

ORDINANCE NO. 2

SERIES 2013

**AN ORDINANCE AMENDING THE MAINTENANCE,
REPAIR AND REPLACEMENT CRITERIA FOR WATER
METERS**

WHEREAS, the Town of Crested Butte, Colorado (the "**Town**") is a home rule municipality duly and regularly organized and validly existing as a body corporate and politic under and by virtue of the Constitution and laws of the State of Colorado;

WHEREAS, Chapter 13, Article 1 of the Crested Butte Municipal Code (the "**Code**") contains maintenance, repair and replacement criteria for water meters;

WHEREAS, the Town staff has found that such criteria require amendments that allow for, among other things, replacement of a water meter by a contractor of the homeowner where approved by the Town;

WHEREAS, to accomplish such flexibility, among other things, the Town staff recommends the amendments to the Code respecting the maintenance, repair and replacement criteria for water meters as set forth below; and

WHEREAS, the Town Council finds that the amendments to the Code respecting the maintenance, repair and replacement criteria for water meters as set forth below will, among other things, allow replacement of a water meter by a contractor of the homeowner where approved by the Town and, accordingly, such amendments are in the best interest of the health, safety and general welfare of the residents and visitors of the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CRESTED BUTTE, COLORADO, THAT,

Section 1. **Amending Section 13-1-220 of the Code.** Section 13-1-220 of the Code is hereby deleted in its entirety and replaced with the following new Section of equal numbering which shall read as follows:

"Sec. 13-1-220. Maintenance by owner.

Each owner shall be responsible for installing and maintaining the entire length of his or her own service line, including that portion which traverses public property, except that water meters may only be maintained, repaired or replaced at the Town's direction. The Town shall, in its sole discretion, make the determination that a water meter must be repaired or replaced. Such repair or replacement, which shall be accomplished at the Town's direction, using the type of water meter as determined by the Town and in such manner and by such method as the Town may determine, shall be at the expense of the owner. The Town shall, in its discretion, warranty completely or pro-rate the cost of a water meter during the manufacturer's listed usable life of

the meter. It is the duty of each user to notify the Town if his or her water meter is operating defectively. If repair or replacement of a meter is required, the cost of such repair or replacement shall be added to the user's service charge bill. Breaks, leaks, frozen lines, and other stoppages or malfunctions in the water meter or service line shall be repaired by the owner within seventy-two (72) hours after the Town notifies the owner of the break, leak, freezing or other stoppage or malfunction, or he or she otherwise has knowledge thereof; provided, however, that if weather conditions render immediate repair impossible, the time may be extended upon written consent of the Town. If satisfactory progress towards repair of the break, leak or other malfunction has not been made within the required time, the Town shall have the right and authority to shut off service, repair or have repaired the water meter or service line at the expense of the owner, and to assess and collect said expense in the manner set forth for other charges and fees. If the owner is not evident the Town may repair or replace the water meter or service line without notice to the owner and assess said expense to the owner, once identified."

Section 2. **Severability.** If any section, sentence, clause, phrase, word or other provision of this ordinance is for any reason held to be unconstitutional or otherwise invalid, such holding shall not affect the validity of the remaining sections, sentences, clauses, phrases, words or other provisions of this ordinance, or the validity of this ordinance shall stand notwithstanding the invalidity of any section, sentence, clause, phrase, word or other provision.

Section 3. **Savings Clause.** Except as amended hereby, the Crested Butte Municipal Code, as amended, shall remain valid and in full force and effect. Any provision of any ordinance previously adopted by the Town Council which is in conflict with this ordinance is hereby repealed as of the enforcement date hereof.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

**INTRODUCED, READ AND SET FOR PUBLIC HEARING THIS 22 DAY OF
January, 2013.**

**ADOPTED BY THE TOWN COUNCIL UPON SECOND READING IN PUBLIC
HEARING THIS 4th DAY OF February, 2013.**

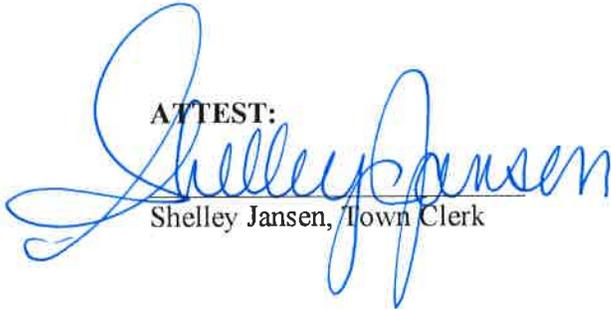
TOWN OF CRESTED BUTTE, COLORADO

By: 
Aaron J. Huckstep, Mayor



[SEAL]

ATTEST:


Shelley Jansen, Town Clerk