

ORDINANCE NO 305

**AN ORDINANCE ESTABLISHING WATER FACILITIES FEES AND
ESTABLISHING RATES WHERE MASTER METERS ARE USED FOR MULTIPLE
TAPS.**

WHEREAS, the Town of Sugar City operates a potable water system and provides said water to customers in and near the Town of Sugar City; and

WHEREAS, the infrastructure of a potable water system must be installed and maintained in readiness to deliver potable water upon demand by any person or entity who has obtained a water tap or a legal right to a water tap; and

WHEREAS, costs of installing and maintaining the potable water system are fixed rather than variable; and

WHEREAS, it is equitable that each person or entity who has obtained a water tap or a legal right to a water tap should be charged a facilities fee to offset the costs of maintaining the system so as to provide potable water upon demand.

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

1. A monthly potable water facilities fee for each water tap purchased is hereby established.
 - a. The facilities fee shall be assessed against each person, corporation, unincorporated association or other entity who has purchased a water tap in the town of Sugar City whether installed and connected to the Town Of Sugar City potable water system directly or indirectly or not installed where ownership is evidenced by a certificate, receipt or other valid documentation.
 - b. Fees and rates for pipeline companies having valid written contracts with the Town for the delivery of potable water in bulk executed prior to the date of passage of this ordinance are set by the written contract. This Ordinance shall not be interpreted so as to modify any prior existing written contract.
 - c. A person, corporation, unincorporated association or other entity requesting that a previously paid tap be installed shall pay any unpaid facilities fee calculated commencing from the effective date of this Ordinance or from the date of purchase of the tap, whichever date occurred later, through the month in which the tap will be installed and all accrued interest. In addition, if the facilities fee has not been previously paid on a current basis the person requesting the tap installation shall pay a processing fee of \$25.
 - d. The facilities fee for each purchased tap shall be \$5.00 per month.
2. Master meter water customers are hereby established as classes of potable water customers.
 - a. Master Meter Class Definitions.
 - i. Master Meter Class "A" is defined as any party purchasing potable water from the town of Sugar City without a valid written contract for bulk potable water purchases executed prior to the date the Board of Trustees approves this Ordinance and who provides water to ten or more residences or businesses through a master meter.
 - ii. Master Meter Class "B" is defined as any party purchasing potable water from the town of Sugar City without a valid written contract for bulk potable water purchases executed prior to the date the Board of Trustees approves this Ordinance and who provides water to less than ten residences or businesses through a master meter.
 - b. Master Meter Certification.

- i. Each master meter that is not a positive displacement meter shall be certified every four years at the expense of the master meter customer.
- ii. This provision shall be effective for all water delivered through a master meter whether or not a contract exists between the Town of Sugar City and the master meter customer.

3. New master meter customers are prohibited after the effective date of this ordinance,

4. Master meter rates potable water rates and fees shall be as set forth below: a. MASTER METERS.

i. Master Meters Class "A"

1. Minimum Commodity Rent: two dollars (\$2.00).

2. Commodity Rents.

a. Two dollars (\$2.00) per 1,000 gallons as measured by the master meter.

3. Facilities Fee.

a. Five (\$5.00) per month on the master meters.

ii. Master Meters Class "B"

1. Minimum Commodity Rent: fourteen (\$14.00) per meter.

2. Commodity Rents.

a. 0 to 15,000 gallons as measured by the master meter no additional charge.

b. 15,001 gallons and over for each measured by the master meter. Two dollars (\$2.00) per thousand gallons.

3. Facilities Fees.

a. Five dollars (\$5.00) per month on the master meter,

5. Facilities Fee for Vacant Houses and All Taps With No Water Consumption.

a. The Facilities fee shall be \$5.00 per month.

6. The Board of Trustees may amend the facilities fee and master meter rates from Time to time by ordinance or resolution.

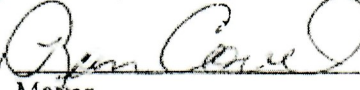
7. Meter Certificates, Tap Certificates.

a. Any meter certificate or tap certificate purchased after effective Date of this ordinance shall be valid for three months except that the town board may at its sole discretion authorize one additional one month extension.

- b. Where a meter is not placed in service within the term of the Meter certificate shall expire without notice or affirmative action by the Town of Sugar City and an administration fee of \$50.00 shall be assessed against the certificate purchaser. Following expiration of the certificate, the town clerk shall forth with refund the meter fee less the administration fee.
8. Severability, If any section , subsection, sentence, clause , phrase or portion of This Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.
9. Amended. All previously adopted Ordinances are hereby amended to the extent necessary to conform to this Ordinance.
10. The Board of Trustees of the town of Sugar City, Colorado, hereby finds, determines, and declares that this action is necessary for the preservation and protection of the public health, safety, and general welfare and shall become effective immediately upon final passage thereof.

INTRODUCED, READ, PASSED, ADOPTED, APPROVED AND ORDERED
PUBLISHED 29th day of March, 2005.

TOWN OF SUGAR CITY

By 
Mayor

ATTEST:

Town Clerk