

ORDINANCE # 233

*Repealed/Amended*

AN ORDINANCE TO REPEAL AND RE-ENACT SECTION 9-1-12 OF ORDINANCE NUMBER 184 OF THE TOWN OF CREEDE, CONCERNED WITH PENALTIES FOR NON-PAYMENT OF WATER BILLS AND PROVIDING FOR THE RELINQUISHMENT OF WATER TAPS UNDER SPECIFIC CIRCUMSTANCES AND CONSEQUENCES THEREOF

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

Section 1: 9-1-12 of Ordinance # 184 of the City of Creede, Colorado, be and the same is hereby repealed and re-enacted to read as follows:

9-1-12 WATER BILLS; PAYMENT; PENALTIES; RELINQUISHMENT OF TAP

(1) Water bills shall be mailed on the first day of each and every month or on the first business day next following. All water bills shall be due in full on the 15th day of each month.

(2) In addition to other remedies, any water bill not paid by the 15th day of the month in which it is mailed shall, after such date, bear interest at the rate of 1% per month. Such interest penalty shall be upon all unpaid balances due and shall continue until all amounts due and owing are paid in full.

(3) All water bills shall include a notice with respect to sub-section (2), above.

(4) Any account not paid in full for a period of 30 days shall be sent a notice, either separately or stamped upon the water bill that, unless the account is paid in full or arrangements made for the full payment thereof, by written agreement, water service will be terminated approximately 15 days following such notice. In the event that the Clerk has not received payment in full within such period or a written agreement for the payment thereof in a form satisfactory to the City then, in such event, the Clerk shall notify the Water Department and water service to the account in question shall forthwith be terminated.

(5) Upon termination of water service, such account shall continue to be billed for water service for each and every month, such account shall continue to bear interest at 1% per month and water service shall not be restored until such account is paid in full

(6) Whenever a structure that has an existing and authorized tap into the Creede Water System is destroyed or rendered unusable by fire, flood or other catastrophe, the owner thereof may, by proper application to the City, cause such tap to be relinquished and abandoned under the provisions of this sub-section (6).

(a) This sub-section applies only to structures, regardless of use, which have an existing authorized tap and which, in the sole judgment of the Board of Trustees, after investigation, has been so damaged or destroyed that such structure cannot be reasonably utilized for any purpose whatsoever.

(b) In order to cause the existing tap to be relinquished and abandoned, the owner of the premises shall file with

the Town Clerk, an Application and Request to Relinquish and Abandon the tap in question. Such Application shall be on a form provided by the Town, shall be signed by the record owners of the premises in question and such signatures shall be acknowledged and sworn to before a notary public. Upon receipt of such an Application, the Town Clerk shall present the same to the Board of Trustees, for their investigation.

(c) At the next regular meeting of the Board of Trustees, the results of the investigation shall be made known and the Board shall enter its findings that either the condition of the structure in question is as represented in the Application, i.e., the structure is so damaged or destroyed by fire, flood or other catastrophe that it is unusable for any purpose, or its findings that the structure is usable for some purpose.

(d) In the event that the Board finds that such structure is usable for some purpose, then the Application shall be denied. In such event, the owner thereof shall continue to be billed monthly for water rents and shall be subject to all penalties set-forth herein and in any other applicable Ordinance. The owner of the premises will retain the tap and, upon re-building or repair as may be necessary, the structure may again be used for any lawful purpose without the payment of a tap fee.

(e) In the event that the Board finds that the structure is unusable as represented in the Application, then the Board shall enter its Order to that effect. Such Order shall acknowledge and accept the statements in the Application that the tap in question is relinquished and abandoned by the owner. Thereafter, the following shall occur: (1) The existing tap shall be removed or otherwise rendered unusable; (2) The structure shall not thereafter be used or occupied for any purpose whatsoever; (3) The Town Clerk shall no longer bill the owner for monthly water rents;

(f) No Order shall be entered by the Board until all water rents, with respect to the tap in question, have been paid in full.

(g) The Application to be made by an owner shall include: The sworn statement of the owner that, due to fire, flood or other catastrophe, the structure has been rendered unusable; The sworn statement of the owner that he or she or they acknowledge their understanding of the Application, its purpose and its legal effect; The sworn statement of the owners that the structure shall not be used for any purpose in the future until a new tap has been applied for under Section 9-1-5 of Ordinance # 184 or any subsequent Ordinance and all tap fees paid under Section 9-1-6 of Ordinance #184 or any subsequent Ordinance; The sworn statement of the owners acknowledging that such structure no longer has an authorized tap into the City Water System.

(h) In the event that the owner of the premises subsequently re-builds or repairs the structure for the purpose of re-using the same for any purpose, the then owner shall apply for a new tap, under the then prevailing Ordinances and shall pay whatever fee is then applicable for a new tap.

(i) The Application shall contain a legal description of the property in question and, if approved by the Board of Trustees, shall be recorded in the office of the Clerk and Recorder of Mineral County, Colorado.

Section 2: The above and foregoing repeal and re-enactment shall be effective 30 days after publication.

INTRODUCED, read in full, passed and approved upon Motion,  
Second and passage by a vote of 5 aye and 0 nay, at a  
Regular Meeting of the Board of Trustees of the City of Creede  
held on the 16th day of ~~December~~ <sup>Jan</sup>, 1988, at Creede, Colorado, and  
ordered published. <sup>1987</sup>

(City Seal)

*J.B.*

APPROVED:

*James B. ...*  
Mayor

Attest:

*Emma Sunchast*  
City Clerk

( attach proof of publication below )