

ORDINANCE NO. 1581
Series of 2023

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF TELLURIDE, COLORADO AMENDING THE TELLURIDE MUNICIPAL CODE OF THE TOWN OF TELLURIDE, COLORADO AT CHAPTER 13 MUNICIPAL UTILITIES SECTIONS 13-2-80, SECTION 13-2-85 AND SECTION 13-2-120 CHANGING THE WATER AND SEWER BILLING CYCLE FROM BI-MONTHLY TO MONTHLY.

WHEREAS, the Town Council of the Town of Telluride, Colorado from time to time wishes to make changes to longstanding programs within the Town of Telluride; and

WHEREAS, the Town Council finds that monthly billing cycles for municipal utilities are typical and wishes to amend Chapter 13 “Municipal Utilities” to accommodate a monthly versus bi-monthly billing cycle.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF TELLURIDE, COLORADO as follows:

Section 1.

The Telluride Municipal Code Chapter 13 Section 13-2-80 is amended with additions underlined and omissions ~~stricken~~ as follows:

Sec. 13-2-80. Free service for firefighters and emergency medical technicians.

(a) There shall be no water or sewer service charge up to the ~~bi~~-monthly base gallons for any residential water-using or sewer-using unit which is inhabited by one (1) or more current members in good standing of the Telluride Volunteer Fire Department, who has been such a member for a period of not less than one (1) year. Above the base number of gallons, the charges will correspond to the approved rate structure. The purpose of this Section is to show the Town’s appreciation for the voluntary fire protection and ambulance services provided gratis to the Town.

(b) There shall be no water or sewer service charge for retired firefighters with twenty (20) or more years of service, up to the ~~bi~~-monthly base gallons from the Town. Above the base number of gallons, the charges will correspond to the approved rate structure.

(c) There shall be no water or sewer service charge up to the ~~bi~~-monthly base gallons for any residential water-using or sewer-using unit which is inhabited as a principal residence by at least one (1) member in good standing of the Telluride Emergency Medical Technician Association, who has been such a member for a period not less than one (1) year. Above the base number of gallons, the charges will correspond to the approved rate structure.

(d) In those instances where single-meter arrangements exist to measure water used by multiple units within a single building, pursuant to the provisions of Subsection (b) of this Section, the free water and sewer service as provided above shall be calculated so that firefighters, retired firefighters pursuant to Section 13-1-120(b) of this Code and emergency medical technicians as defined herein shall receive this benefit by crediting them with the amount of the actual water and sewer charges assessed to their units by the applicable homeowners’ association or other entity responsible for the multiple unit water and sewer bill, up to a maximum of the dollar amount of the prevailing single-family residential ~~bi~~monthly base gallon water and sewer rate, provided the applicable homeowners’ association or other entity responsible enters into an agreement with the Town to provide the credit as a direct and equal benefit to the applicable firefighter, retired firefighter or emergency medical technician. (Prior code 13.08.070; Ord. 1288 §1, 2008; Ord. 1452 §2, 2017)

Section 2:

The Telluride Municipal Code Chapter 13 Section 13-2-85 is amended with additions underlined and omissions ~~stricken~~ as follows:

Sec. 13-2-85. Discounted service for elderly very low income residents

- (a) There shall be a fifty percent (50%) discount on residential water and wastewater base service charges up to the ~~bi~~monthly base rate for any residential water-using or sewer-using unit inhabited by elderly very low income residents.
- (b) Above the base number of gallons, the charges will correspond to the approved rate structure.
- (c) Discount is applicable only if:
 - (1) The elderly very low income individual is in residence and is the rate payer of water and wastewater services; and
 - (2) The gross household income from any and all sources does not exceed the very low income threshold; and
 - (3) The elderly very low-income rate-paying resident has submitted an application demonstrating both elderly and very low income eligibility that has been approved by the Town's Finance Department. (Ord. 1476 § 1(2), 2019)

Section 3.

The Telluride Municipal Code Chapter 13 Section 13-2-120 is amended with additions underlined and omissions ~~stricken~~ as follows:

Sec. 13-2-120. Delinquency.

- (a) Water and sewer service charges are due on the ~~twentieth~~thirtieth day from the date the charges are billed, and become delinquent if the charges remain unpaid on the ~~twenty~~thirty-first day after billing. Billing shall be deemed to have occurred on the date appearing on the bill. Charges shall be deemed to have been paid on the date of actual receipt of payment by the Town.
- (b) A penalty of five percent (5%) of the total amount of the delinquent charges shall be imposed on the ~~twenty~~thirty-first day after billing, and at the commencement of each billing period thereafter until the delinquent charges and any outstanding penalty are paid in full.
- (c) The Town shall have an action for the delinquent charges plus penalties, fees and interest against the owner of the water-using or sewer-using unit and the occupant of the water-using or sewer-using unit who has been the actual user of the services. The Town Manager may elect to bring an action against either or both of those parties.
- (d) Accounts which are sixty (60) days delinquent shall receive a notice of discontinuance, and water shall be shut off on the date specified in the notice unless the account balance is paid in full on or before the date and time specified. At least ~~fifteen~~ten (~~15~~10) days shall lapse between issuance of the notice of discontinuance and discontinuation of water service. Water service which has been discontinued for delinquency shall not be reinstated until the account balance has been paid in full plus applicable deposit and service charges.
- (e) All unpaid water and/or sewer service charges and other charges and fees under this Chapter shall be a lien on the property of the owner of the water-using and/or sewer-using unit or property. If the ownership of a water-using or sewer-using unit or property should change hands, the new

owner of that unit or property shall be deemed to have had notice of all unpaid water and sewer charges and fees. The lien shall survive any transfer of ownership. It shall be collectable against the property of the new owner. If the amounts due are not paid within ~~twentythree~~ (230) days from the due date, the Town Manager may proceed to collect them pursuant to Section 4-1-90 of this Code or in any manner provided by law.

(f) Delinquent water and/or sewer charges may be collected against any owner or user by suit, such action to be in the name of the Town, in any court having jurisdiction thereof, and to be prosecuted as an action at law or by a suit in equity. (Prior code 13.08.110)

Section 4.

This ordinance shall not have any effect on existing litigation and shall not operate as an abatement of any action or proceeding now pending under or by virtue of the ordinances repealed or amended as herein provided and the same shall be construed and concluded under such prior ordinances.

Section 5.

The provisions of this ordinance are severable and the invalidity of any section, phrase, clause or portion of the ordinance as determined by a court of competent jurisdiction shall not affect the validity or effectiveness of the remainder of the ordinance.

Section 6.

This ordinance shall become effective upon the date of publication of notice of its passage in a newspaper of general circulation within the Town of Telluride.

Section 7.

A public hearing on the ordinance shall be held on the 12 day of December, 2023, in the Town Council Chambers, Rebekah Hall, 113 West Columbia Avenue, Telluride, Colorado.

INTRODUCED, READ AND REFERRED to public hearing before the Town Council of the Town of Telluride, Colorado, on the 28th day of November 2023.

TOWN OF TELLURIDE



Teddy Errico
Mayor

ATTEST



Tiffany Kavanaugh
Town Clerk

HEARD AND FINALLY ADOPTED by the Town Council of the Town of Telluride, Colorado this 12 day of December, 2023.

TOWN OF TELLURIDE



Teddy Errico
Mayor

ATTEST



Tiffany Kavanaugh
Town Clerk

STATE OF COLORADO)
)
 COUNTY OF SAN MIGUEL) ss.
)
 TOWN OF TELLURIDE)

I, Tiffany Kavanaugh, the Town Clerk of the Town of Telluride, Colorado (“Town”), do hereby certify:

i. The foregoing pages are a true and correct copy of an ordinance (“Ordinance”) passed and adopted by the Town Council of the Town of Telluride (“Council”) at a regular meeting of Council held on December 12, 2023.

ii. The Ordinance was duly moved and seconded, and the Ordinance was adopted at the Council meeting of DECEMBER 12, 2023, by an affirmative vote of the members of Council as follows:

Name	“Yes”	“No”	Absent	Abstain
Mayor Teddy Errico	✓			
Jessie Rae Arguelles			✓	
J. Meehan Fee	✓			
Dan Enright	✓			
Elena Levin	✓			
Geneva Shaunette	✓			
Ashley Story Von Sprecken	✓			

iii. The Ordinance was approved and authenticated by the signature of the Mayor, sealed with the Town seal, attested by the Town Clerk and recorded in the minutes of the Council.

iv. There are no bylaws, rules or regulations of the Council that might prohibit the adoption of said Ordinance.

v. The members of Council were present at the meeting and voted on passage of such Ordinance as set forth above.


 Tiffany Kavanaugh, Town Clerk

