

Ordinance 1482, Series 2024 was passed on final reading at the Regular City Council meeting on Thursday September 5, 2024.

**CITY OF WOODLAND PARK, COLORADO
ORDINANCE NO. 1482
(Series 2024)**

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WOODLAND PARK, COLORADO AMENDING TITLE 13 OF THE MUNICIPAL CODE CONCERNING UTILITIES TO ADOPT A NEW SECTION 13.08.110 REGARDING FINANCIAL RELIEF FOR UNEXPLAINED HIGH WATER METER READINGS

WHEREAS, the City of Woodland Park, Colorado (“City”) has been duly organized and is validly existing as a Home Rule City under Article XX, Section 6 of the Colorado Constitution and the City Charter;

WHEREAS, pursuant to Section 7.2 of the City Charter, the City Council (“Council”) shall act by ordinance, resolution, or motion and all legislative enactments of a permanent nature shall be in the form of ordinances;

WHEREAS, pursuant to Section 12.4 of the City Charter, the City Council “shall, by ordinance, establish rates, rules, and regulations for services provided by City owned utilities;” and

WHEREAS, the City Utilities Director and his staff have researched, analyzed, and studied the current water resources within Woodland Park, as well as the future needs and anticipated development of the community, which will result in the adoption of several plans and recommended processes; and

WHEREAS, in the course of this research, analysis, and study it was concluded that the City’s policy concerning financial relief for unexplained high water meter readings, as set forth in Resolution No. 264, Series 1993, needs to be amended in recognition of advancements in water meter reading technology since 1993 and to reflect the current organizational structure and abilities of the Woodland Park Utilities Department and the City; and

WHEREAS, in light of the foregoing, the City finds it is necessary for the health, safety, and welfare of its customers to adopt an Ordinance reflecting modernized procedures regarding financial relief for unexplained high water meter readings; and

WHEREAS, the City finds it is appropriate to repeal and replace Resolution No. 264, Series 1993, with an amendment to Title 13 of the Woodland Park Municipal Code regarding Water Rates for the foregoing reasons.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WOODLAND PARK, COLORADO, AS FOLLOWS:

Section 1. The foregoing recitals are incorporated herein as conclusions, facts, determinations, and findings by the City Council.

Section 2. *Repeal and Replacement.* Resolution No. 264, Series 1993, *Policy Concerning Unexplained High Water Meter Readings* is hereby repealed and replaced by the addition of Section 13.08.110 to the Woodland Park Municipal Code pursuant to Sections 7.2 and 12.4 of the City Charter.

Section 3. The Woodland Park Municipal Code is hereby amended by the addition of the following Sections to Title 13 concerning Utilities and Chapter 13.08 – Water – Rates to read in its entirety as follows:

CHAPTER 13.08.110 – FINANCIAL RELIEF FOR UNEXPLAINED HIGH WATER METER READINGS

Sec. 13.08.110 – Financial Relief for Unexplained High Water Meter Readings.

(a) *Preliminary Criteria to be Considered for Financial Relief from Unexplained High Water Meter Readings.*

- (1) A customer shall meet the following preliminary criteria in order to be considered for financial relief from unexplained high water meter readings:
 - (A) The customer must have a minimum of thirteen (13) consecutive months of water and sewer usage at the service address in question;
 - (B) The customer’s account must be in good standing; and
 - (C) The customer shall not have received financial relief for unexplained high water meter readings within the preceding three (3) year period at the address at issue.
- (2) If a customer does not meet the preliminary criteria set forth in subsection (a)(1)(A)-(C) above, their request for consideration for financial relief for high water meter readings shall be denied without further consideration.

(b) *Exclusions.*

- (1) The following events shall be excluded from consideration of financial relief for unexplained high water meter readings:
 - (A) Water loss due to theft, vandalism, or construction damage;
 - (B) Reclaimed water accounts;
 - (C) Construction water accounts; and
 - (D) When a leak is identified by a plumber licensed to do business in the City of Woodland Park and the Utilities Department following their inspections as set forth in subsection (c)(3) – (c)(4).

(c) *Procedural Requirements to be Considered for Financial Relief from Unexplained High Water Meter Readings.*

- (1) Unexplained water usage must represent an increase in usage that is substantially above normal monthly fluctuations in a water and sewer bill in the amount of ten (10) times a customer's average bill for the month in question.
 - (A) No more than three (3) years of the customer's water and sewer bills at the subject address shall be used in calculating the monthly average.
- (2) A customer has fourteen (14) calendar days from the date a water and sewer bill is available to them in a paperless/electronic statement, the date their water and sewer bill is postmarked if they are not enrolled in paperless/electronic billing, or the date City staff otherwise notifies them that they have an unusually high water and sewer bill to submit written notification to the Utilities Department that they are declaring it an unexplained high water meter reading situation or advising them that they identified the cause of the issue.
- (3) A Utilities Department employee shall inspect the customer's premises within fourteen (14) calendar days of receipt of a timely written customer notification asserting an unexplained high water meter reading.
 - (A) The Utilities Department employee's inspection shall focus on determining if leaks, evidences of leaks, or evidence of recent repairs explain the high water meter usage.
 - (B) The Utilities Department employee who conducts such inspection shall submit a written report containing the outcome of their inspection to the Utilities Director within five (5) business days after conducting the same.
- (4) A plumber licensed to do business in the City of Woodland Park has twenty-eight (28) calendar days from the date the customer sends written notification of an unexplained high water meter reading to the Utilities Department to inspect the plumbing fixtures served.
 - (A) The inspecting plumber must prepare a signed, written statement describing their inspection and identifying the location and a description of the source of any and all leaks, evidence of leaks, or evidence of recent repairs that would explain the high water meter usage.
 - (B) The customer must submit the plumber's signed, written statement to the Utilities Director no later than seven (7) calendar days after the date the plumber inspected the subject premises.
- (5) The Utilities Director, or his designee, shall have fourteen (14) calendar days after the date the requirements set forth in subsection (c)(1) – (c)(3) are completed to submit a

written recommendation to the Utilities Advisory Committee and the Customer that contains the following information:

(A) A determination as to whether or not the high water usage was explained or unexplained; and

(B) A recommendation of the relief to be provided to the customer, if any.

(6) The Utilities Advisory Committee shall review the written report set forth in subsection (c)(4) at their next regularly scheduled meeting and shall issue a written determination stating its conclusions as to whether or not the high water meter usage was explained or unexplained and the relief to be provided, if any.

(A) The written determination shall be sent to Utilities Director and the Customer no later than fourteen (14) calendar days after the meeting in which a decision was made.

(d) *Available Relief.*

(1) The Utilities Advisory Committee shall provide any combination of the following relief it deems appropriate to a customer whose high water meter reading occurred due to an unexplained reason:

(A) A credit to the customer's account not to exceed the amount billed to the customer during the month of the unexplained high water meter usage;

(B) No more than 50% of the cost of the plumber's visit as required in subsection (c)(3) above; and/or

(C) A waiver of late fees accrued during the investigation of a suspected unexplained high water meter reading.

(e) *Appeal.*

(1) A customer may submit a written appeal of the Utilities Advisory Committee's decision to the City Manager no later than fourteen (14) calendar days after the date the Utility Advisory Committee transmits its written determination to the Customer.

(A) The City Manager shall have fourteen (14) calendar days after receipt of the appeal to submit a written determination to the customer, the Utilities Advisory Committee, and the Utilities Director affirming the Utilities Advisory Committee's written determination or overturning it and providing any combination of relief set forth in subsection (d)(1) above.

(B) The City Manager's decision is final.

Section 3. Severability. 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 4. Effective Date. This Ordinance shall be in full force and effect from and after its publication as required.

PASSED BY CITY COUNCIL ON SECOND AND FINAL READING FOLLOWING PUBLIC HEARING THIS 5th DAY OF September, 2024.

City of Woodland Park


Kellie Case, Mayor

ATTEST:


City Clerk, Suzanne Leclercq