

# **ORDINANCE No. 317**

## **TOWN OF RICO**

### **AN ORDINANCE AMENDING ORDINANCE NO. 299 TO REQUIRE ALL WATER USERS TO PAY FOR ALL COSTS ASSOCIATED WITH THE COLLECTION OF FEES AND RAISING THE WATER TAP FEE TO \$6,200.00**

WHEREAS, the Board of Trustees has received the "TOWN OF RICO WATER SUPPLY PROJECT ENGINEERING REPORT" prepared by Harris Water Engineering, Inc., dated February, 1996, which recommends that water tap fees should be raised to \$6,200.00 in order to pay for the debt on the existing water system and pay for the recommended water supply expansion improvements on a timely basis;

WHEREAS, the Board of Trustees finds that all costs associated with the collection of fees should be borne by delinquent users rather than by all users; and,

WHEREAS, the Board of Trustees finds that the responsible fiscal management of the Water Enterprise, which provides potable water to residents and businesses in the Town of Rico, is essential to the adequate and timely provision of potable water and necessary for the preservation and promotion of the health, safety, and welfare of the Rico community;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF RICO, COLORADO, the following:

#### **SECTION 1: AMENDMENTS TO ORDINANCE NO. 299**

A. Section 4.A. is hereby repealed in its entirety and replaced with the following paragraph A.:

"A. The Water Tap Fees for all new water taps shall be according to the following schedule:

1.  $\frac{3}{4}$  inch size water tap = \$ 6,200.00

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2. 1 inch size water tap	=	\$ 8,267.00
3. 1 & ¼ inch size water tap	=	\$10,333.00
4. 1 & ½ inch size water tap	=	\$12,400.00
5. 2 inch size water tap	=	\$16,533.00”

B. Section 4.E. is hereby repealed in its entirety and replaced with the following paragraph E.:

“E. Water tap fees may be pre-paid by the property owner. Water taps shall be installed as soon as practical. Payment of the water tap fee does not create a vested right to provision of water service, nor does payment create a vested right to prohibit the application of subsequent water tap fee increases. The right to provision of water service and the right to prohibit the application of subsequent water tap fee increases shall vest upon the issuance of a building permit and the demonstration of substantial reliance on the issuance of a water tap and building permit. Until such time that the Town can expand the capacity of the water system, the Town shall not provide service to more than 250 water taps.”

C. Section 5.A. is hereby repealed in its entirety and replaced with the following paragraph A.:

“A. Meters will be read on a monthly basis and bills rendered monthly, except during periods of deep snow when meter reading may be impractical. During this period users will be billed the minimum monthly rates and an adjustment will be made when readings are continued. The monthly water user fee shall be charged beginning with the monthly billing cycle in which the water tap was installed. Bills are payable at the office of the Town Clerk. Bills are delinquent 25 days after the bill is sent by the Town Clerk. A delinquency charge of \$2.00 per month to defray the cost of additional accounting and record keeping plus 12% annual interest on the total outstanding balance, compounded monthly, will be charged on all delinquent accounts. Any and all reasonable costs associated with collection of water fees shall also be included in the water bill, including but not limited to: charges for returned checks and reasonable legal fees.”

D. The Title of Ordinance No. 299 is hereby amended to include the language “As Amended by Ordinance No. 317”. Ordinance No. 299 is hereby further amended to

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strike-out the language repealed by this Ordinance and denote the replacement language enacted by this Ordinance with the use of [ ] encompassing the new language.

**SECTION 2: SAFETY CLAUSE**

The passage of this Ordinance is necessary for the immediate preservation of the public health, safety, and welfare of the Town of Rico community.

**SECTION 3: EFFECTIVE DATE**

This Ordinance shall become effective immediately upon final adoption.

**SECTION 4: IMMEDIATE PRESERVATION OF THE PUBLIC HEALTH AND SAFETY**

This Ordinance shall become effective immediately upon final adoption, rather than 30 days after final adoption and posting, because the immediate responsible fiscal management of the Water Enterprise is necessary to insure adequate funds to repay existing debt and finance future water supply expansion improvements for the purposes of preserving and protecting the health, safety, and welfare of the Rico community.

**SECTION 5: SEVERABILITY**

If any provision of this ordinance or portion thereof is held by a court of competent jurisdiction to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect any other provision which can be given effect without the invalid portion.

**SECTION 6: PUBLICATION**

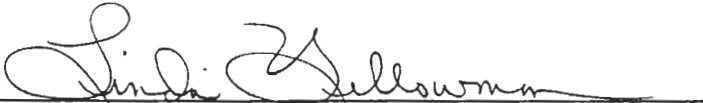
After final adoption, the Town Clerk shall cause a copy of this ordinance to be posted in accordance with Resolution No. 104 of the Town of Rico, Colorado.

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READ, PASSED, AND ADOPTED BY THE BOARD OF TRUSTEES OF THE  
TOWN OF RICO this 17<sup>th</sup> day of April, 1996.

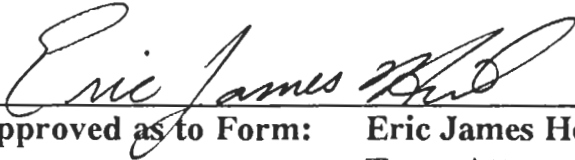


By: Robert Small, Mayor



Attest: Linda Yellowman, Town Clerk

[Town Seal]



Approved as to Form: Eric James Heil, Esq.  
Town Attorney