

ORDINANCE

AN ORDINANCE AMENDING CHAPTER 13.12.004 OF THE MANITOU SPRINGS MUNICIPAL CODE CONCERNING THE INSTALLATION OF WATER METERS

WHEREAS, the City Council desires to provide clarification regarding the responsibility for damage to water meters; and

WHEREAS the City Council further desires that the cost associated with replacing a neglected water meter shall be the responsibility of the owner of said water meter.

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

Section 1: Section 13.12.004 of the Manitou Springs Municipal Code is hereby amended to read as follows (language in *bold italics* indicates new language):

13.12.004 - Failure to install.

Water service shall not be provided unless a meter is installed, tested and inspected. The cost of the meter, meter pit, meter loop and remote electronic meter shall be borne by the customer. *The customer is responsible for protecting the meter from damage, including damage from the elements. The customer shall be responsible for the cost of a replacement meter required due to damage caused by the customer's failure to adequately protect the meter.*

Section 2: 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 3: 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 4: This ordinance is deemed necessary for the protection of the health, welfare and safety of the community.

Section 5: This ordinance shall take effect five (5) days after final approval and publication.

Passed on First Reading and Ordered Published this 7th day of May 2013.

/s/ Donna Kast
City Clerk

A Public Hearing will be held at the May 21, 2013 City Council meeting. The Council Meeting will be held at 7:00 P.M. at City Hall, 606 Manitou Avenue, Manitou Springs, Colorado.

Ordinance Published May 9, 2013 (in full)
City's Official Website and City Hall

Passed on Second Reading and Ordered Published this 21st day of May 2013.

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

Attest: /s/ Donna Kast
City Clerk

Published May 23, 2013 (in full)
City's Official Website and City Hall