

ORDINANCE NO. 2020-06

AN ORDINANCE TEMPORARILY SUSPENDING CERTAIN PROVISIONS OF THE KEENESBURG MUNICIPAL CODE REGARDING PENALTIES FOR NON-PAYMENT OF WATER CHARGES

WHEREAS, on March 16, 2020, the Mayor of the Town of Keenesburg, pursuant to C.R.S. § 24-33.5-709, executed an Order Declaring a Local Disaster Emergency in and for the Town of Keenesburg (the “Mayor’s Declaration”) in response to the Novel Coronavirus 2019 (COVID-19) Pandemic; and

WHEREAS, by Resolution No. 2020-14 adopted on March 16, 2020, the Board of Trustees continued in effect the Mayor’s Declaration until terminated by resolution of the Board of Trustees; and

WHEREAS, on March 20, 2020, the Governor of the State of Colorado issued Executive Order 2020-12, which addresses public utility delinquencies and disconnections, and which urges 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, on March 22, 2020, the Governor issued Executive Order 2020-13, which orders Colorado employers to reduce in-person workforce by fifty percent due to the presence of COVID-19 in the state, and which will result in many of Keenesburg’s residents remaining in their homes for an extended period of time; and

WHEREAS, the full economic impacts of COVID-19 cannot be determined at this time, but it is likely that some Keenesburg residents will find themselves unable to meet important financial obligations; and

WHEREAS, the Board desires to grant such temporary relief to the Town’s water customers as set forth herein during the time period in which the Mayor’s Declaration remains in effect; and

WHEREAS, the Board finds that an emergency exists because the preservation of public property, health, safety and welfare requires the Town to take immediate action to ensure that all Town water customers have continuous access to fresh, clean water during the COVID-19 Pandemic.

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

Section 1. Those provisions of Chapter 13, Article 1 of the Keenesburg Municipal Code (Water) addressing the matters set forth herein shall be, and hereby are, temporarily suspended in order to effectuate the following:

- A. Water service shall not be disconnected for delayed, missed, or partial payment of charges due for use of water;
- B. Any water service that has been disconnected for nonpayment or arrearages related to the impacts of COVID-19 will be reconnected and payment of reconnection fees

shall be waived;

C. Late fees for past due balances shall be suspended; and

D. Partial payments will be accepted and credited toward the balance of charges due.

Section 2. This ordinance shall become effective upon adoption, shall apply to disconnections and penalties incurred on and after the date of the Mayor's Declaration, and shall remain in effect until the disaster emergency declared by the Mayor's Declaration, as continued in effect by the Board of Trustees, is terminated by resolution of the Board, and at such time the provisions of Chapter 13, Article 1 temporary suspended by this ordinance shall be reinstated without further action by the Board. During the time when this ordinance is effective, and thereafter, all charges for the use of water shall be and remain a lien on the property served from the time the charge is due until paid.

Section 3. The Board of Trustees herewith finds, determines, and declares that this ordinance is necessary to the immediate preservation of public property, health, welfare, peace, or safety. Pursuant to C.R.S. § 31-16-105 this ordinance shall be effective upon adoption.

Section 4. 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 validity or constitutionality of the remaining portions of this ordinance. The Board of Trustees 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 5. 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, APPROVED AND ORDERED PUBLISHED IN FULL this ____ day of _____, 2020.

TOWN OF KEENESBURG, COLORADO

Ken Gfeller, Mayor

ATTEST:

Christina Fernandez, Town Clerk