

ORDINANCE NO. 135

AN ORDINANCE BY THE BOARD OF TRUSTEES OF THE TOWN OF ARRIBA, LINCOLN COUNTY, COLORADO, TO AMEND TOWN ORDINANCES RELATIVE TO USER RATES TO BE ASSESSED TO THOSE RESIDENTS AND NONRESIDENTS WHO USE OR WHO ARE CONNECTED TO THE TOWN WATER SYSTEM.

Whereas, Colorado Revised Statutes 31-15-708 empowers and authorizes municipalities to create and regulate municipal water systems, including the imposition of user rates designed to maintain the water systems as well as to provide for future growth; and

Whereas, the Town of Arriba, hereinafter referred to as the "Town", by and through its Board of Trustees, hereinafter referred to as the "Board", has undertaken and is undertaking projects necessary for the operation, maintenance, and improvement of the Town water system, including the obtaining of loans and grants for the repair and improvements of the Town water system; and

Whereas, the Town has through the state statutes and past ordinances developed a billing system which accesses the cost of use of the water system, to the individual users, based on the annual cost of operation and maintenance of the system; and

Whereas, due to the costs incurred, and to be incurred, for the imposition of the projects and repairs, and due to costs and factors relating to the efficient functioning of the Town's water system, and as a condition of receiving the required loan and costs, the Board of Trustees of the Town has determined that a graduated increase in the user rate charges is necessary and in the best interests of all of the citizens of the Town of Arriba;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF ARRIBA, LINCOLN COUNTY, COLORADO: SECTION I - GRADUATED WATER RATE INCREASES.

1. Upon the adoption of this Ordinance, the rates for the use of water shall be imposed as follows:

A. Commencing April 1, 2009

\$ 21.00 Minimum monthly charge for all users (this rate applicable up to 5,000 gallons per month, per user location)

\$ 1.50 For each one thousand gallons of water used over the minimum, per month, up to 27,000 gallons.

\$ 2.00

For each additional one thousand gallons of water used over the amount of 27,000 gallons per month up to 54,000 gallons.

\$ 4.00

For each additional one thousand gallons of water used over the amount of 54,000 gallons per month up to 103,000 gallons.

\$ 6.00

For each additional one thousand gallons of water used over the amount of 103,000 gallons per month.

B. Commencing July 1, 2009

\$27.00

Minimum monthly charge for all users (this rate applicable up to 5,000 gallons per month, per user location)

\$ 1.50

For each one thousand gallons of water used over the minimum, per month, up to 27,000 gallons.

\$ 2.00

For each additional one thousand gallons of water used over the amount of 27,000 gallons per month up to 54,000 gallons.

\$ 4.00

For each additional one thousand gallons of water used over the amount of 54,000 gallons per month up to 103,000 gallons.

\$ 6.00

For each additional one thousand gallons of water used over the amount of 103,000 gallons per month

C. Commencing October 1, 2009

\$ 33.50

Minimum monthly charge for all users (this rate applicable up to 5,000 gallons per month, per user location)

\$ 1.50

For each one thousand gallons of water used over the minimum, per month, up to 27,000 gallons.

\$ 2.00

For each additional one thousand gallons of water used over the amount of 27,000 gallons per month up to 54,000 gallons.

\$ 3.00

For each additional one thousand gallons of water used over the amount of 54,000 gallons per month up to 123,000 gallons.

\$ 4.00

For each additional one thousand gallons of water used over the amount of 123,000 gallons per month up to 172,000 gallons.

\$ 6.00

For each additional one thousand gallons of water used over the amount of 172,000 gallons per month.

D. Commencing April 1, 2010

\$ 33.50	Minimum monthly charge for all users (this rate applicable up to 5,000 gallons per month, per user location)
\$ 1.50	For each one thousand gallons of water used over the minimum, per month, up to 27,000 gallons.
\$ 2.00	For each additional one thousand gallons of water used over the amount of 27,000 gallons per month up to 54,000 gallons.
\$ 3.00	For each additional one thousand gallons of water used over the amount of 54,000 gallons per month up to 123,000 gallons.
\$ 4.50	For each additional one thousand gallons of water used over the amount of 123,000 gallons per month up to 172,000 gallons.
\$ 6.00	For each additional one thousand gallons of water used over the amount of 172,000 gallons per month.

D. Commencing October 1, 2010

\$ 33.50	Minimum monthly charge for all users (this rate applicable up to 5,000 gallons per month, per user location)
\$ 1.50	For each one thousand gallons of water used over the minimum, per month, up to 27,000 gallons.
\$ 2.00	For each additional one thousand gallons of water used over the amount of 27,000 gallons per month up to 54,000 gallons.
\$ 3.00	For each additional one thousand gallons of water used over the amount of 54,000 gallons per month up to 123,000 gallons.
\$ 4.50	For each additional one thousand gallons of water used over the amount of 123,000 gallons per month up to 172,000 gallons.
\$ 6.50	For each additional one thousand gallons of water used over the amount of 172,000 gallons per month.

SECTION II - VALIDITY.

If any part or parts of this Ordinance are for any reason held to be invalid such decision shall not affect the validity of the remaining portions of this Ordinance. The Board hereby declares that it would have passed this Ordinance and each part or parts thereof, irrespective of the fact that any part or parts be declared invalid.

SECTION III - REPEAL.

Existing or parts of previous Ordinances, Resolutions, or Motions covering the same matters as embraced in this Ordinance are hereby repealed and all ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed, except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the taking effect of this ordinance.

SECTION IV - EMERGENCY EXISTS.

The Board has determined that if this Ordinance is not approved, passed, and effective as of the date of the regular meeting, as reflected in signature below, that the Town would be placed in a position of not being able to obtain the necessary loan and / or grants for the water project and not be able to pay for the repairs, maintenance, and improvements to the Town's water system, and that the increase in rate charges does serve an immediate and beneficial use for the citizens of the Town of Arriba. Accordingly, the Board has determined that an emergency exists and ordains that this Ordinance shall take effect immediately upon passage.

Adopted and Approved this 11 day of May, 2009.

Signed by 
Mayor

(SEAL)

Attest:


Town Clerk