

ORDINANCE

AN ORDINANCE AMENDING CHAPTER 13.16 OF THE MANITOU SPRINGS MUNICIPAL CODE CONCERNING THE COLLECTION OF UNPAID RATES AND CHARGES FOR WATER AND SEWER SERVICES

WHEREAS, pursuant to C.R.S. § 31-20-105, the City Council desires to ensure the collection of unpaid water and sewer rates and charges by providing for the certification of such unpaid fees to the County Treasurer as a lien against real property where water and sewer services are provided to be collected in the same manner as taxes.

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

Section 1: Section 13.16.040(C) is hereby deleted.

Section 2: Chapter 13.16 of the Manitou Springs Municipal Code is hereby amended by the addition of new subsection 13.16.080 to read as follows:

13.16.080 – Collection; Lien.

Any and all rates and charges for water and sewer fees pursuant to this Chapter shall be a lien upon the respective lots or parcel of land upon which they were imposed from the time when due until they are paid, and in the event that said rates and charges are not paid when due, the City Clerk shall certify such delinquent rates and charges to the County Treasurer to be collected in the same manner as taxes.

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 on second reading and publication.

Passed on first reading and ordered published this 17th day of May, 2016.

/s/ Donna Kast
City Clerk, Donna Kast

A Public Hearing on this ordinance will be held at the June 7, 2016, City Council meeting. The Council Meeting will be held at 6:00 P.M. at City Hall, 606 Manitou Avenue, Manitou Springs, Colorado.

Ordinance Published: May 19th, 2016 (in full)
City's Official Website and City Hall

Passed on second reading and ordered published this 7th day of June, 2016.

Approved: /s/ Nicole Nicoletta
Mayor and City Council

Attest: /s/ Donna Kast
City Clerk, Donna Kast

Ordinance Published: June 9, 2016 (in full)
City's Official Website and City Hall