

ORDINANCE NO 577

SERIES 2024

**AN ORDINANCE AMENDING TITLE 13 OF THE DOLORES MUNICIPAL CODE
PERTAINING TO SEPARATE WATER AND SEWER LINES**

WHEREAS, Colorado Revised Statutes, § 31-15-401 grants general police powers to the Board of Trustees to promulgate ordinances for the health, safety, and welfare of the public, including regulation of lands owned by the Town within its corporate boundaries.

WHEREAS, Colorado Revised Statutes, § 31-35-402 grants general powers to the Board of Trustees to regulate public utilities including water, mains, and taps. promulgate ordinances for the health, safety, and welfare of the public, including regulation of lands owned by the Town within its corporate boundaries.

WHEREAS, there is a need to amend the Town’s ordinances pertaining to manner in which water lines and taps to the Town’s customers are regulated in order to achieve an equitable and fair result for those property owners who’s premises are currently served by single service line.

WHEREAS, the Board of Trustees, in order to promote the health, safety, and welfare of the public and regulate the Town’s water mains and taps and achieve a fair and equitable result for the citizens of the Town, wishes to amend Section 13.04.160 of the Dolores Municipal Code related to the circumstances in which separate connections are required.

WHEREAS, the additional minimum charge provide for herein is necessary to offset the financial burden to the taxpayers for increased impact to the Town’s water and sewer infrastructure.

NOW THEREFORE, BE IT ORDAINED BY TOWN OF DOLORES BOARD OF TRUSTEES THAT a new Chapter 13.04.160 to the Dolores Municipal Code as follows:

Section 1. Dolores Municipal Code Section 13.04.010 is amended to include the following definitions:

“PARCEL” MEANS A TRACT OF LAND OR LOTS(S) UNDER A COMMON OWNERSHIP.

“DWELLING UNIT” SHALL HAVE THE SAME MEANING AS PROVIDED IN THE DOLORES LAND USE CODE. FOR PURPOSES OF THIS CHAPTER EACH UNIT IN A TOWNHOME IS CONSIDERED A SEPARATE DWELLING UNIT.

“PIGGYBACK” MEANS THE PRACTICE OF CONNECTING MORE THAN ONE DWELLING UNIT ON A PARCEL OF LAND TO A SINGLE WATER OR SEWER SERVICE LINE.

ANY TERM THAT IS OTHERWISE UNDEFINED IN THIS CHAPTER 13 SHALL HAVE THE SAME MEANING AS SET FORTH IN THE DOLORES LAND USE CODE.

Section 2. Dolores Municipal Code Section 13.04.160 is repealed and replaced as follows:

13.04.160 - Separate lines required.

A. UNLESS OTHERWISE PERMITTED IN THIS CHAPTER OR THE TOWN'S ADOPTED BUILDING CODES, EACH DWELLING UNIT IS REQUIRED TO HAVE A SEPARATE WATER AND SEWER CONNECTION. THE PRACTICE OF "PIGGYBACKING" WATER AND SEWER LINES AND CONNECTIONS IS PROHIBITED. EACH DWELLING UNIT SHALL BE SERVED BY ITS OWN SERVICE LINE, AND NO CONNECTION WITH THE TOWN'S WATER UTILITY SHALL BE MADE BY EXTENDING THE SERVICE LINE FROM ONE DWELLING UNIT TO ANOTHER ON A PARCEL OF LAND. IT SHALL BE UNLAWFUL TO CONNECT WATER OR SEWER LINE FROM ONE PARCEL TO ANOTHER.

B. WHERE MULTIPLE DWELLING UNITS ON A SINGLE PARCEL HAVE BEEN SERVICED BY OR OTHERWISE "PIGGYBACKED" ON A SINGLE SERVICE LINE ON OR BEFORE JULY 8, 2024, SUCH USE MAY CONTINUE PROVIDED THAT:

(1) A SEPARATE MONTHLY MINIMUM FOR WATER AND SEWER USE SHALL BE CHARGED FOR EACH SUCH ADDITIONAL CONNECTION.

(2) THIS EXEMPTION ONLY APPLIES TO SITUATIONS IN EXISTENCE AT THE TIME OF THE ENACTMENT OF THE EFFECTIVE DATE OF THE JULY 8TH, 2024 AMENDMENT TO THIS SECTION.

(3) THE OWNER OF THE TAP SHALL BE LIABLE FOR ALL FEES AND CHARGES ASSESSED AGAINST SAID TAP. IN THE EVENT THE PIGGYBACKED WATER USER FAILS TO PAY THE NECESSARY MONTHLY FEES AND CHARGES, THE TOWN SHALL TERMINATE WATER SERVICE TO THE TAP IN ACCORDANCE WITH THE RULES AND REGULATIONS PROVIDED BY THIS CHAPTER.

(4) IN ADDITION TO ANY AND ALL OTHER REMEDIES THE TOWN MAY HAVE UNDER THIS CHAPTER, THE TOWN LEVIES A LIEN AGAINST THE OWNER OF SAID WATER TAP FOR ALL OTHER SERVICES INCURRED BY ANY PIGGYBACKED WATER CONNECTIONS AS THOUGH ASSESSED AGAINST SAID WATER TAP.

(5) ALL NOTICES FOR THE DELINQUENCY OF RATES AND CHARGES CONCERNING THE PIGGYBACK CONNECTION OR THE TAP USER'S CONNECTION SHALL BE MADE DIRECTLY TO THE TAP-HOLDER IN ACCORDANCE WITH THIS CHAPTER. THE TOWN MAY OR MAY NOT ELECT TO PROVIDE ADDITIONAL NOTICE TO THE ADDITIONAL TAP USER.

(6) THE LIEN RIGHTS AND NOTICE OF SHUT-OFF RIGHTS GRANTED TO THE TOWN UNDER THIS SECTION SHALL BE ENFORCED AS PROVIDED IN THIS CHAPTER BY THE TOWN.

(7) THIS EXEMPTION SHALL EXPIRE WHEN THERE IS A CHANGE OF OCCUPANCY OR LEVEL 3 ALTERATION TO ANY DWELLING UNIT SERVICED BY A PIGGYBACKED WATER OR SEWER LINE AS DEFINED BY THE APPLICABLE BUILDING CODES ADOPTED UNDER TITLE 15, IN WHICH CASE A SEPARATE METERED WATER LINE AND SEWER LINE SHALL BE REQUIRED TO BE INSTALLED PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY B.

C. TOWNHOMES. A TOWNHOME, AS DEFINED IN THE DOLORES LAND USE CODE, THAT IS CONSTRUCTED AFTER JULY 8, 2024 SHALL BE CONSIDERED A SEPARATE DWELLING UNIT FOR PURPOSES OF THIS CHAPTER 13 REQUIRING A SEPARATE WATER AND SEWER LINE FOR EACH DWELLING UNIT.

D. ATTACHED UNITS. ATTACHED ACCESSORY DWELLING UNITS, APARTMENTS, DUPLEXES, TRIPLEXES, COMMERCIAL PROPERTIES, HOTELS AND MOTELS MAY BE SERVICED BY A SINGLE WATER AND SEWER LINE, PROVIDED THAT THE TAP AND METER ARE SIZED AND ADEQUATE UNDER THE APPLICABLE PROVISIONS OF THE INTERNATIONAL PLUMBING CODE AND INTERNATIONAL BUILDING CODE ADOPTED BY THE TOWN UNDER TITLE 15.

E. RV AND MANUFACTURED HOMES PARKS MAY BE SERVICED BY A SINGLE WATER AND SEWER LINE, PROVIDED THAT THE TAP AND METER ARE SIZED AND ADEQUATE UNDER THE APPLICABLE PROVISIONS OF THE INTERNATIONAL PLUMBING CODE AND INTERNATIONAL BUILDING CODE ADOPTED BY THE TOWN UNDER TITLE 15.

F. WHEN REQUIRED BY APPLICABLE PROVISIONS OF THE INTERNATIONAL RESIDENTIAL CODE, INTERNATIONAL BUILDING CODE AND INTERNATIONAL FIRE CODE ADOPTED BY THE TOWN UNDER TITLE 15, A SEPARATE SERVICE LINE MAY BE REQUIRED FOR A FIRE SUPPRESSION SYSTEM.

G. SUBMETERING MAY BE PERMITTED UPON APPROVAL BY THE PUBLIC WORKS DIRECTOR AND BUILDING OFFICIAL.

H. Part of the commercial highway district located on Highway 145 (Railroad Avenue), Town of Dolores, electrical, water and sewer hook-ups with grease traps shall be allowed for mobile restaurant facilities.

I. These electrical, water and sewer hook-ups shall not be temporary in nature, i.e. garden hose from residential or other building hose bib or through a hose into sewer clean out or electrical extension cords from building outlets but shall be in accordance with the exiting building electrical, plumbing codes and water and sewer ordinances of the Town of Dolores now in effect or as maybe amended from time to time.

J. Hook-ups shall be installed and inspected pursuant to the applicable town electrical, building, and plumbing codes and town water and sewer ordinances.

K. These hook-ups to existing structures without the purchase of an additional water and sewer tap shall be only when the owner of the business, which is run from the mobile facility or trailer, is the owner of the trailer or mobile facility and has control of the building through lease or ownership that the mobile facility/trailer received services from.

L. This chapter does not authorize the temporary hook-up of food service or other trailers to existing water, sewer, or electrical sources through other temporary means.

Section 2. The Town Trustees hereby finds, determine, and declare that this Ordinance is promulgated under the general police power of the Town of Dolores, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Trustees further determine that the ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 3. If any section, paragraph, clause, or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of any such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this Ordinance.

Section 5. This Ordinance shall take effect immediately upon adoption. The Town of Dolores Board of Trustees hereby find, determines and declares this ordinance is necessary for immediate preservation of the health, safety and welfare of its citizens.

PUBLIC HEARING. This ordinance shall be considered for second or final reading on the 22ND. day of July 2024, in the Town Board Chambers in Town Hall, Dolores, Colorado, at which time and place all persons may appear and be heard concerning the same.

Passed adopted and approved on the first reading this 8th day of July 2024.

DOLORS BOARD OF TRUSTEES:

By: _____

Mayor Chris Holkestad

Attest:

By: _____

Town Clerk Tammy Neely

Passed adopted and approved on the second and final reading this 22nd day of July 2024.

DOLORS BOARD OF TRUSTEES:

By: _____

Mayor Chris Holkestad

Attest:

By: _____

Town Clerk Tammy Neely