

Town of Jamestown
Resolution # 4 Series 2015

**A RESOLUTION ADOPTING A REVISED ADDENDUM B, DATED JUNE 1st, 2015 TO
WATERWORKS ORDINANCE 1, 2015**

A RESOLUTION MAKING A CHANGE TO "Addendum B: "Water fees, Service Charges and Penalties" THAT SPECIFIES FEES FOR WATER UTILITY SERVICES AND PENALTIES FOR FAILURE TO PAY THOSE FEES

WHEREAS, the Town Board of Jamestown, Colorado is responsible for a well-functioning water works utility;

WHEREAS the Town Board of Jamestown is responsible for the provision of services to the water customers served by that water utility;

WHEREAS the Jamestown water works utility depends upon revenues from fees assessed from its customers;

Whereas the Town Board of Jamestown is committed to set fee rates in a manner that is transparent and equitable to all of its customers

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF JAMESTOWN, COLORADO:

That Addendum B to Water Ordinance 1, Series 2015 be adopted in its amended form that includes that the first 3 sentences in Paragraph under "under "Delinquency Remedies" in Addendum B, Rev1: "Water fees and Penalties for failure to pay" of the Water Works Ordinance #1, Series 2015 dated March 15th 2015 be changed to read:

"Accounts due for the use of water not paid within 120 days shall be ordered shutoff by the Town. Circumstances deemed exceptional and mitigating to this action concerning a particular account may be considered. The procedure for discontinuing water service pursuant to this ordinance addendum shall be as follows: "

INTRODUCED, READ, ADOPTED, APPROVED, AND SIGNED THIS 4 DAY OF JUNE 2015.



TARA SCHOEDINGER, MAYOR

Attest:



MARY ELLEN BURCH, TOWN CLERK

Addendum B Water Fees, Service Charges and Penalties
REV 1 dated 3/15/ 2015; revised 6/1/2015

Payment scheduling

Fees will be assessed quarterly, in advance for each calendar quarter year, and the charges so assessed shall become a lien on the real property served. Fees for the use of water shall become due and payable to the Town Clerk, quarterly, in advance, on January 1, April 1, July 1, and October 1 of each year or monthly, if approved, in advance, on the first day of each month of each year. If any account remains unpaid for a period of thirty (30) days from the date of billing, the account shall be assessed penalties interest and/or late charges as described in this Addendum to present Water Ordinance: Addendum B: "Water fees, Service Charges and Penalties"

Fees for Regular water services

Fees for water service (Includes surcharge instituted by Town Board in 2014):

Single family residence or apartment, water closet and bath or shower included:
\$172.00/quarter.

Single family residence (may include one Additional Dwelling Unit) or apartment, water closet, bath or shower with one additional bathroom, shower room or half bath (i.e. 2 total bathrooms): \$206.00/quarter.

Single family residence (may include one Additional Dwelling Unit) or apartment, water closet, bath or shower with two additional bathrooms shower rooms or half bath (i.e. 3 total bathrooms): \$238.00/quarter

Single family residence (may include one Additional Dwelling Unit) or apartment, water closet, bath or shower with three additional bathrooms, shower rooms or half baths (i.e. 4 total bathrooms); \$260.00quarter.

Single family residence (may include one Additional Dwelling Unit) or apartment, water closet, bath or shower with four additional bathrooms, shower rooms or half baths (i.e. 5 total bathrooms): \$267.00quarter.

The charge for more than four additional bathrooms shall \$7.00 per quarter for each additional bathroom.

These charges include a \$27 quarterly surcharge (\$9/ month). The need for this surcharge will be reviewed in the fall of 2017 or some time before then.

Billing address

Property owners may request water bills be mailed to third parties. The Town when

possible will honor such requests, however the owner of the real property shall remain liable for all amounts due.

Owners' responsibility for updating billing addresses

The town will make every effort to send bills to each water customer or their designated person. However, the failure of the Town to reach an owner or designated water services payer does not alleviate that customers liability for payments and all additional applicable charges and remedies.

Fee for turning off or on water service valve \$75.

Tap Permits and Fees

A tap (connection) fee shall be assessed and paid for all permits for connection to the waterworks system. The applicant must be the owner of the property for which a water tap is desired and must complete and submit an application on a form specified by the Town. Under unusual and exceptional circumstances and at the sole discretion of the Town Board such fees may be in whole or in part suspended or exempted.

- 1) The application shall be accompanied by a deposit of not less than ten (10) percent of the tap fee.
- 2) Except where an a priori agreement is made, the balance of the water tap fee shall be paid within 45 days of approval of permit by the Town Board or prior to commencement of construction for the tap, whichever is earliest.
- 3) Failure by the applicant to complete payment under the applicable provisions of this ordinance shall void the approval of the permit and there shall be no refund of any deposits or payments made prior to default.
- 4) Taps must be placed in service within six months of approval by the Board. Applicants may request an extension of the six month in service requirement provided circumstances unforeseen at time of permit approval are demonstrated. All extensions granted by the Board shall be in writing and shall be limited to a single extension not to exceed six months.
- 5) If the Board denies the application, the deposit shall be returned to the applicant, less any costs incurred by the Town in association with the processing of the application.
- 6) Fee for new tap is \$16,000.

Provision for Installment Payment for tap fee

The Board may approve the use of reasonable installment plans at interest rates not exceeding those permitted by law. Where this provision is employed it shall be subject to the following requirements:

- 1) A written agreement shall be executed between the Town and tap applicant.
- 2) The agreement shall specify tap in service dates, and initial water use fee payment, interest rate, payment amount, frequency and any other terms and conditions.

- 3) Interest rate charges shall be equal to the bank prime rate, plus two (percentage) points, as published in a Denver Colorado daily newspaper on the Friday prior to permit approval.
- 4) Term of payment shall not exceed twelve months. The number of payments shall not exceed twelve.
- 5) Failure to meet the requirements of a written agreement as described above activate remedies as described below in: "Delinquency remedies".

Reduced Quarterly Fees for Low Income Households.

Households with an annual gross income of \$20,000, are eligible to have their quarterly water use fee by 20%. In order to qualify for the reduction, the subscriber must submit to the Town Clerk, proof of income for the previous year in the form of a copy of a Federal Tax return, notarized affidavit or other substantial documentation. Such documentation shall not be copied and shall be returned to the subscriber within 7 days with confirmation or denial of qualification for the reduction. Qualification shall be for a period of 12 months.

Delinquency penalties

Should an account become more than 30 days delinquent a late charge of 10% shall be assessed. The late charge shall also be assessed for each subsequent 30 day period for which the account remains unpaid; however, total late charges shall not exceed 25% of the amount owed.

Delinquency Remedies.

Every charge relating to the waterworks system shall be a lien on the property served from the time the charge is due, until paid. If any such charge is not paid by the date due the Town may avail itself of one or more of the following remedies, or any other lawful available remedies.

- a) The Town may foreclose the lien.
- b) The Town may maintain an action in any court of competent jurisdiction for the amount of the charge due and any interest, costs, and attorney fees as allowed by law.
- c) The Town may certify the amount of the charge due to the Boulder County Clerk and Treasurer, together with an assessment fee of \$150.00 plus 10% of the aggregate total past due amount and assessment fee (\$15), to become an assessment upon the property served and to be collected and paid over to the Town in the same manner as taxes.
- d) Accounts due for the use of water not paid within 120 days shall be ordered shutoff by the Town. Circumstances deemed exceptional and mitigating to this action concerning a particular account may be considered. The procedure for discontinuing water service pursuant to this ordinance addendum shall be as follows:
 - 1) The Town Clerk shall send a written discontinuation notice to the owner of the property served, and, if applicable, to the occupant at the address of the property served, stating that water service will be discontinued on

a specified date, which date shall be no sooner than ten (10) days after the date the notice is mailed.

- 2) The form and content of the written notice shall be determined by the Town Clerk, but the notice shall state at a minimum, that there is a right to appeal to the Town the decision to discontinue water service if the appeal is requested in writing by the owner of the property served, and if the request is received by the Town Clerk before the close of business, pursuant to office hours as established from time to time, at least two days prior to the date specified for discontinuation.
- 3) The merits of an appeal described in paragraph (2.) of this subsection (d) will be determined by the Town Mayor, Chairman of the Water Committee or Town Clerk who may also want to discuss the matter at a Town Board of Trustees meeting. Factors to be considered are: whether the delinquency in fact exists, and if so, the amount of the delinquency.
- 4) If water service is discontinued pursuant to this subsection (d), water service shall not be reinstated until the owner of the property served has paid the amount of the delinquency, a discontinuation of services fee of \$75.00 and any other charge, including applicable fees or late charges described in this addendum to Water Ordinance 1 Series 2015.
- 5) If water service is discontinued pursuant to this subsection (d), any costs for damages to pipes, lines, shut off valves, boxes or other property which may occur during shut off or turn on of water service shall be paid by the subscriber.

Optional Payment Contract

Subscribers past due, a portion of which is past due over 120 days, and subject to one or more of the remedies described above may elect to enter into a contract with the Town prescribing a formal payment plan to eliminate the delinquency. The subscriber, who must be the owner of the property, may enter into such agreement by paying at least 1/7th of the unpaid balance and contracting to make up to six additional equal payments, one per month, by the 15th of each month. Selection of this option shall have no effect upon current billing or payments and failure to make payment in accordance to the contract or current or subsequent bills shall cause all unpaid amounts to become immediately due, payable and subjects the account to the penalties described above in section: **"Delinquency Remedies"**.

Unlawful Restoration of Services

In the event that water service is shut off due to payment delinquency, unauthorized restoration of water service prior to settlement of the delinquency by any person shall result in a daily surcharge of \$100 in addition to any other applicable penalties and any applicable charges, interest and late fees.

Temporary Relief Granted from Specific Provisions of the Ordinance. In

September 2013, the Town experienced significant flooding, which prompted formal declarations of disaster and emergency by local, state and federal government officials in Boulder County, Colorado, and as a result of such flooding, the Town's water distribution system was severely damaged with half of the distribution system destroyed, resulting in the water system being shut down. The Board of Trustees wishes to grant temporary relief from creation provisions of this Ordinance in order to facilitate the reconstruction and rebuilding of the Town's water distribution system (the "Project") and to facilitate residential recovery as follows:

- (a) Relief is granted from the following provision of the Ordinance: "All service lines beyond the curb box shall be installed, repaired and maintained by the property owner," subject to the following obligations and limitations:
 - 1. This Section is intended to provide temporary relief from the provision cited above in order to allow the Town to install private water service lines, including additional segments downstream from the curb box, water taps, and related facilities for water service connection to certain properties. The temporary relief described in this subsection shall apply only if the owners of said properties have executed a Right-of-Way Agreement in a form acceptable to the Town. No other relief is granted from any effective ordinance or provision therein except those listed herein. This ordinance does not constitute an obligation upon the Town or any governmental entity to perform Project, and the Town, through its Board of Trustees, may in its sole discretion determine not to undertake the Project.
 - 2. This Section shall expire on December 31, 2015 unless sooner repealed.
- (b) Relief is granted from the provisions of this addendum to the Water Ordinance that prohibit the transfer of water taps between properties. In accordance with the *Jamestown Stream Corridor Master Plan*, if a flood damaged property is deemed unsuitable, the owner may transfer the water tap permit for that property to another property. The property owner shall notify the Town Clerk in writing of intent to transfer a water tap permit under this provision and the Town Clerk shall record the change in the water tap records. This subsection (b) is subject to the following obligations and limitations:
 - 1. This Section shall apply to specific properties (identified by property address and Boulder County Assessor Parcel No.) to be identified by the Town at a later date.
 - 2. This Section shall expire October 20, 2018, unless sooner repealed.
- (c) In addition, relief is granted from the provisions of this Addendum that require a tap fee of \$16,000 for a new water tap. If a flood damaged property was not previously a subscriber to the Town's water system, the owner may purchase

a new water tap permit for the property. There shall be no additional permit fees associated with this relief. Though relieved from having to pay a tap fee qualifying property owner shall be responsible for all costs resulting from installation of new service lines, water mains, curb boxes and valves and the construction of new service shall be in accordance with the Addendum A of Ordinance 1, Series 2015. The property owner shall notify the Town Clerk in writing to obtain a water tap permit under this provision.

(d) **Relief for Approved Multiple Family Rental Units During Long periods of Non-Occupancy.** Owners of residences with approved rental apartments or duplexes may obtain relief from water fees for unoccupied, un-rented rental units under the following conditions:

(1) The apartment or duplex must be within or attached to the residence and have been in existence as a rental unit prior to November 7, 1983 or otherwise be approved by the Town Board in writing.

(2) The residence must otherwise be owner occupied and must be the owner's primary residence.

(3) The rental unit must have been un-rented and unoccupied for a period of at least six months prior to the water fee period for which relief is sought.

(4) The owner must certify in writing that the rental unit has been un-rented and unoccupied for the prescribed period. The term "unoccupied" shall be defined as meaning that the rental unit has not been dedicated to a person or group of persons for the purpose of using it as living space, (for example, a relative or friend of the resident owner), for a period greater than 29 days during any of the preceding six month period. The term "un-rented" shall be defined as meaning that no funds for rental or use of the unit is agreed upon or collected for any period during the preceding six month period.

(5) For the period(s) of water fee relief, the number of bathrooms in the rental unit shall be added to the resident owner's fee for the purpose of calculating the quarterly water fee bill(s).

(6) Relief from the fee shall be applied to no more than one rental unit per approved multiple family residence at any one time.

(7) Upon rental and/or occupancy of the rental unit the quarterly water fees shall again be calculated as if multiple taps were in use and may be prorated for partial fee periods.