

ARTICLE 2 Water Regulations

Division 2 Water Rates and Charges

Sec. 13-2-310. Water rates and charges.

Rates for water taken from or used through the water pipes of the City shall be as set forth in the City's Fee Schedule.

(Prior code, § 10.10.010; Ord. No. 914, § 1, 2-9-2016)

Sec. 13-2-320. Water tap charges.

- (a) The charge for tapping into or connection with the water system of the City shall be as set forth in the City's Fee Schedule.
- (b) The charge for tapping onto or connection with the water system of the City for any size of service line over two inches shall be subject to contract with the City upon negotiation. If the meter is larger than the service line or the service line is larger than the meter, the tap fee shall be based on the larger size.
- (c) The City Council may by resolution reduce or increase the rate of charge and classify or reclassify any recipient of such water for rate purposes, and may further establish by such resolution the charge to be assessed against any future industrial or business water recipient.

(Prior code, § 10.10.020; Ord. No. 914, § 1, 2-9-2016)

Sec. 13-2-330. Waiver of water tap fees.

- (a) *Purpose and intent.* The purpose and intent of this Section are to establish a procedure and method for the City to set, adjust, modify, amend or waive its tap fees for connection to the City water system.
- (b) *Water tap fees.* No water tap onto the City water system shall be made except by the City after application and upon such terms and conditions as determined by the City Manager or as provided herein. All tap fees shall be paid when the request for the tap is made. For each tap, the City will furnish the labor and one tap fitting. The cost of excavation, if done by the City, and repair of main lines, if broken by parties other than City personnel, will be charged to the party requesting the connection. All fees and charges paid in accordance with this Section shall be deposited into the Water Fund, together with all other Water Fund revenues derived by the City. Upon motion of the City Council, such funds may be transferred to the General Fund from time to time, as may be determined necessary. The City Council shall be entitled to set, modify, amend, waive or otherwise determine the water charges or fees to be charged for tapping into or connection onto the City water system. Said rates, charges or fees shall be set, modified, amended or waived from time to time by resolution of the City Council.

(Prior code, § 10.10.030; Ord. No. 914, § 1, 2-9-2016)

Sec. 13-2-340. Turn-on and turn-off fees.

- (a) *Property owner liable for service charge.* From and after the date on which a service pipe is installed for any premises, the owner of said premises shall pay to the City the stated charges for the use of water as fixed by ordinance or resolution and, whether using water or not, shall pay the minimum rate during all the time the premises are occupied. In case of the property owner's neglect or refusal to pay all the rates herein specified, including the minimum charge for the period during which said premises are occupied, but water not used thereon, the rates shall be charged against the property owner and the property, and the water shall not again be turned on to the premises until all such delinquent charges are paid in full.
- (b) *Service charges.* Services charges to be charged to each water recipient shall be as set forth in the City's Fee Schedule.

(Prior code, § 10.10.040; Ord. No. 914, § 1, 2-9-2016)

Sec. 13-2-350. Service line.

- (a) *Cost of installing water service pipes charged to party requesting such services.* The Water Department is hereby authorized and directed to charge the cost of installing water service pipes or water service lines connecting the water mains of the City to any water meter to the person requesting the installation of such water service pipes or water service lines.
- (b) *Payment made within 30 days after completion of installation.* The Water Department is hereby authorized and directed to discontinue the distribution of water to any person to whom such charge is made in the event that such cost has not been to the City within 30 days after completion of the installation. Service shall not be restored until the charge has been paid in full.

(Prior code, § 10.10.050; Ord. No. 914, § 1, 2-9-2016)

Sec. 13-2-360. Penalties.

It is unlawful, after water service has been discontinued by shutting off the water supply, or in any other manner, for the person to re-connect the same without the consent of the City. Any person violating this Subsection shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than \$25.00 nor more than \$50.00 for each offense, and an additional penalty of not less than \$25.00 for each day said violation continues.

(Prior code, § 10.10.030; Ord. No. 914, § 1, 2-9-2016)

Sec. 13-2-370. Abandonment.

If a building has been razed or demolished and water service is abandoned, or a property has not received water service for a period of one (1) year, the customer's service shall be disconnected from the curb stop and the meter shall be removed by the City, if water service is not resumed within one (1) year after disconnection of the water service for any reason, then the existing tap is deemed abandoned. The owner of said property must reapply for a new tap through the application process. Application must be accompanied by funds for the size tap(s) required.

ARTICLE 3 Sewer Regulations

Division 2 Sewer Rates and Charges

Sec. 13-3-110. Charges for sewer and disposal systems.

- (a) *Charges for use of sewer and disposal system.* A monthly charge as set forth in the City's Fee Schedule for the use of the sewer and sewage disposal systems within the City for each connection shall be paid to the City.
- (b) *Monthly charges.* The monthly charge for such use outside the City shall be double the charge itemized above for similar types of users; provided, however, that the City Council may, by resolution, reduce or increase the rate of charge or change the classification of any residential or business establishment as above provided, and may further establish the charge to be assessed against any future industrial or business operation.

(Prior code, § 10.14.050; Ord. No. 914, § 1, 2-9-2016)

Sec. 13-3-120. Collection of charges.

The sewer charges set out in Section 13-3-110 above shall be added and made a part of the monthly water rental bill and shall be paid in the same manner and subject to the same regulations as provided for the payment of water bills.

(Prior code, § 10.14.050; Ord. No. 914, § 1, 2-9-2016)

Sec. 13-3-130. Discontinuance of service; lien.

A sewer charge shall constitute a lien upon any lot, land, building or premises served. In the event such charges are not paid when due, the service may be discontinued by the City without further notice by shutting off the sewer supply from such premises, or the City Clerk may certify the charges to the County Treasurer, to be placed by him or her upon the tax list for the current year and collected in the manner as other taxes are collected, with ten percent added thereto to defray the cost of collection. All laws of the State for the assessment and collection of general taxes, including all laws for sale of property for taxes and redemption thereof, shall be applicable hereunder.

(Prior code, § 10.14.050; Ord. No. 914, § 1, 2-9-2016)

Sec. 13-3-140. Reconnection unlawful.

It is unlawful, after sewer service has been discontinued by shutting off the sewer supply or in any other manner, for the person to reconnect the same without the consent of the City.

(Prior code, § 10.14.050; Ord. No. 914, § 1, 2-9-2016)

Sec. 13-3-145. Abandonment.

When water service has been abandoned as described in Section 13-2-370 of this Chapter, then sewer service shall also be deemed abandoned and a new sewer tap fee and application shall be required.

Sec. 13-3-150. Waiver of sewer tap fees.

No sewer tap onto the City sewer system shall be made except by the City after application and upon such terms and conditions as determined by the City Manager or as provided herein. All tap fees shall be paid when the request for the tap is made. For each tap, the City will furnish the labor and one tap fitting. The cost of excavation, if done by the City, and repair of main lines, if broken by parties other than City personnel, will be charged to the party requesting the connection. All fees and charges paid in accordance with this Article shall be deposited in the Sewer Fund, together with all other sewer fund revenues derived by the City. Upon motion of the City Council, such funds may be transferred to the General Fund from time to time, as may be determined necessary. The City Council may, by resolution, reduce or increase the rate of sewer tap charge or change the classification for tapping and connection of any residential or business establishment. The City Council shall be entitled to set, modify, amend, waive or otherwise determine the rates, charges or fees to be charged for tapping into or connecting onto the City sewer system. Said rates, charges or fees shall be set, modified, amended or waived from time to time by resolution of the City Council.

(Prior code, § 10.14.050; Ord. No. 914, § 1, 2-9-2016)

Sec. 13-3-160. Septic tank dumping fees.

No person shall dispose of wastes from septic tanks, seepage pits, grease traps or privies into the sewer system of the City until having notified the City Manager of the intention so to do at least two hours prior to such disposal. Upon such notification and prior to such disposal, the person shall pay a fee as set forth in the City's Fee Schedule for each vehicle disposing of such waste into the sewer system of the City.

(Prior code, § 10.14.050; Ord. No. 914, § 1, 2-9-2016)

Sec. 13-3-170. Penalties.

The violation of the provisions of this Article shall be punishable in accordance with the provisions of Section 1-4-20 of this Code.

(Prior code, § 10.14.050; Ord. No. 914, § 1, 2-9-2016)

Ordinance Number: 968

AN ORDINANCE, AMENDING ORDINANCE #962, FOR THE REGISTRATION OF VACANT BUILDINGS AND PROPERTIES WITHIN THE LIMITS OF THE CITY.

WHEREAS, the City Council of the City of Rocky Ford wishes to clarify its intent to require land and building owners to register all vacant property and structures within the City of Rocky Ford. The City of Rocky Ford has the authority to enact responsible ordinances to help rehabilitate vacant buildings and land.

NOW THEREFORE, IT HEREBY BE ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROCKY FORD, COLORADO AS FOLLOWS:

SECTION 1 DEFINITIONS:

1. **Secured by other than normal means.** A building secured by means other than those used in the design of the building.
2. **Unoccupied.** A building which is not being used for the occupancy authorized by the owner.
3. **Unsecured.** A building or portion of a building which is open to entry by unauthorized persons without the use of tools or ladders.
4. **Vacant building.** A building which is:
 1. Unoccupied and unsecured.
 2. Unoccupied and secured by other than normal means.
 3. Unoccupied and an unsafe building determined by the Fire Department.
 4. Unoccupied and having utilities disconnected.
 5. Unoccupied and has housing or building code violations.
 6. Illegally occupied including loitering and vagrancy.
 7. Unoccupied for over ninety (90) days and having an existing code violation issued by the Fire Department.
 8. Unoccupied with a mortgage status of abandonment (deceased or foreclosed).
 9. Unoccupied and abandoned by the property owner.

-Vacant Property Building Registration

- A. The owner shall register with City Hall no later than ninety (90) days after any building located in an area zoned for, or abutting an area zoned for, residential or commercial use in the City becomes a vacant building or no later than thirty (30) days of being notified by the city to register based on evidence vacancy, whichever event occurs first.
- B. The registration shall be submitted on forms provided by city hall and shall include the following information supplied by the owner:
 1. The name(s) and address(es) of the owner or owners.
 2. If the owner does not reside in Otero County or within ten (10) miles of Rocky Ford City limits, the name and address of any third party who the owner has entered into a contract or agreement with for property management. By

designating an authorized agent under the provisions of this Section, the owner is consenting that the third party is authorized to receive any and all notices relating to the property and conformance of any and all ordinances.

3. The names and addresses of all known lien holders and all other parties with an ownership interest in the building.
 4. A telephone number where a responsible party can be reached at all times during business and non-business hours.
- C.** The owner shall submit a vacant building plan which must meet the approval of the City Manager. The plan, at a minimum, must contain information from one (1) of the following two (2) choices:
1. If the building is to be demolished, a demolition plan indicating the proposed time frame for demolition which includes starting within thirty (30) days of acceptance of the proposed demolition timeline and does not exceed one (1) year in accordance with the Rocky Ford building code.
 2. If the building is to be returned to appropriate occupancy or use, rehabilitation plan for the building and grounds. The rehabilitation plan shall not exceed twelve (12) months from the time they obtain the permits, unless the City Manager grants an extension upon receipt of a written statement from the owner detailing the reasons for the extension. Any repairs, improvements, or alterations to the property must comply with any applicable zoning, housing, historic preservation, or building codes and the property must be secured during the rehabilitation.
- D.** All applicable laws and codes shall be complied with by the owner. The owner shall notify city hall of any changes in information of their vacant building registration within thirty (30) days of the change. If the plan or timetable for the vacant building is revised in any way, the revision(s) must be in writing and must meet the approval of the City Manager.
- E.** The owner and subsequent owners shall keep the buildings secured and safe and the building and grounds properly maintained in accordance with all applicable property.
- F.** A new owner(s) shall register or re-register the vacant building with the city within thirty (30) days of any transfer of an ownership interest in the vacant building if the building continues to remain vacant after transfer. The new owner(s) shall comply with the approved plan and timetable submitted by the previous owner until any proposed changes are submitted and meet the approval of the City Manager.
- G.** The failure of the owner of the vacant owner to obtain a deed for the property or to file the deed with City Clerk shall not excuse the property owner from registering the property.
- H.** Failure of the owner or any subsequent owners to maintain the building and premises that results in remedial action taken by the City shall be grounds for revocation of the approved plan and shall be subject to any applicable penalties provided by the law.
- I.** The City Manager shall include in the file any property specific written statements from community organizations, other interested parties or citizens regarding the history, problems, status, or blighting influence of a vacant building.
- J.** The registration and all associated processes must be completed in its entirety annually for as long as the property remains vacant.

-ESCROW

- A.** Each demolition of a vacant building requires that the owner hold in escrow with the city a deposit of:
 - 1.** An amount equal to the actual value as set forth on the most recent Otero County Assessor's Valuation Notice.
 - 2.** The actual cost of demolition removal and asbestos removal
- B.** If the amount to be set up in escrow cannot be paid in full, the City will place a lien on the property for the amount previously specified. The City will use these funds to complete the plans submitted by the owner in the event that the owner does not comply with the deadlines as previously submitted in the owner's vacant building plan.
- C.** Escrow funds will be released upon completion of the work or transfer of ownership, provided that all fees have been paid in full.
- D.** New owners must sign a form accepting responsibility for completing the demolition.

-Inspections

Fire Chief, Police Chief and code enforcement officer shall inspect any premises in the City for the purpose of enforcing and assuring compliance with the provisions of this Ordinance. Upon the request of the City Manager, an owner may provide access to all interior portions of an unoccupied building in order to permit a complete inspection. Nothing contained herein, however, shall diminish the owner's right to insist upon the procurement of a search warrant from a court of competent jurisdiction by the City Manager or her designee in order to enable such inspection. The City Manager shall be required to obtain a search warrant whenever an owner refuses to permit a warrantless inspection of the premises. The following shall apply:

- A.** Vacant properties will be externally inspected by the Fire Chief, Police Chief and code enforcement officer a minimum of twice per year to ensure the compliance of property maintenance codes:
- B.** Vacant properties will be both internally and externally inspected at the start of each registration period (new and renewal) and when the registration is terminated by the property owner.
- C.** Vacant properties will be both internally and externally inspected upon acquisition of the property by a new owner and prior to an issuance of an occupancy permit.
- D.** Any inspection that is to take place within thirty (30) days of a previous inspection may or may not be conducted at the discretion of the City Manager.

-Vacant Building Fees

The fees shall be reasonably related to the administrative costs for registering and processing the vacant building owner registration form and for the costs incurred by the city monitoring the vacant building site. The annually increased fee amounts shall be reasonably related to the costs incurred by the City for demolition and hazard abatement of or repairs to vacant buildings, as well as the continued normal administrative costs as stated above.

- A.** The owner of a vacant building shall pay an annual fee of two hundred fifty dollars (\$250.00) for the first year the building remains vacant. The owner of a vacant building

shall pay an annual fee of five hundred dollars (\$500.00) for the second year the building remains vacant. The owner of a vacant building shall pay an annual fee of seven hundred fifty (\$750.00) for the third year the building remains vacant. The owner of a building shall pay an annual fee of one thousand dollars (\$1000.00) for the fourth year and each subsequent year the building remains vacant.

- B.** The annual fee shall be paid in full prior to the issuance of any building permits unless the property is granted an exemption. The fee shall be prorated and a refund may be issued if the building is no longer deemed vacant under the provisions of this article within one hundred eighty (180) days of its registry.
- C.** All delinquent fees shall be paid by the owner prior to any transfer of ownership interest in the vacant building. A lien may be placed on the property to collect delinquent fees.
- D.** Late fees shall be paid in addition to the annual registration and will be equal to the annual fee or one thousand dollars (\$1000.00), whichever is less.
- E.** Fail to register property within the 90 days will cost owner an additional two hundred dollars (\$200.00).

-Exemptions

- A.** A building under active construction/renovation and having a valid building permit(s) at the time of initial inspection shall be exempt from registration until the expiration of the longest running, currently active building permit.
- B.** A building which has suffered fire damage or damage caused by extreme weather conditions shall be exempt from the registration requirement for a period of ninety (90) days after the date of the fire or extreme weather event if the property owner submits a request for exemption in writing to city hall. The request shall include the names and addresses of the owner or owners, and a statement of intent to repair and reoccupy the building in an expedient manner, or the intent to demolish the building.
- C.** A building that is for sale and listed with a licensed realtor shall be exempted for a period of twelve (12) months from the start of vacancy, provided that the owner submits proof to the City Manager of such listing and for sale status.
- D.** A building that has been granted an exemption pursuant to the following provisions. Any owner of a vacant building may request an exemption from the provisions of this Chapter by filing a written application with the city who shall timely consider same. In determining whether a request for exemption should be granted the Director shall consider the following: the applicant's prior record as it pertains to the City Housing Code, Building Code, or Property Maintenance Code violations; the amount of vacant property the applicant currently has within the City and the length of time that the building for which exemption is sought has been vacant.

-Appeals

Any owner who is served a noticed of a *vacant* property registration may, within ten (10) calendar days of receipt of such notice, apply for an exemption or appeal the findings as set forth in the building code.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement the day and year first above written.

City of Rocky Ford

By: _____

Susan Jung

City of Rocky Ford Mayor

Attest:

Rocky Ford City Clerk

By: _____
City Clerk

First reading _____

Second reading _____

INTER-GOVERNMENTAL AGREEMENT

This Agreement made and entered into this 23rd day of March, 2023, by and between the City of Rocky Ford, Colorado, a municipal corporation, hereinafter called the "City", and the Rocky Ford Rural Fire Protection District of Otero County, Colorado, a Title 32 Special District, hereinafter called the "district."

WHEREAS, the City of Rocky Ford is included in the territorial boundaries of the Rocky Ford Rural Fire Protection District, and is, therefore, part thereof; and

WHEREAS, the District is jointly responsible for the provision of firefighting services within the City boundaries, as may be added to from time to time; and

WHEREAS, the District owns certain firefighting apparatus which are available for service, both within and outside the territorial boundaries of the city; and

WHEREAS, the City is the owner of a fire station with proper facilities, which are suitable for the housing of firefighting equipment and vehicles of the district, which fire station is centrally located in said District and in which there is sufficient room to house and keep said firefighting apparatus of said District; and

WHEREAS, the city has trained personnel and crews for the operation of firefighting equipment and vehicles and the district has no employees or trained firefighters to operate its equipment and combat fires occurring within the territorial confines of the district; and

WHEREAS, the city and the district have previously entered into other agreements for purposes of firefighting services; and

NOW THEREFORE, be it agreed by and between the parties hereto that the City of Rocky Ford will consult with the district concerning any decision related to choosing a qualified Fire Chief for the Rocky Ford City Fire Department, and shall further consult with the district on any policy issues related to the Rocky Ford City Fire Department that have a direct effect on the District, firefighting equipment, apparatus and finances, affecting the services provided by the Rocky Ford City Fire Department. Such consultation shall not mean that the district shall have veto power over the City's choices.

1. That firefighting equipment and apparatus of the Rocky Ford Rural Fire Protection District shall be kept and housed in the fire station of the City of Rocky Ford, to be there tested, and kept ready for action by the City, through the Fire Chief and fire department personnel;
2. That said District firefighting equipment, vehicles, and apparatus shall be operated by the City of Rocky Ford Fire Department, under the supervision and direction of the Fire Chief. Said City shall keep on-call and ready for action personnel within the Fire Department, including a full-time Fire Chief a minimum of seven full-time firefighters as well as volunteer firefighters to assist with firefighting duties.

3. The Fire Chief shall insure that all maintenance of District equipment shall be performed by the City's personnel or its agents. Any maintenance schedules, records, training schedules and records shall be made available to the District Board.
4. That the District shall be responsible for billing any fires that are attended, using the district's equipment, either outside the district's territorial boundaries or for such areas that have not chosen to be included and taxed by the district, as provided by law.
5. That the City will be responsible for personnel costs, dispatching services, and any insurance coverage needed to cover employees responding to a fire, including workman's compensation. The district is solely responsible for paying insurance on its equipment and apparatus, as well as maintenance and operational costs for the said apparatus and any vehicles owned by the district.
6. The Rocky Ford Rural Fire Protection District shall be responsible for making an annual payment of \$6,496 to the Rocky Ford Volunteer Fire Pension Fund.
7. The City shall make the monthly contribution of 8% from employee's payroll, as well as the 25% that the city contributes putting into Rocky Ford Volunteer Fire Department Pension Fund.

FURTHER, that the district covenants and agrees with the city that the district will defend and hold harmless the city from any and all claims, actions or causes arising from or out of City-owned equipment or City employees attending fires, or other emergencies within the territorial boundaries of the district but outside of City Limits. The district shall carry a policy of liability insurance, naming the City of Rocky Ford as additional insured.

FURTHER, this Agreement, made and entered into by and between the City of Rocky Ford and the Rocky Rural Fire Protection District shall expire twenty-four months from the date executed by both parties, subject to renewal by agreement.

WHEREAS, the city, by resolution, duly adopted by its council at a regular meeting at the City Hall, Rocky Ford, Colorado at 7:00 pm on March 23, 2023, has authorized and directed its Mayor and Clerk to execute a memorandum of this agreement; and

WHEREAS, the District, by resolution, duly adopted by its Board of Directors at a meeting thereof held at Rocky Ford Fire Station, 300 South Main Street, Rocky Ford, Colorado on April 17, 2023 has authorized and directed its President and Secretary to make, execute and deliver a memorandum of this Agreement herein set forth.

IN WITNESS WHEREOF, the said parties have caused their corporate names to be affixed by their respective presiding officers, attested by their respective Clerk or Secretary, as the case may be, who has hereto affixed their respective corporate seals the day and year first above written as per Authority to Agreement per C.R.S. §29-1-203.

Passed on the 23rd day of March, 2023

City of Rocky Ford

By: *Susan Jung*
Mayor Susan Jung

By: *Wael Hof* 4-17-23
Rocky Ford Rural Fire District

Attest:

Rebecca Korinek
City Clerk, Rebecca Korinek

