

ORDINANCE NO. 26B

AN ORDINANCE CONCERNING THE PROCEDURES AND PENALTIES FOR FAILURE TO PAY WATER OR SEWER CHARGES AND ESTABLISHING DISPUTE PROCEDURES OF THE TOWN OF STRATTON, COLORADO.

WHEREAS, the Board of Trustees of the Town finds that in order to preserve the health, safety and welfare of the citizens of the Town, regulations relating to water, sewer and trash services are necessary;

WHEREAS, the Board of Trustees of the Town finds that water, sewer and trash services are reasonably related in that they help to preserve the health, safety and welfare of the citizens of the Town.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF STRATTON, COLORADO:

Section 1. Purpose. The purpose of this ordinance is to provide for the procedures and penalties for violations of the ordinances concerning water and sewer services, including the procedures for disputing charges.

Section 2. Addition to Ordinance Nos. 93A, 10B and 15B. The Town of Stratton has previously adopted Ordinance No. 93A regarding water regulations. Ordinance No. 93A was amended by Ordinance No. 10B and both ordinances were subsequently amended by Ordinance No. 15B. These three ordinances shall remain in full force and effect, except that an additional section shall be added to Ordinance No. 93A as Section 8(a), which shall read as follows:

Dispute Procedure. Any resident or non-resident consumer of the Town of Stratton may dispute the monthly charges of their water, sewer and trash services. A dispute must be filed either orally or in writing with the Town Clerk within 10 days after receiving the notice of charges due and owing. The Town Clerk shall have the authority to resolve the dispute at his or her discretion. If the Town Clerk cannot resolve the issue, then the consumer shall have the option of presenting the dispute to the Board of Trustees. If it is determined that the charges were improperly assessed, then those assessments shall be corrected and any late fees shall be voided.

Section 3. Amendment to Ordinance Nos. 94A, 10B and 15B. The Town of Stratton has previously adopted Ordinance No. 94A regarding sanitary sewer use and service. Ordinance No. 94A was amended by Ordinance No. 10B and both ordinances were subsequently amended by Ordinance No. 15B. These three ordinances shall remain in full force and effect, except that Section 8, Failure to Pay Sewer Charges, shall be repealed. A new Section 8, Failure to Pay Sewer Charges, is hereby adopted as follows:

All consumer accounts, whether resident or non-resident shall be due and payable, without notice on the 10th day of each calendar month that trash service is provided. An

assessed penalty shall be added to all accounts not paid by the 10th of the month. If the consumer fails to pay the same by the last day of the month in which the sewer service is provided, notice of the account shall be sent to the consumer from the Town Clerk of the Town of Stratton and if the account is not paid by the 10th day of the following month, the Town shall turn off the water delivered to the consumer, but only after 48 hours notice has been given that such water shall be turned off. The word consumer in this Ordinance when used by itself shall apply to any resident or non-resident consumer. All notices required herein shall be given through the United States Mail and the time required in such notice shall start when the same is delivered to the United States Post Office located in Stratton, Colorado. In the event that the sewer service shall be terminated at the request of any consumer or user or in the event that the water service is terminated as a result of non-payment of sewer charges or for violation of any provisions of the terms and conditions of this Ordinance, the consumer, whether the consumer be a resident or non-resident, shall be required to make application for further use of water in accordance with Section 3 as heretofore set forth and all fees, including any delinquent or past due balances required thereunder shall be due and payable.

Section 4. Addition to Ordinance Nos. 94A, 10B and 15B. The Town of Stratton has previously adopted Ordinance No. 94A regarding sanitary sewer use and service. Ordinance No. 94A was amended by Ordinance No. 10B and both ordinances were subsequently amended by Ordinance No. 15B. These three ordinances shall remain in full force and effect, except that an additional section shall be added to Ordinance No. 94A as Section 8(a), which shall read as follows:

Dispute Procedure. Any resident or non-resident consumer of the Town of Stratton may dispute the monthly charges of their water, sewer and trash services. A dispute must be filed either orally or in writing with the Town Clerk within 10 days after receiving the notice of charges due and owing. The Town Clerk shall have the authority to resolve the dispute at his or her discretion. If the Town Clerk cannot resolve the issue, then the consumer shall have the option of presenting the dispute to the Board of Trustees. If it is determined that the charges were improperly assessed, then those assessments shall be corrected and any late fees shall be voided.

Section 5. Deletion From Ordinance No. 94A. The Town of Stratton hereby deletes Section 19. Discontinuance of Sewer Service, from Ordinance No. 94A.

Section 6. Violation. Any person who violates any provisions of this Ordinance shall, upon conviction thereof, be fined a fee up to the maximum violation fee and the cost of prosecution, and shall be imprisoned up to 30 days in jail, or both. It is expressly provided that any consumer, whether residential or commercial being charged with violation of this Ordinance shall have the opportunity of a trial to the court or to a jury as he may so request.

Section 7. Inconsistent Ordinances. All Ordinances or parts of Ordinances inconsistent with the provisions of this Ordinance, are hereby repealed.

Section 8. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses or phrases of this Ordinance and they shall remain in full force and effect, it being the intent that this Ordinance shall stand, notwithstanding the invalidated or unconstitutionality of any part thereof.

Section 9. Immediate Effect. It is hereby declared that an emergency exists and that this Ordinance is necessary for the immediate preservation of the public health, peace, welfare and safety of the residents of the Town of Stratton, Colorado, and shall be in full force and effect after its passage and publication as provided for by law.

INTRODUCED, READ, ADOPTED AND ORDERED PUBLISHED this 10th day of May, 2007.



Paulette Thompson
Paulette Thompson, Town Clerk

Dana Siekman
Dana Siekman, Mayor

168