect on existing litigation and shall not operate as an abatement of any action or proceeding now pending under or by virtue of the ordinances repealed or amended as herein provided and the same shall be construed and concluded under such prior ordinances.

Section 5

If any section, paragraph, clause or provision of this ordinance shall for any reason be held to be invalid or unenforceable, such decision shall not affect any of the remaining provisions of this ordinance.

Section 6

This ordinance is necessary to protect the public health, safety and welfare of the residents of the Town, and covers matters of local concern.

Section 7

The Board of Trustees deems it appropriate that this ordinance be published by title only and orders that copies of this ordinance be made available at the office of the town clerk for public inspection and copying.

Section 8

In order to meet the Town's funding obligations for completion of the 201 facilities study, it is necessary that this ordinance be effective immediately. Accordingly, the Board of Trustees finds and declares that an emergency affecting the public peace, health, and property exists, and that this ordinance take effect immediately upon passage on second reading.

Section 9

A public hearing on the ordinance shall be held on the 14 day of January, 1998, Rico County Courthouse, 2 Commercial Street, Rico, Colorado.

INTRODUCED, READ, ORDERED PUBLISHED BY TITLE ONLY, AND REFERRED BY A THREE-FOURTHS VOTE OF THE BOARD to public hearing before the Board of Trustees of the Town of Rico, Colorado on the 14th day of January, 1997.

TOWN OF RICO

ATTEST:

By: Robert E Cummings
Robert Cummings
Mayor

Linda Yellowman
Linda Yellowman
Town Clerk

HEARD AND FINALLY ADOPTED by the Board of Trustees of the Town of Rico, Colorado this 14 day of January, 1998.

TOWN OF RICO

ATTEST

By: Robert E Cummings
Robert Cummings
Mayor

Linda Yellowman
Linda Yellowman
Town Clerk