

**TOWN OF OAK CREEK**

**ORDINANCE NO. 649**

**AN ORDINANCE AMENDING TITLE 13, PUBLIC UTILITIES, OF THE 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 Board considered this Ordinance amendment Title 13 of the Code at a public meeting held on January 11, 2018; and

**WHEREAS**, the Board deemed the emergency adoption of this Ordinance to be necessary to assure the proper implementation of a metered water system; and

**WHEREAS**, Trustee Brown made a motion to approve Ordinance No. 649 as written [with amendments]. Trustee Gustafson 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: (deletions are shown struck through, additions are shown in bold).

**Section 13.04.030 - Connection charges—Payment.**

The charges imposed in Sections 13.04.010 and 13.04.020 shall be paid in advance to the Town, unless a deferral agreement in a form acceptable to the Town in its discretion and has been authorized and approved by the Town. Any such deferral agreement shall be recorded in the real property records of the Routt County Clerk & Recorder. ~~and no~~ No permit for any such connection, or for the installation, alteration, construction, reconstruction or extension of any water or sewer service line shall be issued until said charges have been paid or said deferral agreement has been recorded as provided herein.

**Section 13.08.020 - Multiple use of service line.**

No more than one ~~dwelling~~ building and ~~associated~~ accessory structures ~~or one place of business buildings~~ shall be permitted to use a water or sewer line. When a single line serves multiple ~~lots properties or more than one building~~, such use must be discontinued and a new service line tap installed to each lot no later than August 1, 2018 unless another

~~new service line tap installed to each lot no later than August 1, 2018 unless another schedule is agreed to in writing by the Town, upon a change of ownership, new construction, major renovation and/or upon service line. The Town shall bill the property owner monthly for each additional use in the event that multiple dwelling buildings are served by a single tap.~~

**Section 13.08.030 - Definitions.**

"Abandon" means to give up the use of.

"Lot" means a ~~distinct piece of land.~~ a platted lot or lot otherwise lawfully established.

"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. The "Property Owner's service line" is that line which runs from the curb valve to point of service.

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

**Chapter 13.12 - WATER USE RATES AND CHARGES**

**Sections:**

- 13.12.010 ~~Water use charges~~ **—Within town.**
- 13.12.020 ~~Water use charges~~ **—Outside town.** Reserved.
- 13.12.030 **Charges imposed.**
- 13.12.040 **Severance clause.**

**Section 13.12.010 - Water use charges—Within town.**

~~A. Rate classifications, for the use of water from the system of the Town for persons and property within the corporate limits of the Town, served, by through or by means of any connection or connections therewith, whether heretofore or hereafter made, shall be as follows:~~

- 1. ~~Classifications:~~
  - a. ~~Residential;~~
  - b. ~~Residential pensioner;~~
  - c. ~~Restaurant/bar;~~
  - d. ~~General business;~~
  - e. ~~Motel/school;~~
  - f. ~~Laundromat/ear wash.~~

A. The Town shall bill for water service on a monthly basis for the use of water from the system of the Town served by, through or by means of any connection or connections therewith.

B. Charges for metered water service shall consist of a monthly base charge and a usage charge determined by the quantity of water used.

C. Charges for non-metered water service shall consist of a monthly charge.

~~D. B. Charges for water service shall consist of a monthly charge based upon the classification of the user. The Board of Trustees shall annually set the monthly charges for each classification, as part of its budgetary process; or, by resolution of the board, as deemed necessary.~~

**Section 13.12.020 – ~~Water use charges~~ – ~~Outside town.~~ Reserved.**

~~The rates which shall be charged for use of the water system by properties situated outside the corporate limits of the Town shall be double the charge for like properties within the corporate limits of the Town, but nothing herein contained shall be construed as an obligation of the Town to furnish water to properties outside of the corporate limits of the Town, and such use charges shall be in addition to any connection charges heretofore or hereafter required. In addition to the aforementioned charges, the owners of property located outside the corporate limits of the Town shall be liable for the cost of maintaining and repairing the water lines which supply the property and which lie outside the corporate limits. Any expenses incurred by the Town in maintaining or repairing such lines shall be assessable against the property owners and shall be collectable as provided in this chapter.~~

**Section 13.12.030 - Charges imposed.**

Water and sewer charges shall be imposed against and billed to the property owner of every building/lot connected to the Town's water and sewer system, unless service has been abandoned in accordance with Section 13.08.040 or unless:

A. Water and sewer charges, against a property, are delinquent in an amount equal to the current tap fee. Such delinquency shall result in the revocation of the tap and payment of a tap fee shall be a requirement for restoration of service.

**Section 13.12.040 - Severance clause.**

If any section or part of this chapter is declared to be invalid by a court of competent jurisdiction, the remainder of this chapter shall not be affected thereby.

**Chapter 13.14 - WATER METERS**

**Sections:**

- 13.14.010      ~~Meters required for new construction, remodeling or service line replacement or repair.~~**
- 13.14.020      ~~Meter installation.~~**
- 13.14.030      ~~Ownership; theft.~~**
- 13.14.040      ~~Meter maintenance.~~**
- 13.14.050      ~~Interfering with or bypassing water meters.~~**
- 13.14.060      ~~No metered rates.~~ Reserved.**

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

~~For any new construction, remodeling or service line replacement or repair (water or sewer), the~~ The owner or developer of each premises lot served, prior to August 1, 2018, or

to be served by the Town's water system shall ~~provide~~have meters and necessary appurtenances installed or no water shall be furnished to such premises unless otherwise agreed to in writing by the Town

**Section 13.14.020 - Meter installation.**

The type, location and method of installation of meters and appurtenances shall be specified by the Director of Public Works.

**Section 13.14.030 - Ownership; theft.**

The Town shall retain ownership of all meters and appurtenances, including those installed at customer expense. No person shall remove a water meter without the approval of the Director of Public Works. Unauthorized removal of a meter shall constitute theft.

**Section 13.14.040 - Meter maintenance.**

The Public Works Department shall maintain, test and repair all meters as required. However, the property owner shall be responsible for the cost of all repair, including repair, testing and replacement caused by freezing. Additionally, the property owner shall be responsible for the removal and replacement of any heat tape, insulation or similar protective product prior to maintenance of the meter or its replacement. The cost of repair may be added by the Town to the charge for water service.

**Section 13.14.050 - Interfering with or bypassing water meters.**

No person shall tamper or interfere with any water meter or meter seal or appurtenances or so arrange or have water service or piping so that the use of use of water will not actuate the meter. The Town may discontinue water service to any consumer who violates the provisions of this section.

**Section 13.14.060 --~~No metered rates.~~Reserved.**

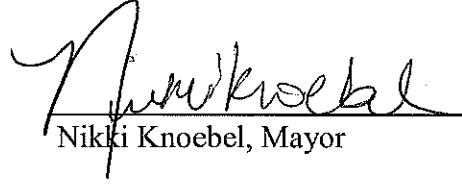
~~The Town does not presently impose water use rates and charges based on metered usage. However, the Town may nevertheless read meters for the purpose of ascertaining usage and developing metered rates in the future.~~

**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.

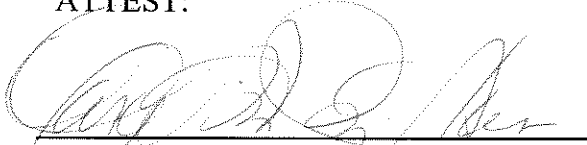
**SECTION 3. EFFECTIVE DATE.** The Board hereby finds, determines and declares that this ordinance is necessary for the immediate preservation of the public peace, health and

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 11<sup>th</sup> day of January, 2018.

  
\_\_\_\_\_  
Nikki Knoebel, Mayor

ATTEST:

  
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Mary Alice Page-Allen  
Town Administrator/Clerk

