

**TOWN OF NEW CASTLE, COLORADO
ORDINANCE NO. E-2021-1**

AN ORDINANCE OF THE TOWN OF NEW CASTLE WATER AND SEWER
ENTERPRISE AMENDING SECTION 13.12.080 OF THE TOWN
MUNICIPAL CODE

WHEREAS, pursuant to Chapter 13.04 of the Municipal Code of the Town of New Castle, Colorado (“Town”), the Town has established the Town of New Castle, Colorado, Water and Sewer Enterprise (“Enterprise”) as an enterprise of the Town within the meaning of Article X, Section 20 of the Colorado Constitution; and

WHEREAS, pursuant to Section 13.04.050, the New Castle Town Council serves as the governing body of the Enterprise (the “Enterprise Board”); and

WHEREAS, in accordance with New Castle Municipal Code Section 13.04.060, the Enterprise Board may exercise the Town’s legal authority relating to water activities or otherwise available to any enterprise;

WHEREAS, pursuant to Section 13.12.080(C), the Enterprise is required to send notices of termination of utility service via certified mail;

WHEREAS, Town staff has determined through experience and investigation that sending such notices via certified mail is costly, inefficient, and not in keeping with practices of other local municipalities and water providers; and

WHEREAS, the Enterprise now desires to remove the certified mailing requirement for notices of termination.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL WATER AND SEWER ENTERPRISE AS FOLLOWS:

1. Recitals Incorporated by Reference. The foregoing recitals are incorporated by reference herein as findings and determinations of the Enterprise Board.

2. 13.12.080(C) of the New Castle Municipal Code is hereby amended as follows, with added language in **bold** and underlined and removed language ~~stricken~~. Those portions of Section 13.12.080(C) not expressly amended by this Ordinance remain unchanged and in full force and effect.

C. If the customer does not pay all delinquent charges by the twenty-fifth day of the month as provided in the delinquency notice, the town shall send a notice of termination. The notice of termination shall be ~~sent~~ **delivered by one of the following methods chosen by the Town in its discretion: (i) sent by regular mail to the owner’s billing address; and (ii) sent by certified mail, return receipt requested, to the owner's billing address; (iii) posting in a conspicuous place at or near the main entrance of the premises served**

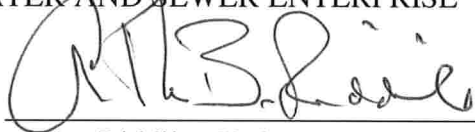
by such utility service and addressed to the customer listed in the Town's records, the occupant of the premises served, and/or the owner of the premises served. The notice shall state the amount of the delinquent charges and the date that termination of services is scheduled. The town shall assess an administrative charge for processing and preparation of the notice of termination. This administrative charge shall be established by town resolution. The notice of termination shall include the following information:

[Subsections 1-4 unchanged]

INTRODUCED this 6th day of July, 2021, at which time copies were available to the Enterprise Board and to those persons in attendance at the meeting, read by title, passed on first reading, and ordered published in full and posted in at least two public places within the town as required by the Charter.

INTRODUCED a second time at a meeting of the Water & Sanitation Enterprise of the Town of New Castle on July 20, 2021, read by title and number, passed without amendment, approved, and ordered published as required by the Charter.

TOWN OF NEW CASTLE, COLORADO
WATER AND SEWER ENTERPRISE

By: 
Art Riddile, Chair

ATTEST:


Mindy Andis, Deputy Town Clerk

