

ORDINANCE

**AN ORDINANCE AMENDING CHAPTER 13.16 OF THE MANITOU SPRINGS MUNICIPAL CODE BY AMENDING SECTIONS 13.16.060 and 13.16.070 TO CHANGE THE NOTIFICATION REQUIREMENTS TO SHUT-OFF A DELINQUENT WATER/SEWER BILL.**

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**WHEREAS**, Sections 13.16.060 and 13.16.070 of the Manitou Springs Municipal Code outline the billing period, failure to pay and water turn-off procedures for water and sewer bills;

**WHEREAS**, the Manitou Springs City Council wishes to update the billing period, failure to pay and water turn-off procedures for water and sewer bills; and

**WHEREAS**, in order to promote the health, safety and welfare of the City, the Manitou Springs City Council finds it necessary to amend Sections 13.16.060 and 13.16.070 of the Manitou Springs Municipal Code.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MANITOU SPRINGS, COLORADO, THAT:**

**Section 1:** Chapter 13.16.060 of the Manitou Springs Municipal Code is amended to read as follows:

13.16.060 Fees--Payable when.

- A. Where monthly charges accrue for metered service as herein specified, such monthly charges shall be due and payable by the 21st calendar day of each month following service.
- B. Nonmetered users who have a meter installed during a period for which they have paid their water and sewer user charges in advance shall have the unused portion of the charges computed on a proportionate basis and applied to their metered account.

**Section 2:** Chapter 13.16.070 of the Manitou Springs Municipal Code is amended to read as follows:

13.16.070 Failure to pay bill--Water turn-off.

- A. All water and sewer bills shall be paid in full within 21 calendars days of the billing date. The printed bill is the official notice of the amount due to the city for the monthly water and sewer service. The date due is stated on the bill. Payment is deemed to have occurred only when received by the finance office; the check date or the postmark date of mailing does not constitute a payment date or receipt date. The finance office is not authorized to accept partial payments on water and sewer bills.
- B. A bill that is not paid by 5pm on the due date stated on the bill shall be considered delinquent. A turn-off notice will be mailed to the property owner and/or tenant at the time that an account is determined to be delinquent. The total amount due on the turn-off notice will include the delinquent amount and a 10 dollar charge to defray the costs of preparing and mailing the turn-off notice. All charges must be received by the stated due date on the turn-off notice to be considered paid. The due date on the turn-off notice will coincide with the due date of the next water and sewer bill.
- C. Failure to pay the total amount due on or before the due date printed on the turn-off notice will result in water service being turned off. Additional fees following turn-off will be added per Section 13.16.050 to the customer bill. Before any restoration of service, all amounts then due must be received by the finance office.
- D. In cases of hardship, the City Administrator or his designee, is authorized to enter into

repayment agreements and when such an agreement is in effect, water service may be continued.

**Section 3:** If any article, section, paragraph, sentence, clause or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

**Section 4:** The repeal or modification of any provision of Manitou Springs Municipal Code by this ordinance shall not release, extinguish, alter, modify or change in whole or in part any penalty, forfeiture or liability, either civil or criminal, which shall have been incurred under such provision. Each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings and prosecutions for enforcement of the penalty, forfeiture or liability, as well as for the purpose of sustaining any judgment, decree or order which can or may be rendered, entered or made in such actions, suits, proceedings or prosecutions.

**Section 5:** This ordinance is deemed necessary for the protection of the health, welfare and safety of the community.

**Section 6:** This ordinance shall take effect five (5) days after final approval and adoption on second reading.

Passed on first reading and ordered published this 7th day of September 2010.

/s/ City Clerk  
Donna Kast

A Public Hearing on this ordinance will be held at the September 21, 2010, City Council meeting. The Council Meeting will be held at 7:00 P.M. at City Hall, 606 Manitou Avenue, Manitou Springs, Colorado.

Ordinance First Published: September 9, 2010 (in full)  
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Passed on Second Reading and Ordered Published this 21<sup>st</sup> day of September 2010.

Approved: /s/ Marc A. Snyder  
Mayor and City Council

Attest: /s/ Donna Kast  
City Clerk

Approved for Council Action: /s/ Mike Leslie  
Deputy City Administrator

Approved as to form: /s/ Jeff Parker  
City Attorney

Published: September 23, 2010 - *Effective 9/28/10*  
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