

AN ORDINANCE REGULATING THE USE OF PUBLIC AND PRIVATE WATER DISTRIBUTION AND PUMPING SYSTEMS; THE INSTALLATION AND CONNECTION OF BUILDINGS AND PROPERTY TO THE MUNICIPAL WATER DISTRIBUTION SYSTEM; ALLOWING FOR LEASES OF WELLS; REQUIRING BACKFLOW AND CROSS-CONNECTION DEVICES; ESTABLISHING A WATER CONSERVATION USE RATE SCHEDULE; AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF; IN THE TOWN OF ARRIBA, COUNTY OF LINCOLN, STATE OF COLORADO.

BE IT ORDAINED by the Board of Trustees of the Town of Arriba, Colorado as follows:

SECTION 1. WATER DISTRIBUTION SYSTEM.

- 1.1 The water distribution system consists of the wells, the water, all water mains, fire hydrants, pipe lines, meters and remote read-outs, tanks, pumps, chlorination equipment and all additions and appurtenances thereto or in any manner connected thereinwith confined to the streets, alleys, appropriate easements, or other property held by the Town of Arriba, Colorado and shall be owned, managed, constructed, repaired and operated by the Town of Arriba, Colorado under the designated name of the Town of Arriba Water Distribution System.
- 1.2 All pipes, valves, shut-offs, or other water distribution system components other than water meters, and remote reading devices which are located on private property within the Town of Arriba, Colorado are the property of the owner of record and therefore the Town of Arriba, Colorado assumes no responsibility for the construction, excavation, repair, replacement, performance or effectiveness of these components.
- 1.3 An authorized agent for the Town of Arriba, Colorado is any member of the Board of Trustees, the Mayor, the Clerk of the Town, the Town Maintenance person or any other person so appointed by the Board of Trustees of the Town of Arriba, Colorado.
- 1.4 The Town of Arriba, Colorado shall have the right to locate water meters and remote read-out devices on private property, to enter said location for inspection, to effect repair, or determine usage. The location of the aforementioned water meters and remotes shall be determined and placed at the sole discretion of the Town of Arriba's designated authorized agent and said agent shall be granted, by the owner of record, access to these devices upon demand. The Town of Arriba, Colorado is responsible for the installation, maintenance, repair and removal of these devices.

- 1.5 It is unlawful for any individual, corporation, or other legal entity to obstruct or interfere with the authorized agent of the Town of Arriba in performance of his or her duty to maintain, operate and manage the Town of Arriba Water Distribution System.
- 1.6 It is unlawful for any individual, corporation, or other legal entity to tamper, repair, remove, contaminate, replace or otherwise cause damage to any component of the Town of Arriba Water Distribution System.
- 1.7 It is unlawful for any individual, corporation, or other legal entity to use private well water for human consumption or to allow water from a private well to be mixed or other wise combined with waters from the Town of Arriba Water Distribution System, unless said wells are under lease by the Town of Arriba, Colorado.

SECTION 2. EMERGENCY USE OF THE TOWN OF ARRIBA WATER DISTRIBUTION SYSTEM.

- 2.1 Emergency use of all components of the Arriba Water Distribution System by the Northeast Lincoln Fire Protection District and the Designated Emergency Response Authority for Lincoln County and Town of Arriba, is hereby authorized.

SECTION 3. CONNECTION TO THE WATER DISTRIBUTION SYSTEM.

- 3.1 It shall be unlawful for any person to open, uncover or in any manner make connection with any water main or line, or to install water pipes in any street or alley in the Town of Arriba.
- 3.2 It shall be unlawful for any property owner of record within the Town of Arriba, Colorado, to rent, lease or hold such property as a shelter, residence, house or domicile of human inhabitants, unless said property is connected to the Town of Arriba Water Distribution System.
- 3.3 No person shall abandon any property which is connected to the Town of Arriba Water Distribution System without first obtaining written permission from the Board of Trustees of the Town of Arriba, Colorado.

SECTION 4. TAPPING FEES, SERVICE DEPOSIT AND TAPPING RESTRICTIONS.

- 4.1 A tapping fee of Five Hundred Dollars (\$500.00) will be charged for the connection to the water distribution system of any property within the corporate limits of the Town of Arriba, Colorado.
- 4.2 A service deposit of Seventy Five Dollars (~~\$75.00~~ ^{\$200.00}) will be collected, from the owner of record, by the Clerk of the Town of Arriba, Colorado, for each water tap account prior to establishing service. Upon termination of water service, the deposit will be refunded to the owner of

- record only, when there are no outstanding debts for water usage in any water tap account held by the same owner of record.
- 4.3 A fee of Fifteen Dollars (\$15.00) shall be charged for each discontinuance or restoration of water service to each water tap account.
- 4.4 No connection to the Town of Arriba Water Distribution System, either from private property or from property controlled by the Town of Arriba, Colorado, other than those in existence prior to the final passage of this Ordinance # 117, will be made to any property outside the corporate limits of the Town of Arriba, Colorado.
- 4.5 Property located outside the corporate limits of the Town of Arriba, Colorado, shall not be served by the Town of Arriba Water Distribution System other than property served prior to the passage of this ordinance. Property owners of property located outside the corporate limits of the Town of Arriba who desire to have their property served by the Town of Arriba Water Distribution System shall submit a written request for connection, to the Board of Trustees of the Town of Arriba, together with a Petition for Annexation in accordance with state statute and/or town ordinance. Should the subject property be annexed, connection of the property to the water system shall be made shortly thereafter, but under no other circumstances.
- 4.6 Separation of property into parcels which result, thru no fault of the Town of Arriba, Colorado, in the loss of the original water connection, will be required to obtain a separate connection to the water distribution system, thereby resulting in a tapping fee assessment.

SECTION 5. RATE SCHEDULE DESIGNED TO CONSERVE WATER. The following is a conservation usage rate schedule to control usage and assess charges for the gallons of water used by each water tap account on a monthly basis as determined by meter reading.

5.1 The monthly rate schedule is as follows:

Minimum 1,000 gal.....	\$10.00 12.00
1,001 to 60,000 gal.....	\$1.00 per 1,000 gal.
60,001 to 100,000 gal.....	\$2.00 per 1,000 gal.
100,001 to 150,000 gal.....	\$4.00 per 1,000 gal.
150,001 gal. and up	\$6.00 per 1,000 gal.

The minimum monthly rate for customers outside the corporate limits of the Town of Arriba, Colorado, prior to this Ordinance # 117, is to be DOUBLE the minimum rate as shown in the above schedule.

SECTION 6. BACKFLOW AND CROSS-CONNECTION DEVICES.

- 6.1 Equipment necessary to prevent backflow of untreated or contaminated water into the water supply lines, anti-siphon devices, and cross connection devices will be installed on each water tap at the discretion of the Board of Trustees of the Town of Arriba, Colorado and the entire expense of the device plus installation will be assessed to the property owner of record.

SECTION 7. BILLING AND PAYMENT OF WATER USAGE

- 7.1 Water usage per water tap account will be determined by the use of water meter reading taken monthly and charges for the usage will be assessed according to the rates set forth in Section 5 of this Ordinance.
- 7.2 The water usage charges levied pursuant to this ordinance shall be payable monthly and shall be added to and made a part of the monthly service bill of the various properties in the Town of Arriba, Colorado. Properties outside the Town of Arriba, Colorado shall pay double minimum monthly. If any such bill is not paid within ten (10) days after the second billing, service will be discontinued and a restoration fee will be charged, as defined in Section 4.3 of this Ordinance.

SECTION 8. COLLECTION OF UNPAID OR OVERDUE WATER USAGE CHARGES.

- 8.1 Each water usage charge levied pursuant to this ordinance shall be a lien therewith and if the same is not paid by the 1st of October of each calendar year the Town Clerk of the Town of Arriba, Colorado shall certify such unpaid charges to the County Treasurer of Lincoln County, Colorado to be placed by him or her upon the tax list for the current year, to be collected in the same manner as other taxes are collected, with twelve (12%) per cent penalty thereon to defray the cost of collection, and the same shall be collected and paid over by the County Treasurer to the Town of Arriba, Colorado in the same manner as taxes are authorized to be paid by Article 37, Chapter 139, of the Colorado Revised Statutes, 1963, and all laws of the State of Colorado for the assessment of general taxes, including the laws for the sale of property taxes and redemption of the same, shall apply thereto.
- 8.2 Such charges may also be certified to the County Commissioners of Lincoln County, Colorado and shall become a lien upon the real property served by such water connection and collected in the same manner as though they were part of the taxes.

SECTION 9. DISCONTINUANCE OF WATER SERVICE.

- 9.1 In addition to the remedies provided in this ordinance, the Town of Arriba, Colorado may, without notice, discontinue water service to any premises as to which the water usage charges are delinquent for a period of Forty (40) days. The Town of Arriba, Colorado may, without notice, discontinue the water service to any premises which, in the estimation of any authorized agent of the Town of Arriba, Colorado, may cause damage to the Town of Arriba, Colorado or threatens the public safety, health or welfare.
- 9.2 The Town of Arriba, Colorado thru any authorized agent reserves the right to interrupt any or all water service, with or without notice, to effect repairs or extensions, provide additional water for fire emergencies, or to prevent damage to property.
- 9.3 The Board of Trustees of the Town of Arriba, Colorado thru any authorized agent reserves the right to establish and enforce water use restrictions.
- 9.4 It is unlawful for any person to refuse to comply with any provision of the water use restrictions.

SECTION 10. DISPOSITION AND USE OF FUNDS.

- 10.1 The funds received from the collection of charges and rentals authorized by this ordinance shall be deposited, paid out and applied only in the manner and form provided for by annual appropriation of the Town of Arriba, Colorado for the purpose of refunding and paying outstanding water revenue bonds of the Town of Arriba, Colorado and for extending and improving the Town of Arriba Water Distribution System, such funds to be known and established as the "Water Fund", but nothing contained in this ordinance shall be construed in any way to prevent the Board of Trustees of the Town of Arriba, Colorado from applying and crediting to such fund, available money derived from any other sources.

SECTION 11. ADOPTION OF RULES AND REGULATIONS CONCERNING THE OPERATION OF THE TOWN OF ARRIBA WATER DISTRIBUTION SYSTEM.

- 11.1 The Board of Trustees of the Town of Arriba, Colorado shall make and enforce such rules and regulations as it may deem necessary for the safe, efficient and economical management of the water system. Such rules and regulations, when no repugnant to any other ordinances of the Town of Arriba, Colorado and laws of the State of Colorado shall have the same force and effect as Ordinances of the Town of Arriba, Colorado.

SECTION 12. PENALTY. Any person, firm, or corporation violating any of the provisions of this ordinance shall, upon conviction in the Municipal Court for the Town of Arriba, Colorado, be assessed according to the following schedule of

fines:

- 12.1 The first offense, a fine of not less than ten (10) dollars nor more than three hundred (300) dollars.
- 12.2 The second offense within any consecutive 365 day period, a fine of not less than twenty (20) dollars nor more than three hundred (300) dollars.
- 12.3 The third offense within any consecutive 365 day period, a fine of not less than forty (40) dollars nor more than three hundred (300) dollars.
- 12.4 For each subsequent offense over and above the third offense within any consecutive 365 day period, the minimum fine will be increased in increments of fifty (50) dollars.
- 12.5 The minimum fines prescribed herein for violations of any of the provisions of this Ordinance shall be mandatory and no Court shall grant a suspension thereof in whole or in part.

SECTION 13. REPEALER. All acts, orders, resolutions, Ordinances or parts thereof, of the Town of Arriba, Colorado that are inconsistent or in conflict with any of the provisions of this ordinance are hereby repealed.

IT IS THE OPINION OF THE BOARD OF TRUSTEES OF THE TOWN OF ARRIBA, COLORADO THAT this ordinance is necessary for the immediate protection and preservation of the public health, safety, and welfare and is enacted for that purpose and shall be in full force and effect after final passage and publication.

APPROVED, ADOPTED, AND ORDERED published on first reading by the Board of Trustees of the Town of Arriba, Colorado on this 9th day of November 1992.

Published 11/9/92

James K. Gilbert
Mayor

(SEAL)
ATTEST:

Dorothy S. Schreffers
Town Clerk

Ordinance Number 117B

**AN AMENDMENT TO ORDINANCE NUMBER 117 OF THE TOWN OF ARRIBA,
COLORADO: PROVIDING FOR CHANGES TO SECTION 4 SUBSECTION 4.2.**

BE IT ORDAINED by the Board of Trustees of the Town of Arriba, Colorado that:

SUBSECTION 4.2 TO READ AS FOLLOWS:

- 4.2 A service deposit of two hundred dollars (\$200.00) will be collected, from the owner of record, by the Clerk of the Town of Arriba, Colorado, for each water tap account prior to establishing service. If the owner of record owns three (3) or more properties, has a standing deposit of account, and has a good credit history for a minimum of twenty-four months, a deposit will not be required on the additional properties. In the event that the owner of record chooses to rent a property then the town could pull a deposit on the renter at the owner's request. This would protect the owner's original deposit and would also protect the town against lost revenue in the event the renter would leave town owing the town for water and sewer services. Upon termination of water service, the deposit will be refunded to the owner of record only when there are no outstanding debts for water usage in any water tap account held by the same owner of record.

**IT IS THE OPINION OF THE BOARD OF TRUSTEES OF THE TOWN OF ARRIBA,
COLORADO, THAT THIS AMENDMENT TO ORDINANCE 117 IS NECESSARY
FOR THE RESIDENTS OF THE TOWN AND SHALL BE IN FULL FORCE AND
EFFECT AFTER FINAL PASSAGE AND POSTING.**

INTRODUCED, READ IN FULL, ADOPTED AND ORDERED posted on first reading
by the Board of Trustees of the Town of Arriba, Colorado this 9 day of
June, 1997.


MAYOR

SEAL

ATTEST:


TOWN CLERK