

## **TOWN OF DE BEQUE ORDINANCE NO. 547**

### **SERIES 2025**

AN ORDINANCE AMENDING TITLE 8 OF THE DE BEQUE MUNICIPAL CODE, SECTION 8.04.090 PERTAINING TO PAYMENT PLANS AND RECONNECTION OF UTILITIES AFTER DELINQUENCY, AND SECTION 8.04.120(B) PERTAINING TO APPLYING DEPOSITS TO DELINQUENT UTILITY PAYMENTS.

The following describes the intent and purpose of this Ordinance:

- a) The Town of De Beque (the Town) possesses the authority to amend the Municipal Code from time to time in order to clarify Town policies and procedures.
- b) The Town of De Beque's Municipal Code Sections 8.04.025(B) provides authority to the Town regarding payment plans for delinquent domestic water service, irrigation water service, sewer service, and refuse collection service, and for reconnection after shut-off due to delinquent payments.
- c) The Code is unclear, and at times, contradictory on the appropriate procedures related to delinquency, setting up a payment plan for delinquent accounts, and what occurs when a payment plan becomes delinquent. Additionally, the guidance is unclear for creating a new account after defaulting on a payment plan.
- d) The Board of Trustees determines that it is in the public interest that the Town Code is clear on the Town's procedures as they relate to delinquent accounts, payment plans for delinquent accounts, and requirements to cure delinquency and reconnection to occur for all Town utilities.

**Therefore**, the Town of De Beque Municipal Code is amended to read as follows:

Amended Section 8.04.090: Delinquency Payment Plan and Reconnection After Delinquency:

In the event the domestic water or irrigation water supply has not been shut off due to delinquent payment of any of the following; domestic water service, irrigation water service, and/or sewer service user charges, and the customer would like to set up a payment plan to correct the delinquency, they shall enter into a three (3) month payment plan (the "Agreement"). An amount equal to one-third (1/3) of the delinquent amount due to the Town by the customer, plus the current billing, shall be paid at the time of the creation of the Agreement. The second one-third (1/3) of the delinquent amount plus the current billing shall be paid within thirty (30) days from the date of entering into the Agreement. The final one-third (1/3) of the delinquent amount plus the current billing shall be paid within sixty (60) days after the date of the Agreement. If the customer fails to pay any portion of the Agreement on time, then the customer: i) is not eligible to enter into another payment plan agreement with the Town for twelve (12) consecutive months from the date of the Agreement; and ii) is subject

to shut-off as described in Section 8.04.080. If the domestic water or irrigation water supply was shut off due to delinquent payment of any of the following: domestic water service, irrigation water service, and/or sewer service user charges, prior to reconnection all delinquent payments and the reconnection charge shall be paid in full. The reconnection charge shall be in the amount specified by resolution of the Board of Trustees from time to time. (Ord. 138 §2(part), 1982; Amended Ord. 309 §20 (part), 2006); (Ord. 475, §3, 2016)

Amended Section 8.04.120(B): After Shut-off Due to Delinquent Payments:

The deposit required from customers whose service has been disconnected due to delinquent payments shall be in an amount set forth by resolution of the Board of Trustees. Said deposit shall serve as a guarantee of payment of future domestic water, irrigation water, sewer service, and/or refuse collection service billings. After twelve (12) consecutive months of timely payments by the customer, the deposit shall be refunded. In the event the customer is delinquent in the payment of domestic water, irrigation water, sewer service, and/or refuse collection billings during the first twelve (12) consecutive months of service following reconnection, the Town Clerk shall hold the deposit until termination of water service. In the discretion of the Town Clerk, the Town may apply the deposit, or any portion thereof, to the customer arrearage owing to the Town for domestic water service, irrigation water service, sewer service, and/or refuse collection service charges. After applying the customer deposit to any unpaid utility balances, any unexpended deposit funds shall be refunded to the customer within thirty (30) days from the termination of service. (Ord. 138 §2(part), 1982; Ord. 146 §3(part), 1983; Ord. 146-A (part), 1988; Ord. 185 §1, 1991; Ord. 235 §1, 1996; Amended Ord. 309 §22 (part), 2006).

Approved by the Board of Trustees this 25<sup>th</sup> day of March, 2025. This Ordinance shall take effect thirty (30) days from the date of publication.

TOWN OF DE BEQUE BOARD OF TRUSTEES:

\_\_\_\_\_  
Shanelle Hansen, Mayor

\_\_\_\_\_  
Date

ATTEST:

\_\_\_\_\_  
Lisa Rogers, Town Clerk

\_\_\_\_\_  
Date

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