

ORDINANCE NO. 788

AN ORDINANCE OF THE TOWN OF MILLIKEN, COLORADO, AMENDING SECTION 13-2-470 OF THE MILLIKEN MUNICIPAL CODE CLARIFYING RESIDENTIAL WATER USE LIMITATIONS AND ENHANCING REMEDIAL POWERS UPON VIOLATION

WHEREAS section 13-2-470 of the Milliken Municipal Code sets maximum allowable metered volumes for water usage;

WHEREAS the intent of section 13-2-470 is to set maximum allowable metered volumes through a single tap and to provide for remedial powers in the event of excess water use; and

WHEREAS the Board of Trustees for the Town of Milliken, Colorado, (“Board”) desires to amend section 13-2-470 to clarify the limits on water use that it imposes and to enhance the remedial powers available to the Town where use in violation of the section occurs;

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF MILLIKEN, COLORADO, AS FOLLOWS:

Section 1. Section 13-2-470 of the Milliken Municipal Code is amended to read in its entirety as follows:

Sec. 13-2-470. - Maximum allowable metered volume.

- (a) Each residential property, regardless of the number of owners, shall be allowed to use through a single tap the number of gallons set forth in Table 13-5-3(D) set forth below, which represents seventy-five percent (75%) of the average ten-year yield (seven-tenths [0.7] acre-foot) of a unit of water provided to the Town.

**Table 13-5-3D
Maximum Residential Usage**

<i>Tap Size</i>	<i>Required No. Units</i>	<i>Maximum Allowable Annual Metered Volume (gallons)</i>	<i>Maximum Allowable Annual Metered Volume (acre-foot)</i>
5/8 "	1	170,000	0.52
¾"	2	330,000	1.01
1"	4	670,000	2.06
1½"	8	1,300,000	3.99
2"	CBC		

- (b) In the event any residential property exceeds the maximum allowable metered volume usage allotted for in Table 13-5-3D within any three (3) years of any consecutive five-year period, the Town reserves the right to require additional units of water to be provided for by the property owner or owners, based upon the volume used. If additional units of water are required, the meter size must also be increased, requiring payment of additional fees for the enlarged meter size. Town staff shall make all reasonable efforts to notify each property owner each and every year that the maximum allowable annual metered volume is exceeded. However, the absence of receipt of such notice shall not preclude the Town from exercising its right to impose additional costs and fees for excessive water use.
- (c) Each and every owner of a residential property that exceeds the allowed use amounts set forth above (i) shall be in violation of this section and may be prosecuted for such violation in the Municipal Court and (ii) shall be subject to the penalties set forth in section 2-4-120 of the Milliken Municipal Code.

Section 3. Effective Date. Unless otherwise specified herein, this ordinance shall take effect thirty days after publication as provided by law.

INTRODUCED, READ, PASSED, AND ADOPTED THIS ____ DAY OF ____,
20____.

TOWN OF MILLIKEN

By: Elizabeth Austin, Mayor

ATTEST:

APPROVED AS TO FORM:

Caree Rinebarger, Acting Town Clerk

Matthew T. Gould, Town Attorney