

ORDINANCE NO. 10

Series 2014

November 18, 2014: Introduced as Council Bill 10, Series 2014 by Councilor Russell Stewart, seconded by Councilor Mark Griffin and considered in full text on first reading. Passed by a vote of 5 yes and 0 no.

December 9, 2014: Considered in full text on second reading. Passed by a vote of 5 yes and 0 no.

A BILL FOR AN ORDINANCE OF THE CITY OF CHERRY HILLS VILLAGE, REPEALING AND REENACTING ARTICLE I OF CHAPTER 13 CONCERNING MUNICIPAL UTILITIES

WHEREAS, the City of Cherry Hills Village ("Village") is a home rule municipal corporation organized in accordance with Article XX of the Colorado Constitution; and

WHEREAS, the City is authorized in accordance with Article 35 of Title 31 of the Colorado Revised Statutes to adopt rules and regulations governing the operation of city owned utilities; and

WHEREAS, the adopted regulations governing the Village's water and sanitary sewer system are codified in Article I, titled Water and Sanitary Sewer Regulations, of Chapter 13 of the Municipal Code; and

WHEREAS, the City Council desires to update its utility regulations to protect the health, safety and welfare of the residents of the Village and the users of the Village's water and sanitary sewer utility systems.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CHERRY HILLS VILLAGE, COLORADO, ORDAINS:

Section 1. Article I, Water and Sanitary Sewer Regulations, of Chapter 13 of the Cherry Hills Village Municipal Code, is hereby repealed in its entirety and reenacted to read in full as follows:

CHAPTER 13

Municipal Utilities

Article I Water and Sanitary Sewer Regulations

Sec. 13-1-10	Authority and powers
Sec. 13-1-20	Definitions
Sec. 13-1-30	Occupancy prohibited and connections required
Sec. 13-1-40	Sanitary sewer to premises
Sec. 13-1-50	Water supply to premises
Sec. 13-1-60	Responsibility of property owners for charges and connections
Sec. 13-1-70	Lien upon property
Sec. 13-1-80.	Penalty

Sec. 13-1-10. Authority and powers.

(a) **General.** The City shall have and exercise with regard to City owned utilities, including water and wastewater, all of the authority and powers now provided by the statutes of the state of Colorado, including those hereafter established, and all related home rule powers authorized under the Constitution.

(b) **Contracts.** The City shall have the power to enter into contracts for the provision of water or sanitary sewer service based on the present and future needs and requirements of the City and its residents.

(c) **Rates and Fees.** The City shall have the authority and power to impose rates, fees, tolls and charges for water and sanitary sewer service and facilities furnished by or

through the City including, without limiting the generality of the foregoing, minimum charges, charges for the availability of service, tap fees, disconnection fees, reconnection fees, and reasonable penalties for any delinquencies from any date due at a rate of not exceeding one percent per month or fraction thereof, reasonable attorneys' fees, and other costs of collection. Said rates, fees, tolls and charges shall be established by resolution adopted by the City Council, as amended from time to time. Late fees for delinquent payments to the City shall apply if the City does not receive payment within thirty (30) days of the billing date.

(d) Rules and Regulations. The City shall have the authority to adopt rules and regulations governing this Article adopted by resolution of the City Council, copies of which shall be available in the City Clerk's office and published on the City's web site.

Sec. 13-1-20. Definitions.

Main means any publicly owned pipe, whether owned by the City, the City and County of Denver, acting by and through its Board of Water Commissioners, or the City of Englewood and which is used for distributing water or collecting sewage from users' property, whether or not the main is located along or within public streets or other rights-of-way or easements. The term Main does not include any privately owned water or sanitary sewer service line.

Septic System means a privately owned individual sewage disposal system.

Service line means any privately owned and maintained pipe that delivers potable water to the structure that is served from a main or transports sewage from the structure that is served to a main.

Tap means a physical connection to a distribution or collection main.

Sec. 13-1-30. Occupancy prohibited and connections required.

(a) It is unlawful for any person to use or occupy any habitable building in the City unless such building has a system of pipes to provide water and to remove sewage as required by the uniform building and plumbing codes of the City.

(b) It is unlawful for any person to use, excavate, connect to, open, alter, or otherwise disturb any publicly owned water or sewer main.

(c) Each building to which water or sewer service, or both, are required shall have its own separate connected water and sewer services, except as otherwise determined by the City.

Sec. 13-1-40. Sanitary sewer to premises.

(a) Every Septic Systems within the City shall comply with the regulations contained in this Article.

(b) All Septic Systems must at all times comply with the federal government and its appropriate agencies, Colorado Department of Public Health and Environment and Tri-County District Health Department standards and regulations as well as all other applicable local laws, rules and regulations. No Septic System shall be constructed or reconstructed until a permit therefor has been secured from the Tri-County District Health Department.

(c) When the City Council deems it necessary for the protection of public health that owners of one or more premises connect their premises with the public sewer, at least thirty (30) days' notice in writing shall be given to said owners, by registered mail, notifying them to connect their premises with sewer, the date of the notice to begin as of the date of the registering the same for mailing. If the work of making the connection is not begun within the time period specified in the notice, the city manager shall be authorized to cause the premises to be connected in accordance with the procedures set forth in Part 6, Article 35, of Title 31 of the Colorado Revised Statutes.

Sec. 13-1-50. Water supply to premises.

No building permit should be issued within the corporate limits of the City until there has been submitted or made available to the Building Official proof that an adequate supply of potable water in terms of quality and quantity for domestic purposes is available at the building site.

Sec. 13-1-60. Responsibility of property owners for charges and connections.

(a) Owners of properties are responsible for payment of all tap fees, assessments, charges, rates and other fees and user charges set forth in this Article or by resolution of the City Council. The owner may designate another person to whom bills containing water or sewer charges shall be sent. Mailing of a bill for water or sewer charges to any address shall in no way affect the power of the City to enforce payment of charges or to take any other action provided in this Article or authorized by law or equity.

(b) The City shall not be required to enlarge or extend its facilities beyond those currently existing and all such enlargements or extensions, when permitted, shall be undertaken or paid for by the owner or developer of the property to be served.

Sec. 13-1-70. Perpetual lien upon property.

Any nonpayment or delinquency of any fee, rate, charge, penalties, including the cost of collecting them, provided by this Article constitutes a debt due and owing the City, and the City has the right to recover any such debt in the manner provided by law in any court of competent jurisdiction. Until paid, the fees, rates, charges or penalties provided by this Article constitute a perpetual lien on and against the property served, and any such debt that is secured by said lien may be certified by the City Clerk to the Board of County Commissioners of Arapahoe County for collection with the real property taxes.

Sec. 13-1-80. Penalty.

In addition to the remedies set forth in this Article, any person violating any of the provisions of this Article shall, upon conviction thereof, be fined as set forth in Section 1-4-20 of this Code.

Section 2. Severability. If any provision of this Ordinance should be found by a court of competent jurisdiction to be invalid, such invalidity shall not affect the remaining portions or applications of this Ordinance that can be given effect without the invalid portion, provided that such remaining portions or applications of this ordinance are not determined by the court to be inoperable. The City Council declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, despite the fact that any one or more section, subsection, sentence, clause, phrase, or portion be declared invalid.

Section 3. Safety. This Ordinance is deemed necessary for the protection of the health, welfare and safety of the community.

Section 4. Effective Date. This Ordinance shall become effective ten (10) days after publication after second reading in accordance with Section 4.5 of the Charter for the City of Cherry Hills Village.

Adopted as Ordinance No. 10, Series 2014, by the City Council of the City of Cherry Hills Village, Colorado, the 9th day of December, 2014.

(SEAL)


Douglas M. Tisdale, Mayor

ATTEST:

APPROVED AS TO FORM:


Laura Smith, City Clerk


Linda Michow, City Attorney

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**CITY OF CHERRY HILLS VILLAGE
ADOPTION OF ORDINANCE
ORDINANCE 10, SERIES 2014**

A bill for an ordinance of the City of Cherry Hills Village repealing and reenacting article I of chapter 13 concerning Municipal Utilities.

Copies of the Ordinances are on file at the office of the City Clerk and may be inspected during regular business hours.

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