

ORDINANCE NO. 198

AN ORDINANCE BY THE BOARD OF TRUSTEES OF THE TOWN OF FLAGLER, KIT CARSON COUNTY, COLORADO, TO **REPEAL TOWN ORDINANCES NUMBER 22 AND ORDINANCE NUMBER 98**, ANY AND ALL RESOLUTIONS CONCERNING WATER RATE STRUCTURES.

Whereas, the Town of Flagler, (hereinafter referred to as the "Town"), in the County of Kit Carson and the State of Colorado, is the body corporate operating as a statutory town pursuant to the general statutes of the State of Colorado; and

Whereas, the board of Trustees of the Town of Flagler hereinafter referred to as the "Board" has previously adopted Ordinance No. 22 and Ordinance No. 98; and

Whereas, Colorado Revised Statute 31-35-617, gives to the governing body of each municipality/district all authority, power, and discretion to certify delinquent sewer charges to property to be collected in the manner as though they were part of the taxes, further Colorado Revised Statute 31-15-302 gives to the governing body of each municipality all authority, power, and discretion to certify delinquent water charges for collection by lien upon the respective lots, or parcels of land from the time of the assessment; and

Whereas, Colorado Revised Statute 31-35-402, gives to the governing body of each municipality/district powers to collect reasonable penalties for any delinquencies, including interest from any date due at a rate of **not exceeding one percent per month, or fraction thereof**, reasonable attorneys' fees, and other costs of collection without any modification, supervision, or regulation of any such rates; and

Whereas, the Board has determined the following billing rates and procedures for billing water sewer and trash, as agreed upon, by the Flagler Sanitation District billing contract attached;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF FLAGLER, COLORADO:

Section 1. General Provisions

Administration

The Town Manager shall be responsible for the management of the Town's water supply system, and the Town Clerk shall be responsible for the issuance/collection of service applications, and for the billing and collection of all fees and charges for such service, all in accordance with the direction of the Board of Trustees of the Town.

Inspection

Whenever, in the judgment of the Town Manager, it is deemed necessary, he may inspect the premises of any water user for the purpose of determining the condition of pipes, meters and other fixtures with a view to detecting and eliminating violations of this ordinance.

Section 2. Billing for Services of Water, Sewer and Trash

Billing Procedures

All new accounts whereby new water and sewer taps are newly installed, Town Clerk must receive payment in full for water and sewer tap fees and associated fees, prior to water being turned on. Approved Building Permit shall accompany application for service, for filing.

Water meters shall be read monthly for all businesses and rental properties and from March through October for all other residential properties as closely to the end of the month as possible, and mailed out as soon as administratively possible thereafter. Accounts which have requested meters to be read during the winter months shall be read accordingly. Bills for Water, Sewer and Trash will be due and payable upon receipt, with a maximum of 10 percent late charge added on the 20th of the month if account has not been paid. If account is not paid by the end of the month, water service will be discontinued, until full payment is received on the account, plus connection fee. Should an account become delinquent and deemed uncollectable by the Town Clerk, a tax lien on the property pursuant CRS 31-35-617, and CRS 31-15-302, or by small claims court, at the guidance of Town Board.

Section 3. Price Structure for Water, Sewer and Trash Service and Fees

Water, Sewer and Trash Service and Fee Charges

The following rates shall be charged by the Town to property owners as follows:

Water Tap Fees	Cost of Materials + \$200.00
Sewer Tap Fee As Per Sanitation Minutes:	\$1,500.00
Connection and Re-connection Fee	\$25.00
Water – Monthly Rates	
Flagler Residents & Businesses	22.00 per first 2000 gallons
Flagler Residents	2.10 per each 1000 gallons after first 2000
Flagler Non-Residents	35.00 per first 2000 gallons
Flagler Non-Residents	3.50 per each 1000 gallons after first 2000
Sewer – Monthly Rates	
Residential Accounts and Churches	14.30
Commercial and Trailer Cts	16.50
Trailer Cts & Motels	22.00
Trailer Cts & Motels 5 @ 5.00	27.50
Commercial 2	33.00
Commercial 3	49.50
Trailer Ct and Motels	66.00
Multiple Family	50.00
Trailer Cts & Motels & (Care Center)	60.00
Trailer Cts & Motels	77.00
Multiple Family	75.90
Industrial	528.00
Industrial	164.50
School Apartments	77.50
Trash – Monthly Rates	
Flagler Residents	21.00
Flagler Non-Residents in Kit Carson County (2 Yard)	22.00
Flagler Non-Residents in Kit Carson County (3 Yard)	33.00
Flagler Non-Residents Outside KC County (2 Yard)	27.75
Flagler Non-Residents Outside KC County (3 Yard)	38.75
Flagler Businesses Low Volume (weekly pickup)	27.00
Flagler Businesses Medium Volume	39.25
Flagler Businesses High Volume	52.85
Flagler School & Apartments (Volume related)	61.25
CDOT Seibert and Burlington	41.50
CDOT Rest Area (Volume related)	399.30
Construction Dumpster Delivery	100.00
Construction Dumpster Empty	200.00

Section 5. Metering of Water: Service Lines

Metering of Water

All water sold by the Town shall be metered by meters which may be installed either in a curb box or inside the building, at the option of the Town Manager. All water meters shall be owned and kept in repair by the town.

Service Lines

No more than one building shall be permitted to use a water service line. All service lines shall be constructed in accordance with Town standards. No line shall be bedded or back filled until inspected by the Town Manager. The tap on the Town water main shall be made with an approved watertight saddle by a plumber

approved by the Town. No bleeding of the water lines is permitted. Maintenance of water service lines shall be the responsibility of individual customers, not the Town, and all service lines shall be installed at a depth at least four and one half feet below the surface of the ground. Each service line shall contain a stop and waste cock where the water may be turned off.

Section 6. Use of Water: Regulations

Waste of Water Prohibited.

Water users shall prevent unnecessary waste of water and keep all water outlets closed when not in actual use. In addition to the penalty provided herein for violation of this ordinance, the water supply may be turned off where any such waste occurs.

Fire Alarm or Other Emergency

All regulations contained in this ordinance shall be considered a part of a contract of every user of water supplied by the Town, and every such user shall be considered as having expressly consented to be bound thereby.

Section 7. Penalty

Any person convicted of violating the rules and regulation enacted by this ordinance shall, upon such conviction be punished by a fine of not to exceed \$500.00 for each violation.

Section 8. Repeal of Conflicting Ordinances.

Ordinance Numbers 22 and 98, and any other ordinance and regulation adopted by the Town of Flagler in conflict with this ordinance are hereby repealed.

Section 9. Update of Water, Sewer, and Trash Rates

The Town of Flagler through the Town Trustees may update water, sewer, trash and other service rates in this ordinance by adopting a resolution.

Section 9. Effective Date

This ordinance shall take effect from and after its passage and publication as provided by the laws of the State of Colorado.

Adopted and Approved this _____ day of _____, 2022.

Signed:

Mayor

(SEAL)

Attest:

1st Notice of Reading- Published in The Flagler News _____, 2022

2nd Notice of Hearing - Published in The Flagler News _____, 2022

Ordinance Published in The Flagler News _____ 2022

Town Clerk