

ORDINANCE NO. 2
Series 2000

AN ORDINANCE ADDING A NEW SECTION 16-1-21 TO THE LAKE CITY MUNICIPAL CODE REQUIRING THE INSTALLATION OF SERVICE METERS BY USERS OF LAKE CITY DOMESTIC WATER UPON OCCURRENCE OF CERTAIN EVENTS, AND ESTABLISHING PENALTIES FOR VIOLATIONS.

BE IT ORDAINED by the Board of Trustees of the Town of Lake City, Colorado that, effective on the date of March 1, 2000, the Lake City Municipal Code shall be deemed amended by the addition of a new Section 16-1-21 to read as follows:

Section 16-1-21: Required Domestic Water Meters.

(A) Definitions. The following definitions shall apply throughout this section:

(1) New Construction. The erection or construction of any new dwelling or other structure upon real property owned by any present or prospective user or consumer of Lake City domestic water, whether such real property is classified as residential, industrial, commercial or otherwise, and whether or not a permit for such erection or construction is required to be obtained under the provisions of the Uniform Building Code as adopted by the Town of Lake City (excluding, however, buildings and structures designed strictly for purposes of mere storage on property for which Town water service neither exists nor is requested). In addition, the installation of or application for a new domestic water tap, or the imposition of a tapping charge in accord with other provisions of the Lake City Municipal Code, or the replacement of any existing water main within the Water and Sanitation District shall likewise be deemed "new construction" for purposes of binding the owners of real property covered by this section.

(2) Transfer of Legal Title. Any action with respect to real property then being served by Lake City domestic water which results in the recording of a deed, installment land contract or other contract for deed with the Clerk and Recorder of Hinsdale County, Colorado, including the sale, gift, devise or other transfer of such real property. Transfer of legal title shall not be deemed to include mere creation of a lien against real property by mortgage, deed of trust, transcript of judgment, mechanics lien or the like unless and until such lien is foreclosed upon or otherwise results in a final transfer of the subject title to the lien holder or some other person or entity.

(3) Water Service Meter. A make or model of domestic water service meter that has been approved by the Town's Board of Trustees and installed so as to properly function and be resistant to damage from freezing and other natural causes.

(B) Installation of Water Service Meters Mandatory on New Construction. On or after the effective date of this ordinance, all new construction defined in subsection (A)(1) above shall require the prompt installation of a water meter in accord with this section. In situations of replacement of existing domestic water mains by the Town of Lake City, the Town itself shall have authority to install a separate water meter on each parcel of real property to be served by Lake City domestic water through any replaced water main and shall bill each associated property owner for the cost of the installed meter.

(C) Installation of Water Service Meter Mandatory Within Sixty Days of Transfer of Legal Title. On or after the effective date of this Ordinance, and within sixty days of the transfer of legal title to any real property which has one or more residential, commercial, industrial or other buildings or structures located thereon and which is then connected to the Town's domestic water system, it shall be the duty of the seller, grantor, transferor, donor, or any other person or entity conveying or otherwise transferring legal title to such real property, and also the duty of the person or entity acquiring legal title thereto, to install or cause to be installed upon such real property a water service meter in accord with this section. The sixty day period during which such water service meter shall be installed shall commence with the date of recording of the deed, installment land contract, contract for deed, or other instrument transferring legal title. Within five days of the date of recording such instrument of transfer of legal title, it shall also be the duty of the seller, grantor, transferor, donor, or other former holder of legal title to notify the Town Clerk of the transfer including the name and address of the purchaser, grantee, transferee, donee or other person acquiring legal title to the subject real property.

In the event of the sale or other transfer of legal title to a parcel of real property that contains two or more buildings or structures that are separately used for residential, commercial or industrial purposes and that are served by a common water tap (but excluding garages, sheds and other similar buildings and structures that are designed and used for storage or other purposes ancillary to the primary buildings or structures on the property), a separate water meter shall be installed for each such building or structure within the time and in the manner set forth hereinabove. The Town may also require the installation of an additional water tap or taps from the domestic water main in order to facilitate the separate metering of the separate buildings or structures. No additional tap fees will be charged by the Town to the property owner required to install separate taps.

(D) Notice. In the event of default of the foregoing requirements by any obligated person or entity, the Town Clerk shall issue a notice which advises that, unless the requirements of this section are fully met within ten days of service of such notice, all water service to the subject real property shall be terminated by the Town. Such notice shall be served by either personal delivery to the registered owner of the subject real property or by posting of the notice on the main entrance of the affected real property.

(E) Effect of Service of Notice. Unless any applicable default of the requirements of this section is cured within ten days of the service of the notice required in subsection (D) hereinabove, or within any subsequent grace period granted by the Board of Trustees of the Town of Lake City in accord with the provisions of subsection (F) hereinbelow, the Town shall be immediately authorized to terminate all domestic water service to the subject real property. Such water service shall not be reinstated until the required water service meter is installed in accordance with the provisions hereof, unless otherwise ordered in writing by the Town's Board of Trustees.

(F) Grace Period. At the sole discretion of the Town's Water and Sanitation Department manager, additional time for the installation of a required water service meter may be granted to an owner or occupant of real property upon their request and upon demonstration of financial or other hardship not attributable to their own neglect or misconduct. Any such request for a grace period shall be made in writing, giving the reasons therefor and describing the real property affected. Failure of any property owner to complete installation of a water service meter within any grace period allowed by the water and Sanitation Department manager shall again result in immediate termination of all domestic water service to the affected property without additional notice.

(G) Additional Penalties for Violation. The Town may deny to any person or entity in violation of this section any building and/or occupancy permit to which such person or entity would otherwise be entitled to receive if in compliance with this section. Further, any person or entity who violates this ordinance shall be subject to all other penalties generally provided in Section 15.1-1 of the Lake City Municipal Code.

(H) Severability. If any term, condition or part of this section is declared to be invalid by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this section. The Board of Trustees hereby declare that it would have passed this section and the enabling ordinance irrespective of any subsequent declaration of invalidity of any part or parcel thereof.

INTRODUCED, READ and ADOPTED by the Board of Trustees of the Town of Lake City, Colorado, this 2nd day of February, 2000.

TOWN OF LAKE CITY, COLORADO

By: Jan Roberts
Mayor Pro-Tem

ATTEST:

Mary Ann McLeod
Town Clerk