

ORDINANCE NO. 631

AN ORDINANCE AMENDING TITLE 13, PUBLIC UTILITIES, OF THE TOWN OF OAK CREEK MUNICIPAL CODE AT VARIOUS SECTIONS; 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 April 9, 2015; and

WHEREAS, Trustee Gustafson made a motion to approve Ordinance No. 631 as written. Trustee Gagne 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 13.08.010 – Maintenance by owner.

Each owner shall be responsible for the installation cost of his own new water and new sewer service line or lines, including that portion which traverses public property, to the main. Such installation shall be performed by the Town or its authorized agent, or in another manner, agreed upon by the Town and affected property owner.

Breaks, leaks and other malfunctions in the Town's service line (~~from property line to main~~) shall be repaired by the Town or its authorized agent. Such repair shall be performed within seventy-two hours of notification of the break, provided however, that if weather conditions render immediate repair impossible, the time may be extended.

Breaks, leaks and other malfunctions in the property owner's service line (~~property line to point of service~~) shall be repaired by the owner within seventy-two hours after the Town notifies the owner of the break, leak or other malfunction; provided, however, that if weather conditions render immediate repair impossible, the time may be extended upon written consent of the Town. If satisfactory progress towards repair of the break, leak or other malfunction has not been made within the required time, the Town may either terminate water service or shall have the right and authority to repair or have repaired the

service line at the expense of the owner, and to assess and collect said expense in the manner set forth for other charges and fees.

Section 13.14.010 – Meters required for new construction, ~~or~~ remodeling or service line replacement or repair.

For any new construction, ~~or~~ remodeling or service line replacement or repair (water or sewer), the owner or developer of each premises served or to be served by the Town's water system shall provide meters and necessary appurtenances or no water shall be furnished to such premises.

Section 13.16.010 – Definitions.

"Abandon" means to give up the use of.

"Lot" means a distinct piece of land.

"Service Line" is a section of pipe which is connected to the main line of a Town system. The "Town's service line" is that line which runs from the main to a ~~curb valve~~ clean-out located within a public right-of-way or easement or, if such clean-out is located on private property, the property line. The "Property Owner's service line" is that line which runs from the ~~curb valve~~ clean out located within a public right-of-way or easement or, if such clean-out is located on private property, the property line to point of service.

"Vacant" means a lot on which no improvements are existing.

Section 13.28.010 – Charges – When due – Late charge.

A. All water and sewer use charges shall be due by the fifteenth day of each month and all charges for electricity shall be due by the fifteenth day of the month.

B. If the total amount of charges due are not paid by ~~3:00 p.m.~~ end of the business day on the twentieth of the month, a fee of ten dollars or five percent of the total amount for charges over two hundred dollars, whichever is greater, shall be added to each account not paid.

Section 13.28.040 – Grounds for discontinuance.

A. Prior to termination of electric service, the Town shall send a notice to the address of the person concerned, as shown on the Town records, stating the reason for the intended termination and the date upon which service may be disconnected, unless the charges are paid or other specific violation is corrected. Disconnect notices will be sent to ~~all~~ customers with a ~~thirty-sixty~~ days past due amount of twenty dollars or greater. Large users, in excess of \$1,000 in charges per month, will be sent a disconnect notice with a thirty days past due amount of fifty dollars or greater.

13.28.050 Short checks.

A. Payments on Account. All payments made for utility service charges by check, for which the check is returned by the bank upon which it is drawn, to the Town for reason of insufficient funds or a closed account, shall be considered as if no payment has been made and the Town shall have all remedies which are otherwise available to it for nonpayment. In addition, the Town may add ~~ten~~ thirty-five dollars to the utility service charge account for each such short check.

B. Shut Off Notice. When a customer has received a notice that his utility service will be discontinued and then pays, during such notice period, for such utility service, by check, which check is later returned by the bank upon which it is drawn, to the Town for reason of insufficient funds or a closed account, the Town may terminate such utility service by giving forty-eight hours' notice by mailing ~~in the same manner as provided in subsection 13.28.040(A)~~ a notice to the address of the person concerned, as shown on the Town records, stating the reason for the termination and the date upon which service will be disconnected. Such termination of utility service may only be avoided by payment in full of the check amount, plus ~~the~~ the fee ~~of thirty-five dollars as provided in subsection 13.08.202-A,~~ in cash or certified funds within said forty-eight hour period.

Section 13.28.090 – ~~Shut-off notices~~ Reserved.

~~Shut-off notices will be mailed out after the 10th of each month to all users three months delinquent, except for large users; i.e., trailer courts, apartment buildings, etc. which shall be so notified at the end of two months delinquency. A minimum of ten days' notice will be given by certified mail, return receipt prior to actual shut off.~~

Section 13.28.100 – ~~Late penalty~~ Reserved.

~~A late penalty of five dollars per month on any outstanding balance will be charged against all accounts not paid by the 25th of the month. Late charges will be unilaterally applied to all customers.~~

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 9th day of April, 2015.

Nikki Knoebel, Mayor

ATTEST:

Mary Alice Page-Allen
Town Administrator/Clerk