

ORDINANCE NO 228

AN ORDINANCE AMENDING ORDINANCE NO. 184 BY ESTABLISHING A NEW SECTION 9-1-19 AND SUBPARAGRAPHS, SUCH ADDITIONAL SECTION BEING FOR THE PURPOSE OF REQUIRING THE INSTALLATION OF WATER SERVICE METERS WITHIN THE TOWN OF CREEDE, COLORADO AND ESTABLISHING PENALTIES FOR FAILURE TO INSTALL SUCH WATER METERS.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE CITY OF CREEDE, COLORADO, A TOWN:

SECTION 1 - PURPOSE AND SCOPE- The purpose of this ordinance is to amend Ordinance No. 184 of the Ordinances of the City of Creede by the addition of a new section 9-1-19 and subparagraphs, for the purpose of requiring the installation of water service meters in the event of the construction of any structure which will have a tap into the Creede Systems, and to require the installation of a water service meter upon the transfer of legal title to any real property having a structure thereon which is tapped into the Creede Water System.

SECTION 9-1-19- SHALL READ AS FOLLOWS:

A. Definitions- The following definitions shall apply herein:

1. New Construction- The erection, construction, of a dwelling or structure primarily designed for human occupation, whether residential, industrial, business or otherwise and for which a permit is required to be obtained under the provisions of the Uniform Building Code as enacted by the Town. Any new tap shall be deemed new construction and in addition, wherever an application is filed under Section 9-1-5 of Ordinance No. 184 and whenever a tapping charge is charged under 9-1-6 of Ordinance No. 184.

2. Transfer of Legal Title- Any activity with respect to any real property within the City limits of the City of Creede, Colorado, which results in the recording of a deed, installment land contract or contract for deed with Clerk and Recorder of Mineral County, Colorado, including the sale, transfer, or gift of any such real property. Transfer of legal title does not include the mere creation of a lien against such property by mortgage, deed of trust or mechanics lien or the like.

3. Water Service Meter- A make or model of water service meter, approved by the Town board, properly installed and installed so as to be resistant to freezing or damage.

B. INSTALLATION OF WATER SERVICE METERS MANDATORY ON NEW CONSTRUCTION- On or after the effective date of this Ordinance, all new construction shall install a water service meter in accordance with standards and specifications as described herein.

C. INSTALLATION OF WATER SERVICE METERS MANDATORY WITHIN 60 DAYS OF TRANSFER OF LEGAL TITLE- On or after the effective date of this Ordinance, and within 60 days of the transfer of legal title to any real property which has a dwelling or structure located thereon and which is tapped to the Town's water system, it shall be the duty of the seller, the grantor, transferor, donor, or any other person conveying or otherwise transferring legal title and the duty of the acquiring legal title to install or cause to be installed upon such property, a water service meter as defined herein. The 60 day period during which such water service meter shall be installed shall commence with the date of recording of any such

deed, installment land contract, contract for deed, or other instrument transferring legal title. Within 5 days of the date of the transfer of legal title to any property which has a dwelling or structure located thereon and which is connected or attached to the Town's water system, it shall be the duty of the seller, grantor, transferor or donor or the former holder of legal title to notify the Town of the transfer, to provide the name of the purchaser, grantee, transferee, donee, or similar person acquiring legal title and to provide evidence of compliance with the requirements herein set forth.

D. NOTICE - Upon substantial completion of any new construction in the event of such new construction or at the end of the 60 day period in the event of transfer of legal title, the City Clerk shall issue a notice advising that all water service to the property which, by the terms hereof, is required to and has failed to install a water service meter, shall be completely terminated 10 days from the date of such notice. Such notice shall be served in any one of the following fashions: By personally delivering a copy of such notice to the seller, grantor, transferor, donor or other person transferring legal title; by personal service upon the purchaser, grantee, transferee, donee, or person acquiring legal title; by personal service upon the occupant of the structure in question; by posting a copy of the notice on the front door of the property affected.

E. EFFECT OF SERVICE OF NOTICE - 10 days subsequent to the service of the notice as set forth above, and unless a grace period is granted by the Board of Trustees of the Town of Creede during such 10 day period as set forth below, the Town shall be authorized to and shall in fact terminate all water service to the property in violation of the provisions hereof. Such water service shall not be reinstated until the water service meter is installed in accordance with the provisions hereof, except as set forth below.

F. GRACE PERIOD AUTHORIZED - In the event that water service is terminated and the owner or occupant of the premises request additional time in which to install the water service meter, for the reason of hardship not arising as a result of the conduct of the owner or occupant, or, if the owner or occupant during the said 10 day period referred to above, requests additional time to install the water service meter on the grounds of hardship not arising as a result of the conduct of the owner or occupant, the Board of Trustees is authorized to permit additional time for the installation of such water service meter without the termination of water service during such period. Any such request shall be made in writing, giving the reasons therefore, the property affected and shall be directed to the Board of Trustees of the City of Creede, Colorado, a Town. The Board of Trustees shall determine, at its sole discretion, whether or not any additional time will be granted for the installation of such water service meter, and, if additional time is granted, the exact date by which such water service meter shall be installed. Failure of any party to have such water service meter installed by such date will result in the immediate termination of all water service to the property affected.

SECTION 3 - EFFECTIVE ORDINANCE - If any part or parts of this Ordinance are for any reason held to be invalid or unconstitutional, such decision shall not effect the validity or constitutionality of the remaining portions of this Ordinance. The Board of Trustees hereby declare that it would have passed this Ordinance and each part or parts thereof irrespective of the fact that any one part or parts be declared invalid or unconstitutional.

SECTION 4 - FORCE AND EFFECT OF THIS ORDINANCE - Except as specifically amended or repealed herein or in conflict with any provision hereof, all of the provisions of Ordinance No. 184 as amended, and any subsequent ordinances amending such Ordinance 184, shall remain in full force and effect.

SECTION 5 - EFFECTIVE DATE - This Ordinance shall be published and become effective as provided by law, 30 days subsequent to the publication thereof.

INTRODUCED, READ IN FULL, ADOPTED AND APPROVED AND ORDERED PUBLISHED AT A Special MEETING OF THE BOARD OF TRUSTEES OF THE CITY OF CREEDE, COLORADO, A TOWN, HELD ON THE 19th DAY OF May, 1981.

CITY OF CREEDE, COLORADO, A TOWN

  
BY: Mayor

SEAL

ATTEST:

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Town Clerk

CERTIFICATE OF PUBLICATION

I certify that the foregoing Ordinance was published in the Mineral County Miner and South Fork Times on the 19th day of May, 1981 and that the same shall become effective 30 days subsequent to such date.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on the said Town, at my office in Creede, Colorado, this 21st day of May, 1981.

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City Clerk

SEAL