

ORDINANCE NO. 905

AN ORDINANCE REINSTATING PROVISIONS OF THE DACONO MUNICIPAL CODE REGARDING PENALTIES FOR NON-PAYMENT OF WATER CHARGES

WHEREAS, on March 18, 2020, the Mayor of the City of Dacono, pursuant to C.R.S. § 24-33.5-709, executed a Declaration of Local Disaster Emergency in and for the City of Dacono (the “Mayor’s Declaration”); and

WHEREAS, by Resolution No. 20-25 adopted on March 18, 2020, the City Council continued in effect the Mayor’s Declaration until terminated by resolution of the City Council; and

WHEREAS, on March 20, 2020, the Governor of the State of Colorado issued Executive Order 2020-12, which addressed public utility delinquencies and disconnections, and which urged the Public Utilities Commission to work with all public utilities in the state to address impacts of COVID-19 on residential and small businesses; and

WHEREAS, in response to Executive Order 2020-12, and in recognition of the financial hardships presented by COVID-19, the City Council on April, 2020, in an exercise of its discretion, adopted Ordinance No. 885, which temporarily suspended certain penalties for non-payment of water charges; and

WHEREAS, Ordinance No. 885 provides the temporary suspension was to remain in place during the time period in which the Mayor’s Declaration remains in effect; and

WHEREAS, in recognition of the decreasing cases and hospitalizations due to COVID-19 and the increasing percentage of the population who have been vaccinated, the State of Colorado has lifted or lessened many of the restrictions that had been enacted to prevent community spread; and

WHEREAS, the City Council finds that while COVID-19 Pandemic remains ongoing, the lessening and elimination of restrictions that had been implemented to control the spread of COVID-19 has enabled most residents and businesses to resume operations at pre-Pandemic levels or nearly pre-Pandemic levels; and

WHEREAS, while the City and its staff will continue to work on COVID-19 recovery efforts, and thus the Mayor’s Declaration will remain in effect, the City Council finds the economic health and continued financial vitality of its water system requires the reinstatement of all provisions of the Dacono Municipal Code that were temporarily suspended by Ordinance No. 885, as set forth herein.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DACONO, COLORADO:

Section 1. Those provisions of Chapter 13, Article 1 of the Dacono Municipal Code (Water Service) that were temporarily suspended by Ordinance No. 885 are hereby reinstated.

Section 2. As provided in Section 2 of Ordinance No. 885, during the time that Ordinance No. 885 was in effect, and hereafter, all charges imposed pursuant to Chapter 13 for water service were and shall remain a lien on the property served from the time the charge was due until paid, as set forth in Section 13-2(b) of the Dacono Municipal Code. City staff is authorized and encouraged to enter into payment plans with water customers who have accumulated significant past-due balances during the COVID-19 Pandemic, with terms and conditions to be approved by the City's Director of Finance, provided such payment plans provide a steady decrease in the amount of the past-due balance and current water charges are paid in full each month.

Section 3. This ordinance shall become effective upon adoption. Late fees may be imposed, and water service may be disconnected, if full payment of all charges for water service have not been received in the City offices before the close of business on the last day specified for payment in water bills issued in July 2021, or alternative arrangements made by a payment plan approved by the City's Director of Finance.

Section 4. If any portion of this ordinance is held to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each part hereof irrespective of the fact that any one part be declared invalid.

Section 5. The repeal or modification of any provision of the Dacono Municipal Code by this ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

Section 6. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

INTRODUCED, READ, ADOPTED ON FIRST READING, AND ORDERED PUBLISHED AND POSTED BY TITLE this 24th day of May, 2021.

PUBLIC HEARING AND SECOND READING WILL BE THE 14th DAY OF JUNE, 2021, AT 6:00 P.M. AT DACONO CITY HALL, 512 CHERRY STREET, DACONO, CO.

READ, ADOPTED ON SECOND READING, APPROVED, SIGNED, AND ORDERED PUBLISHED BY TITLE this ____ day of _____, 2021.

CITY OF DACONO, COLORADO

Joe Baker, Mayor

ATTEST:

Valerie Taylor, City Clerk

Summary of Ordinance No. 905, **“AN ORDINANCE REINSTATING CERTAIN PROVISIONS OF THE DACONO MUNICIPAL CODE REGARDING PENALTIES FOR NON-PAYMENT OF WATER CHARGES”** Reinstates disconnection and penalties for non-payment of water service charges that had been temporarily suspended due to the COVID-19 pandemic.