

TOWN OF EATON, COLORADO
ORDINANCE NO. 614

**AN ORDINANCE AMENDING SECTIONS 9-1-18 AND 9-4-2 OF THE
EATON MUNICIPAL CODE CONCERNING TOWN WATER AND
SEWER SERVICE**

WHEREAS, the Town of Eaton, Colorado ("Town") is a municipal corporation duly organized and existing under the Constitution and laws of the State of Colorado; and

WHEREAS, the Town Board of Trustees ("Town Board") is vested with authority to administer the affairs of the Town; and

WHEREAS, Chapter IX of the Eaton Municipal Code ("Code") regulates water and sewer service in the Town; and

WHEREAS, the Town Administrator recommends that: (i) Section 9-1-18 of the Code be amended to clarify that authorized Town personnel have the right to enter the premises wherein water is delivered to observe and inspect pipes and fixtures and the manner in which the water is used and (ii) Section 9-4-2 of the Code be amended to better define the maintenance responsibility for sewer service lines and clarify that the Town is responsible for all public sewer mains and the property owner is responsible for the sewer service line from the connection fitting at the public sewer main to the house or building; and

WHEREAS, the Town Board hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the Town, that it is promulgated for the preservation of the public peace, health, safety, and welfare and that this Ordinance is in the best interests of the citizens of the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN BOARD OF TRUSTEES OF THE TOWN OF EATON, COLORADO, THAT:

Section 1. **Section 9-1-18.** Section 9-1-18 of the Eaton Municipal Code is hereby amended to add subsection (c) and shall provide as follows:

Sec. 9-1-18 – Maintenance responsibility.

- ...
- (c) Every person taking water through the Town waterworks system shall permit authorized Town employees bearing proper credentials and identification to enter the property wherein the water is delivered to inspect and observe the pipes and fixtures and the manner in which the water is used and to take any other action reasonably related to the delivery of the water and the provisions of this Chapter. Such person shall, without concealment, answer all questions relative to the water consumption.

Section 2. Section 9-4-2. Section 9-4-2 of the Eaton Municipal Code is hereby amended to retitle the section to "Use of public sewers required; maintenance responsibility" and to add subsection (e) and shall provide as follows:

Sec. 9-4-2 – Use of public sewers required; maintenance responsibility.

...

- (e) The Town shall be responsible for all public sewer mains, and the property owner shall be responsible for the sewer service line from the connection fitting at the public sewer main to the house or building.

Section 3. Severability. If any section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the constitutionality or validity of the remaining portions of this Ordinance. The Town Board hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 4. Effective Date and Publication. This Ordinance shall be effective thirty (30) days after its publication. The Town Clerk shall certify the date of publication and such certification shall be maintained with the original of this Ordinance. The Town Clerk shall make not less than three copies of the adopted Town Code available for inspection by the public during regular business hours.

INTRODUCED, AND APPROVED on first reading by the Board of Trustees of the Town of Eaton, Colorado, this 21st day of January, 2021.

TOWN OF EATON, COLORADO

ATTEST:

By: Margaret Jane Winter
Margaret Jane Winter, Town Clerk

By: Scott E. Moser
Scott Moser, Mayor

PASSED UPON FINAL APPROVAL AND ADOPTED on second reading by the Board of Trustees of the Town of Eaton, Colorado, this 18th day of February, 2021.

TOWN OF EATON, COLORADO

ATTEST:

By: Margaret Jane Winter
Margaret Jane Winter, Town Clerk

By: Scott E. Moser
Scott Moser, Mayor

