

**TOWN OF PARACHUTE
ORDINANCE NO. 760-2019**

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PARACHUTE, COLORADO, AMENDING SECTIONS 9.17 AND 9.20 OF THE PARACHUTE MUNICIPAL CODE RELATING TO WATER AND SEWER SERVICE.

WHEREAS, the Town of Parachute (“Parachute” or the “Town”) is a home-rule municipality organized pursuant to Article XX of the Colorado Constitution and with the authority of the Parachute Home Rule Charter;

WHEREAS, the Town provides various services to Town residents, including water and sewer; and

WHEREAS, the Parachute Town Council wishes to make certain amendments to Title 9 of the Parachute Municipal Code relating to Utilities and Services; and

WHEREAS, these amendments will ensure uniformity in the billing and collection of payment for the services and utilities provided by the Town; and

WHEREAS, the Town Council finds that these changes are in the best interests of the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PARACHUTE, COLORADO THAT:

Section 1. The foregoing recitals are incorporated herein as if set forth in full.

Section 2. Chapter 9.17 of the Parachute Municipal Code is hereby amended as follows, with double underlined text added and ~~strike-through language deleted~~. Sections of Chapter 9.17 which are not expressly described in this Ordinance are deemed to continue to be in full effect without change.

9.17.050 Payment of domestic and irrigation water service charges.

A. A statement for domestic water service charges and irrigation water service charges shall be provided to customers at intervals established by the Town Manager and ratified by resolution of the Town Council, but billing intervals shall not be more frequent than monthly nor less frequent than quarterly. Statements may include any additional charges, tolls, fees and assessments related to sewer utility service and refuse collection service and may include charges, tolls, fees and assessments for such matters as late payment penalties, turn-on fees, disconnection fees, duplicate bill fees, additional meter reading fees, meter testing fees, and other similar charges.

B. Whenever possible, statements for service charges will be directed to the owner of premises served by the Town’s domestic water system and irrigation system rather than the occupant in accordance with PMC 9.17.060. When a customer receives domestic water service for a number of

units through one (1) meter, the Town shall send only one (1) bill to the customer for the service measured by that meter. In no event shall the Town bill the owners of individual units within a multiple unit building unless service to each unit is metered separately, unless such service has previously been established.

C. If a payment is received by the Town in response to a combined billing statement as set forth in subsection (B) of this section, such payment shall first be credited towards the oldest charges still outstanding at the time ~~all outstanding sewer collection service charges, then to all outstanding refuse collection charges, then to all outstanding domestic water service charges, and finally to all outstanding irrigation water service charges.~~

D. Statements shall be mailed by the Town to water customers before the specified billing period and shall be payable by the date set forth on the statement. Amounts outstanding after thirty (30) days following the due date shall become delinquent and accrue interest at the rate of one and one-quarter percent (1 ¼%) per month.

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9.17.080 Delinquency notices and charges – Revocation of water service.

If any rates, charges, tolls, fees, or assessments for the Town's domestic water service or irrigation service remain unpaid following the due date, the Town Clerk shall post a notice upon the ~~send by certified mail a notice to the owner or occupant of the affected property at the street address of the property and also mail the same~~ to the mailing address of the owner and occupant according to the records of the Town, ~~if different than the street address~~. Such notice shall describe the property by street address, the type and amount of unpaid rates, charges, tolls, fees, or assessments, and a warning that if the unpaid amount, together with the Town's incidental cost in sending such notices, are not paid in full within seven (7) days, all domestic water service and irrigation service to the property shall be discontinued immediately. Provided, however, the notice shall also state that the owner or occupant of the property has a right to request a hearing before the Town Council if the owner or occupant disputes the amount allegedly past due and unpaid. If an owner requests such a hearing, the Town Council, or its designee, shall conduct a hearing for the sole purpose of determining if any rates, charges, tolls, fees, or assessments for the Town's domestic water service or irrigation service remain unpaid and past due. The Town Council may reverse, modify, or uphold the Town staff's determination of the unpaid amount. If the Town Council determines that some amount is past due and remains unpaid, the owner or occupant shall immediately pay the amount determined by the Town Council.

If the delinquent rates, charges, tolls, fees, or assessments for the Town's domestic water service or irrigation service are not paid by the date specified in such notice, or as determined by the Town Council following hearing, the Town shall terminate domestic water service and irrigation service to the property by turning off, disconnecting, or blocking the waterlines serving the premises.

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9.17.120 Water service charges.

~~A. *Water Rates for Single-Unit Facilities within the Corporate Limits.* All single-unit facility customers for water measured through meters and nonmetered residential rates for domestic and irrigation usage shall be charged by the Town of Parachute Water Enterprise Fund at the rates set forth in Appendix A of this code, which shall be billed monthly. Any needed determination as to what constitutes a single-unit facility shall be within the sole discretion of the Town Manager.~~

~~B. *Water Rates for Multi-Unit Facilities within the Corporate Limits.* All multi-unit facility customers for water measured through meters and nonmetered residential rates for domestic and irrigation usage shall be charged by the Town of Parachute Water Enterprise Fund at the rates set forth in Appendix A of this code, which shall be billed monthly. Any needed determination as to what constitutes a multi-unit facility shall be within the sole discretion of the Town Manager.~~

BC. *Water Rates Outside the Corporate Limits.* All customers outside the corporate limits of the Town shall be charged by the Town of Parachute Water Enterprise Fund at the rates set forth in Appendix A of this code, which shall be billed monthly.

D. *Bulk and Hydrant Usage.* Bulk water shall be billed monthly as set forth in Appendix A of this code.

Section 3. Chapter 9.20 of the Parachute Municipal Code is hereby amended as follows, with double underlined text added and ~~strike through language deleted~~. Sections of Chapter 9.20 which are not expressly described in this Ordinance are deemed to continue to be in full effect without change.

9.20.240 Sewer service fees.

A. ~~*Sewer Service Rates for Single-Unit Facilities within the Corporate Limits.*~~ All ~~single-unit facility~~ customers for sewer service measured through meters and nonmetered residential rates shall be charged by the Town of Parachute Wastewater Enterprise Fund as set forth below and shall be billed monthly.

The monthly sewer charge shall be based upon the greater of either the prescribed monthly gallons for that use per month set forth in Appendix A of this code, or the monthly average of water use as established by averaging actual water use within several prior winter months (ranging from two (2) months to five (5) months within November to March, inclusive, depending upon the billing cycle within which the account is placed); provided, however, that if actual monthly consumption exceeds the prescribed minimum monthly gallons for that use but is less than the monthly average that would otherwise apply, the charge shall be based upon actual monthly consumption. If the consumer did not receive water during the prior winter months which would otherwise be used to establish a

monthly average, the Town Manager shall estimate the number of gallons used, based upon similar uses, and base the sewer service charge upon this estimate. If the consumer can furnish factual information to the satisfaction of the Town Manager that: (1) at least twenty-five percent (25%) of the water used during the prior months used to establish the monthly average is not returned to the public sewer system; (2) such winter water use is not typical of annual sewer use; or (3) the Town Manager's determination is otherwise incorrect, a proportionate adjustment may be made in the discretion of the Town Manager.

The monthly billing rates in Appendix A of this code shall apply. ~~Any needed determination as to what constitutes a single unit facility shall be within the sole discretion of the Town Manager~~

~~B. Sewer Service Rates for Multi-Unit Facilities within the Corporate Limits. All multi-unit facility customers for sewer service measured through meters and nonmetered residential rates shall be charged by the Town of Parachute Wastewater Enterprise Fund as set forth in Appendix A of this code and shall be billed monthly. Any needed determination as to what constitutes a multi-unit facility shall be within the sole discretion of the Town Manager.~~

BC. Sewer Service Rates outside the Corporate Limits. All customers outside the corporate limits of the Town shall be charged by the Town of Parachute Wastewater Enterprise Fund at the rates set forth in Appendix A of this code, which shall be billed monthly. (Ord. 500 §1, 2004; Amended Ord. 636 §1, 2011; Amended Ord. 685 §15, 2015; Ord. 695 §5, 2016; Amended Ord. 715 §2 (Exh. A), 2017)

9.20.260 Service charges.

Statement for sewer service rates shall be provided to customers at intervals established by the Town Manager and ratified by resolution of the Town Council, but billing intervals shall not be more frequent than monthly nor less frequent than quarterly. If billing intervals are less frequent than monthly, the Town shall have the right to average monthly use for billing purposes, including the imposition of surcharges based upon monthly use. Statements shall include any additional charges, tolls, fees, and assessments related to water or sewer utility service, such as late payment penalties, turn-on fees, duplicate bill fees, additional meter reading fees, meter testing fees, and other charges.

Whenever possible, statements for service charges will be directed to the owner of premises served rather than the occupant. When a customer receives service for a number of units through one meter, the Town shall send only one bill to the customer for the service measured by that meter. In no event shall the Town bill the owners of individual units within a multiple-unit building unless service to each unit is metered separately, unless such service has previously been established.

Statements shall be mailed before the specified billing period and shall be payable by the date set forth on the statement ~~twenty-fifth of the month~~. Amounts outstanding after thirty (30) days following the due date shall become delinquent and ~~the twenty-sixth day of the month~~ shall accrue

interest at the rate of one and one-quarter percent (1.25%) per month.

* * *

9.20.280 Delinquency notices and charges, revocation of service.

If any rates, charges, tolls, fees, or assessments for the Town's domestic sewer service remain unpaid following the due date, the Town Clerk shall post a notice upon the affected property and also mail the same to the mailing address of the owner and occupant according to the records of the Town. Such notice shall describe the property by street address, the type and amount of unpaid rates, charges, tolls, fees, or assessments, and a warning that if the unpaid amount, together with the Town's incidental cost in sending such notices, are not paid in full within seven (7) days, all domestic sewer service to the property shall be discontinued immediately. Provided, however, the notice shall also state that the owner or occupant of the property has a right to request a hearing before the Town Council if the owner or occupant disputes the amount allegedly past due and unpaid. If an owner requests such a hearing, the Town Council, or its designee, shall conduct a hearing for the sole purpose of determining if any rates, charges, tolls, fees, or assessments for the Town's domestic sewer service remain unpaid and past due. The Town Council may reverse, modify, or uphold the Town staff's determination of the unpaid amount. If the Town Council determines that some amount is past due and remains unpaid, the owner or occupant shall immediately pay the amount determined by the Town Council.

~~If any rates, charges, tolls, fees, or assessments for Town sewer service remain unpaid for forty five (45) days, the Town may at any time thereafter give written notice of such delinquency to the owner of the premises served. The Town may assess an additional charge for processing and preparation of any delinquency notice. Provided, however, that the Town shall not deliver to an owner more than one delinquency notice per month. If any amount is delinquent more than seventy five (75) days, the Town at any time thereafter may give written notice to the owner that water or sewer service, or both, shall be shut off if the delinquent amounts are not paid in full within ten (10) days of the postmark on the notice. If an owner does not pay all delinquent charges within the ten (10) day period provided in a shut off notice, the Town may terminate the water or sewer service, or both, to the premises served, as provided in PMC 9.20.290.~~

9.20.290 — Termination.

~~In addition to having a first and perpetual lien on the premises served for unpaid water and sewer rates, charges, fees, tolls and assessments, the Town shall have the right to terminate water or sewer service, or both, to the premises served for nonpayment or for failure to comply with any ordinances or rules and regulations of the Town concerning water or sewer service. In the event of such nonpayment or noncompliance with the Town's ordinances, rules, or regulations, if no emergency exists as set out in PMC 9.20.140(E), the owner shall be given written notice of a hearing to terminate service. The Town may combine the seventy five (75) day delinquency notice permitted under PMC 9.20.280 and the hearing notice required under this section. The hearing notice shall specify the date,~~

~~time, and place of the hearing, as well as the reason or reasons for proposed termination of water or sewer service, and shall be sent by certified mail, return receipt requested. If the owner cannot be located for personal service, it shall be lawful to post the notice on the front door of any building upon the premises served. The Town may terminate service to the property by turning off, disconnecting, or blocking the water and/or sewer lines serving the premises.~~

INTRODUCED, READ, PASSED, ADOPTED, AND ORDERED PUBLISHED BY TITLE ONLY by a vote of 5 to 0 of the Council of the Town of Parachute, Colorado at a regular meeting held at Town Hall in the Town of Parachute, Colorado, on the 21 day of February 2019 and approved by the Mayor on the 21 day of February 2019.

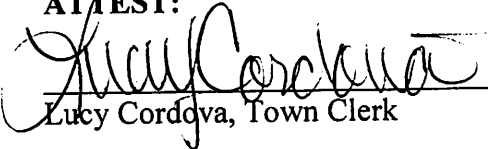
TOWN OF PARACHUTE, COLORADO

By:



Rody McClung, Mayor

ATTEST:



Lucy Cordova, Town Clerk

PUBLIC NOTICE

Public notice is hereby given that an Ordinance entitled:

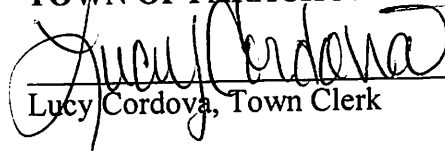
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was introduced before the Town Council on FEBRUARY 21, 2019; that a copy of said Ordinance is posted at Town Hall; and that the Ordinance was approved at a regular meeting of the Town Council held on FEBRUARY 21, 2019, and approved by the Mayor on FEBRUARY 21, 2019.

Copies of the adopted ordinance are available for inspection at the Town Hall, Parachute, Colorado and available on the internet at <http://www.parachutecolorado.com>.

Dated this 21 day of FEBRUARY, 2019.

TOWN OF PARACHUTE



Lucy Cordova, Town Clerk