

ORDINANCE NO. 167

AN ORDINANCE ADOPTING AND ENACTING WATER RULES AND REGULATIONS FOR THE TOWN OF HUDSON, SETTING WATER RATES, AND PROVIDING FOR PENALTIES FOR VIOLATIONS.

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

SECTION 1. Creation of Water Department There is hereby created and established a Water Department of the Town of Hudson for the purpose of the management, maintenance, care and operation of the water works of the Town.

SECTION 2. Superintendent - Powers The Town Mayor shall act as Superintendent of the water works until such time as the Town Board authorizes the Town Mayor to appoint another qualified person to fill this position. He shall have the immediate control and management of all things pertaining to the Town water works system, and he shall perform all acts that may be necessary for the prudent, efficient and economical management and protection of said water works, subject to the approval of the Town Board. The Board of Trustees shall have the power by motion to prescribe such other and further rules and regulations governing the power and duties of the Superintendent and such other rates, rules and regulations as are not herein contained.

SECTION 3. Receipts and Deposits The Town Clerk shall keep a correct account of all receipts and materials furnished to consumers, collect the same and deposit the proceeds so collected with the Town Treasurer to the credit of the water works fund of the Town, and in accordance with the direction of the Board.

SECTION 4. Inspections Whenever in the judgment of the Superintendent he deems it necessary, he may inspect the premises or buildings of any water consumer for the purpose of examining the condition of all pipes, motors, meters and water fixtures, or the manner in which the water is used. He shall be vigilant to protect and remedy all abuses, whether from waste or other improper use of water.

SECTION 5. Application For Water Application for the use of water shall be made to the Town Clerk at the Town office. The application must be made by the owner or agent of the property to be benefited, designating the location of the property and stating the purpose for which the water may be required. In the furnishing of water for any purpose other than domestic purposes, the Town shall not be responsible for the quality or quantity of the water furnished.

SECTION 6. Tapping Charge Upon the application for a new tap and service connection by any consumer, within the corporate limits of the Town, the applicant shall pay to the Town Clerk the sum of \$500.00 for each connection to the Town's water system. Each dwelling unit in a multiple dwelling unit structure shall be considered a separate tap.

There shall be no requirement for the Town to furnish any water tap larger than 3/4 inch in diameter.

~~The consumer shall also pay prior to turning on of water service to the Town Clerk for each new water tap a fee which shall be the total sum of the following charges: the actual cost to the Town of the corporation cock, copper pipe, expansion joint, curb box, tapping saddle, and where applicable, a water meter. The meter shall be furnished, but not purchased, by the Town, to make such tap. All necessary trenching and backfilling shall be at the expense of the applicant and under supervision of the Town Superintendent. The Town shall own and maintain the water line from the main to the curb box and the property owner shall own and maintain the service line from the curb box to the premises served. All work upon the service line shall be performed by a licensed plumber or to Town specification and inspection.~~

SECTION 7. Outside User Fees In addition to the foregoing fee, for a water tap outside of the corporate limits of the Town, if permitted by the Town Board, the consumer shall also pay for each tap the sum of \$500.00 per tap.

SECTION 8. Size of Service Tap No service tap shall be more than 3/4 inch in diameter unless special permission is given by the Town Board for a larger tap, and all plumbing through which water is used shall be installed by a licensed plumber or to Town specifications and inspection.

SECTION 9. Discontinuance of Service Any person who desires to discontinue the use of water shall file written notice with the Town Clerk and pay all current and back charges for water used.

SECTION 10. Separate Connections Required Two (2) or more premises cannot be supplied by one (1) and the same connection unless permission is granted by the Town Board.

SECTION 11. Service Pipe Regulations No consumer shall be permitted to conduct water pipes across lots or buildings to adjoining premises without the permission of the Town Board. Service must include all improvements on the property with no cross connections with any other water supply. Service pipes must be laid at least four (4) feet below the surface of the ground. The Town shall not be responsible for service pipes and fixtures. All owners at their own expense, must keep service pipes from the Town main and all their apparatus in good working order and properly protected from frost and other disturbances. No claim shall be made against the Town on account of the breaking of service pipes or apparatus or for failure in the supply of water. No reduction in the rates will be made for any time that service pipes or fixtures may be frozen.

SECTION 12. Hose and Nozzle Size Consumers shall not use hose larger than three-fourths (3/4ths) of an inch in diameter, and sprinkling without a nozzle or from a nozzle larger than three-sixteenths (3/16ths) of an inch opening is strictly forbidden. In addition to the penalty provided herein for Code violations, any violation of this section may cause a revocation of sprinkling rights for the remainder of the season.

SECTION 13. Waste of Water Prohibited Consumers shall prevent unnecessary waste of water and keep all water outlets closed when not in actual use. Hydrants, urinals, water closets, bath tubs and other openings must not be left running for any purpose other than the use for which they were intended. In addition to the penalty provided herein for Code violation, the water supply may be turned off where any such waste occurs, and in such case a penalty of twenty (\$20.00) dollars must be paid before the water is turned on again.

SECTION 14. Supplying Water to Others No occupant or owner of any building into which water is introduced will be allowed to supply water to other persons or families. The Water Department agrees to furnish water for a specified sum. If, therefore, consumers furnish other people or supply water for animals or for sprinkling, washing vehicles or for building purposes, or permit it to be taken without the knowledge or consent of the Water Department, it is a violation of contract, and consumers so offending will be required to pay double the price of water privileges. When the water has been turned off for violation hereof, the water will not be turned on again until all water rent and penalties have been paid, including the further sum of twenty dollars (\$20.00) for turning the water off.

SECTION 15. Swimming Pools No water shall be used for a swimming pool, or pool holding over 2000 gallons of water, or other similar purpose except by special contract with the Town, which contract shall specify the charges for water use.

SECTION 16. Water Account in Name of Owner All accounts for water shall be kept in the name of the owner of the property and not in the name of any tenant, and the owner only, or his legally authorized agent, shall be held responsible for water rents; provided that persons holding under a lease may be supplied on their account where it is impracticable to keep the account in the name of the owner, and in such case the Town may require a deposit

of at least one (1) quarterly water rental, which deposit may be forfeited to the Town at any time when the water rental becomes delinquent and a new deposit required before further service is rendered.

SECTION 17. Unpaid Water Rents a Lien All water rents shall be charged against the owner of the property served and shall be a lien upon the respective lots or parcels of land where said water is used from the time when due and shall be a perpetual charge against said lots or parcels of land until paid, and in the event said rents shall not be paid when due for water service to property within the corporate limits, the Town Clerk shall certify such delinquent rents to the Treasurer of Weld County and said rents shall be collected in the same manner as though they were part of the taxes.

SECTION 18. Unlawful Acts It shall be unlawful for any person to use or take water or to operate any fire hydrant without permission of the Superintendent, without a permit, or to make any fraudulent representation for the purpose of obtaining water, or for any person to take or use water from the water works for a different purpose or purposes than provided in the customer's permit, or for any person to willfully or unreasonably waste water, or for any person to violate any of the regulations set forth in this chapter. Each and every such unlawful act shall constitute a violation of this Code and shall be punishable as herein provided.

SECTION 19. Regulations Part of Contract All regulations contained in this section shall be considered a part of the contract of every person taking water from the water works of the Town, and every person taking water shall be considered as having expressly consented to be bound thereby.

SECTION 20. Schedule of Water Rates All flat rates and charges for water shall be on a quarterly basis paid in advance on the first day of January, April, July and October of each

year, metered rates, monthly, due the 10th of the following month in which billed.

FLAT RATES

QUARTERLY/MONTHLY BASED RATES

Residence, Apartment,  
Cottages or Domestic Unit  
(not including lawn or  
(garden sprinkling )

Uniform Quarterly Rate  
\$16.50 per quarter, minimum  
(\$5.50 per month per unit)

Businesses *(Using water in business activity)*  
*Businesses using water incidental to normal operations*  
Laundry, Self Service,  
Per Machine

*23.10*  
~~\$10.50~~ per Quarter  
~~\$5.50~~ per month per unit  
*17.90* " " " "

Per Machine

\$1.20 per machine *per month*

Schools, Public, Per Student

\$1.00 per student per month

Swimming Pools

Contract at Time

Tank of Water

\$1.95 per thousand gallons

Car Wash

Contract with Town

~~Vacant lots in garden~~

~~\$5.50 per month *per lot*~~  
~~(25' x 150' lot)~~

Watering of animals,  
livestock or fowls

By Resolution

Sprinkling of lawns and  
gardens -

*DUNE LOT = 25' X 125'*

per lot or part thereof  
per month -  
per lot or part thereof  
per season -

\$1.25

\$7.50

In any case where rates are not fixed or there is uncertainty as to proper charge the same shall be fixed by the Board of Trustees by resolution.

SECTION 21. Disconnection of Water When property is disconnected from the Town's Water system, the application and connection fees provided for in Sections 5. and 6. of this ordinance, or if no charge for service has been made in over one year, a water application for new tap shall be made and paid to the Town Clerk before water service shall be restored to the property.

SECTION 22. Water Bills; Payment; Penalty All charges for water as provided for in this section must be paid in advance at the office of the Town Clerk within 10 days after billing date. If such charges shall not be paid/on the 20th day, they shall become delinquent, and if said charges are not paid on or before

the 30th day a notice shall be given to water user that water will be turned off in five (5) days. A charge of ten dollars (\$10.00) will be added to the water bill for turning off the water. Should the occupant of the premises turn on the water or cause it to be turned on after it has been shut off at the curb cock, it will be turned off at the main and a charge of twenty dollars (\$20.00) plus the cost of labor and material as determined by the Town, for turning the water off or on shall be added to the water bill and collected as a part thereof.

SECTION 23. Metered Water Rates All metered water sold by the Town shall be sold at the following rates:

First 4,000 gallons or less, per month \$7.70.  
The next 2,000 gallons per month, .55¢ per 1,000 gallons.  
All over 6,000 gallons per month, .75¢ per 1,000 gallons.  
100 cubic feet shall be considered as equal to 750 gallons.

SECTION 24. Amendment of Schedule of Water Rates All water rates under this Ordinance may be amended from time to time by the Board of Trustees of the Town of Hudson by resolution.

SECTION 25. No Use During Fire Alarms During all alarms of fire the use of hose and all outlets where a constant flow of water is maintained is positively forbidden.

SECTION 26. Sprinkling Restrictions In case of water shortage or scarcity, the Board may by resolution place any restriction which it deems necessary upon the use of water for irrigation or sprinkling purposes.

SECTION 27. Metered Service Any service may be metered when in the judgment of the Board of Trustees the same is necessary or beneficial.

SECTION 28. Repair and Extension of Mains The Town reserves the right, upon reasonable notice, to shut off its mains for the purpose of making repairs or extensions or for any other purpose, and no claim shall be made against the Town by reason of the breakage of any service pipe or service cock or from any other damage that may result from shutting off water for repairing and

relaying mains, hydrants or other connections. The Town shall not be under any obligation to extend mains into any area where service is requested or area annexed to the Town. The extensions of new mains shall be contracted between the Town and parties or persons requesting extension, *the cost of said extension shall be borne fully by those parties or persons.*

SECTION 29. General Penalty: Continuing Violations Whenever in this Code or any other ordinance or resolution of the Town or any rule or regulation promulgated under the provisions of this Code any act is prohibited or declared to be unlawful or an offense or a misdemeanor or the doing of any act is required or the failure to do any act is declared to be unlawful or an offense or a misdemeanor, where no specific penalty is provided therefor, any person who shall be convicted of the violation of any such provision of this Code or other ordinance or resolution of the Town hereafter enacted or of such rules or regulations shall be punished by a fine of not more than three hundred dollars (\$300.00) or by imprisonment in jail not exceeding ninety (90) days or by both such fine and imprisonment.

Every day any violation of this Ordinance or any other ordinance or resolution of the Town or any rule or regulation promulgated under the provisions of this Ordinance shall continue shall constitute a separate offense.

SECTION 30. Effect of Ordinance If any part or parts of this Ordinance are for any reason held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Board of Trustees hereby declares that it would have passed this Ordinance, and each part or parts be declared invalid or unconstitutional.

SECTION 31. Repeal All former water ordinances of this municipality are hereby repealed, and all ordinances or parts of ordinances in conflict with or inconsistent with the provisions of this ordinance are hereby repealed, except that this repeal



SECTION 33 ADDITIONAL REQUIREMENTS  
for Property seeking annexation to the

town of Hudson the owner shall provide  
the Town of Hudson with

3 Full Acre Feet of Potable water for each  
To the Town ~~Hudson~~

Acre annexed. IF the use for water exceeds

3 Full Acre Feet, the applicant for annexation

shall provide the excess over 3 Full Acre

feet in addition to the 3 Full Acre feet

of Potable water required.

for Property within the <sup>corporate</sup> limits of the Town of  
Hudson, which has not satisfied the requirement  
for Potable water, ~~the~~ and the owner is

shall not effect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the taking effect of this ordinance.

SECTION 32. Additional Requirements In addition to the requirements of this ordinance, before a building and zoning compliance permit is issued, the applicant shall also comply with all other building, plumbing, electrical or inspection requirements in force in the Town of Hudson.

The Board of Trustees finds that an emergency exists and this Ordinance is necessary for the immediate preservation of the public peace, health and safety of the people of the Town of Hudson and this Ordinance shall be in force and become effective five (5) days after its passage and publication.

PASSED AND ADOPTED, SIGNED AND APPROVED THIS 10<sup>th</sup> day of December, 1975.

  
Mayor

ATTEST:

  
Town Clerk