

**TOWN OF NEDERLAND, COLORADO**

**ORDINANCE NUMBER 743**

**AN ORDINANCE AMENDING SUBSECTION 13-28(A) OF THE NEDERLAND MUNICIPAL CODE, CONCERNING SEWER FEES, TO AUTHORIZE THE ADOPTION OF A POLICY CONCERNING FEE WAIVER REQUESTS**

**WHEREAS**, pursuant to C.R.S. § 31-35-402, the Town of Nederland, Colorado (“Town”), acting by and through its Board of Trustees (“Board”), possesses the authority to operate and maintain water and sewer utilities, including the authority to calculate, establish and impose fees and charges in association with such utilities; and

**WHEREAS**, pursuant to this authority, the Town has previously acted to establish Town water and sewer systems and to establish lawful fees and charges in association with those systems, as set forth in Chapter 13 of the Town of Nederland Municipal Code (“Code”); and

**WHEREAS**, Town staff occasionally receives requests from Town utility customers for relief from or forgiveness for a portion of a water or sewer bill that is unusually high, due to an unknown and undiscovered water leak or line break; and

**WHEREAS**, Town staff is without authority to grant such requests, as utility fees are established by Code and are calculated to reasonably recover the Town’s actual costs of providing the utility service, regardless of whether the customer actually uses the provided service or not; and

**WHEREAS**, the Board finds and determines that, in the case of a water leak or line break, there is the possibility that water that passes through the meter does not actually return to the Town’s sewer system and, therefore, it may be fair and equitable, depending on all the circumstances, to waive some portion of sewer usage fees in the event of a line break or leak; and

**WHEREAS**, the Board further finds and determines that water and sewer fees are calculated to reflect the Town’s actual costs to provide those services and that a waiver of such fees should therefore be under unusual and extraordinary circumstances under a process that is not susceptible to over-use or abuse; and

**WHEREAS**, the Board therefore desires to amend Code Subsection 13-28(a) of the Code, concerning sewer fees, to authorize the adoption and subsequent amendment, from time to time, of a policy authorizing utility fee waiver requests under limited circumstances.

**NOW THEREFORE, BE IT ORDAINED** by the Board of Trustees of the Town of Nederland, Colorado, as follows:

**Section 1.** Subsection 13-28(a) of the Code, concerning Town sewer system fees, is hereby amended by the addition of a new paragraph (6), to read in its entirety as follows:

(a) Fees.

(6) The Board of Trustees is authorized to adopt and amend, from time to time, a policy authorizing a waiver request process for customers to request and obtain a waiver from the usage fees imposed pursuant to paragraph (1) above, under limited and extraordinary circumstances, such as water leaks and line breaks beyond the customer's control.

**Section 2.** Should any one or more sections or provisions of this Ordinance or of the Code provisions enacted hereby be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance or of such Code provision, the intention being that the various sections and provisions are severable.


**Section 3.** Any and all Ordinances or Codes or parts thereof in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed; provided, however, that the repeal of any such Ordinance or Code or part thereof shall not revive any other section or part of any Ordinance or Code provision heretofore repealed or superseded.

**INTRODUCED, ADOPTED AND ORDERED PUBLISHED THIS 4<sup>TH</sup> DAY OF OCTOBER, 2016.**

**TOWN OF NEDERLAND, COLORADO**

  
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Kristopher Larsen, Mayor

**ATTEST:**

  
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Laura Jane Baur, Town Clerk



**APPROVED AS TO FORM:**

  
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Carmen Beery, Town Attorney