

ORDINANCE NO. 636

AN ORDINANCE AMENDING TITLE 13, PUBLIC UTILITIES, OF THE TOWN OF OAK CREEK MUNICIPAL CODE AT CHAPTER 13.24 ELECTRICITY SERVICE SYSTEM; REPEALING ALL CONFLICTING ORDINANCES; AND DECLARING AN EMERGENCY

WHEREAS, Title 13, Public Utilities, of the Oak Creek Municipal Code (Code) provides provisions for the operations of the Town of Oak Creek's (Town) utility systems; and

WHEREAS, the Town Board of Trustees (Board) finds that it is necessary to amend or correct the provisions of said Title 13 to assure the proper operation of the Town's utility systems; and

WHEREAS, the Oak Creek Board considered this Ordinance amending Title 13 of the Code at a public meeting held on September 17, 2015; and

WHEREAS, Trustee Gagne made a motion to approve Ordinance No. 636 as written. Trustee McElfish seconded the motion. The motion passed unanimously.

NOW, THEREFORE, be it ordained by the Board of Trustees of the Town of Oak Creek as follows:

SECTION 1. AMENDMENTS. Title 13 of the Oak Creek Municipal Code is hereby amended as follows (additions are underlined, deletions are struck-through):

Section 13.24.040 – Utility Deposit.

- A. The Town shall require any owner, lessee or licensee, unless exempted at Section B below, to pay a deposit of two hundred fifty dollars for electric service for each residential unit and for each commercial unit. Such deposit shall be paid to the Town prior to commencement of electric service, unless a customer requests the establishment of a payment plan. The Treasurer will determine an installment payment plan. The owner of a multifamily residence may request an exception from the regular deposit fee. The Treasurer is authorized to set an alternative deposit amount, as he/she determines to be appropriate.
- B. Existing customers, who qualify as a nondelinquent customer, shall not be required to pay additional deposit amounts, except that if electric service is discontinued for nonpayment, prior to electric service being restored, the customer shall be required to make an additional deposit of fifty dollars. For each instance of electric service discontinuance, the customer shall be required to pay an additional deposit of fifty dollars so that the amount on deposit for such customer equals two hundred fifty dollars. A nondelinquent customer is one who has paid his/her Oak

Creek electric utility bills in full, before the same became delinquent, for the preceding twelve month period.

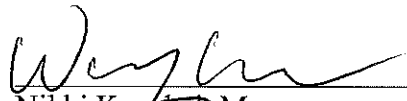
- C. The electric deposit held by the Town shall be refunded to the customer who paid the deposit at such time as the customer qualifies as a nondelinquent customer. A ~~nondelinquent customer is one who has paid his utility bills in full, before the same became delinquent, for the preceding twelve month period.~~ No interest shall be paid upon the refund of the deposit.

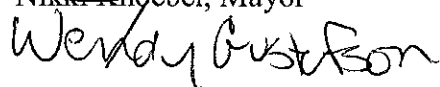
Any nondelinquent customers' deposit on a utility account that has been established for more than twelve months and is held by the Town on the effective date of this section shall be applied, as a credit, to the customer's utility account. Any deposit, held by the Town, on a closed and fully paid account shall be refunded in full to the former customer or, in the event that it is not possible to do so, the deposit shall be submitted to the Colorado State Treasurer.

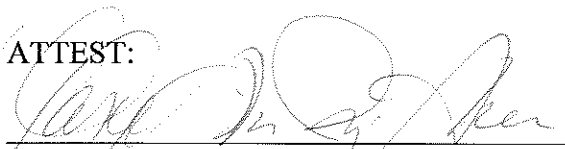
SECTION 2. SEVERABILITY, CONFLICTING ORDINANCES REPEALED. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. All other ordinances in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 3. EFFECTIVE DATE. The Board hereby finds, determines and declares that this ordinance is necessary for the immediate preservation of the public peace, health and safety, and this shall take effect and be in full force and effect immediately pursuant to C.R.S. § 31-16-105.

INTRODUCED, READ, APPROVED AND ORDERED PUBLISHED this 17th day of September, 2015.



Nikki Knoebel, Mayor


ATTEST:


Mary Alice Page-Allen
Town Administrator/Clerk



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