

AN ORDINANCE REGULATING UTILITY SERVICES FOR THE TOWN OF FLEMING

WHEREAS, the Town of Fleming is responsible for providing certain utilities to the residents of the Town; and,

WHEREAS, it is necessary for the Town of Fleming to regulate the use of these utilities to insure that adequate services are available; and,

WHEREAS, the Town of Fleming incurs certain expenses for providing these utility services to the residents of the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES FOR THE TOWN OF FLEMING, COLORADO.

Section 1. Services. The Town of Fleming will supply water and electric services to all qualified applicants of the Town.

Section 2. Setting Criteria. The Board of Trustees for the Town of Fleming will establish the criteria for qualifying applicants. The Board may, from time to time, review and revise the criteria for qualifying applicants as it deems necessary and appropriate.

Section 3. Deposits. Applicants, other than owners of property for which services are being requested, shall pay a deposit for each utility being requested. Deposits may be retained by the Town until such time as utility services are no longer required by the applicant and all outstanding fees and charges have been paid. The amount of deposit for each utility shall be established by the Board.

Section 4. Restrictions.

4-1. Water restrictions.

- A. The Board may by resolution place any restrictions which it deems necessary upon the use of water for irrigation or sprinkling purposes.
- B. Use Outside Corporate Limits. Use of water outside corporate limits shall be subject to the paramount rights of users within the corporate limits, and in case there shall be insufficient water to provide for users both within and without the corporate limits, the Board may reduce, curtail or shut off the users outside the corporate limits during such period of water shortage or scarcity.

4-2. Electric Service Restrictions. Any business, resident, or other user of electric services provided by the Town shall, at the request of the Mayor or his designee, reduce or curtail their demand for electrical services.

Section 5. Repairs and Maintenance. The Town reserves the right, upon reasonable notice, to shut off utility services for the purposes of making repairs, replacing or installing new equipment, or for other purposes, and no claim shall be made against the Town for any damages that may result from the temporary discontinuance of services.

Section 6. Metered Service. Any service may be metered when, in the judgement of the Board, metering is necessary and beneficial.

Section 7. Bills; Payments; Penalties. All charges for utility services as provided for in this ordinance shall be paid by the 10th day of each month at the Town Hall to the Town Clerk for the services provided for the prior month. If such charges are not paid by the 10th day of the month in which they are due the same shall become delinquent and a penalty of ten percent (10%) of the outstanding balance shall be added to the account of the utility user, and shall be due and payable immediately.

Section 8. Service Disconnections - When. If for any reason any delinquent charges including any penalties assessed are not paid by the end of the month the Town may discontinue the utilities to the property for which the delinquency has arisen. Utility services shall not be restored to the same property until such delinquencies, including any penalties, have been paid in full. Change of ownership or occupancy shall not affect the application of this section.

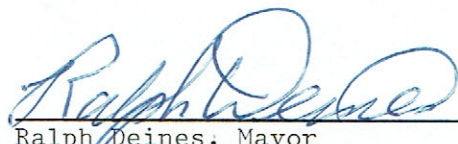
Section 9. Property Owners' Responsibility. In the event that utility services are provided to a premises in the name of a tenant rather than the owner of a property and the tenant becomes delinquent in his utility service bill payments, the owner or owners of the premises occupied by the tenant shall become liable for any delinquencies and penalties accruing for utility services provided to the premises.

Section 10. Collection, Lien -- Perpetual Lien. When any delinquent charges and penalties assessed against such delinquencies have not been paid within the month following the month in which they became due the same such delinquencies and penalties shall be charged against the owner of the property served and shall become a lien against the respective premises, lots or parcels of land for which services were provided, and further, shall become perpetual charges against such premises, lots or parcels of land until paid. In the event said charges, delinquencies, penalties and other fees are not paid when due for services provided to such lots, lands or premises within the corporate limits of the Town of Fleming, the Town Clerk at the direction of the Mayor shall certify such delinquencies, charges and penalties to the Treasurer of Logan County, to be by him placed on the tax list for the current year, and to be collected in the same manner as other taxes, with ten percent (10%) added to defray the costs of collection. All laws of this state for the assessment and collection of general taxes, including the laws for the sale of property for taxes and redemption of the same, shall apply.

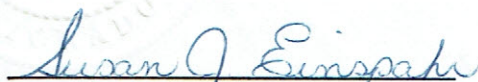
Section 11. Repealer. Any part of any ordinance in conflict with this Ordinance # 1 - 1986 is, hereby repealed.

Section 12. Exclusions. If any part of any section of this Ordinance # 1 - 1986 is found to be unconstitutional it shall not invalidate any other portion of this Ordinance # 1 - 1986.

Introduced and approved on first reading this 7th day of January,
January, 1986.


Ralph Deines, Mayor

Attest:


Sue Einspahr, Clerk