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Ordinance No. 94

An Ordinance Regarding Delinquent Taxes, Charges, and Assessments and Authorizing the Town Clerk to Certify Delinquent Taxes, Charges, and Assessments to the County Treasurer for Collection.

Be it ordained by the Board of Trustees of the Town of Hillrose, Colorado, pursuant to Colorado Revised Statutes §§ 31-20-105 and -106:

1. Except as provided in Section 4 of this Ordinance, the landowner of every premises, building, lot, house, or dwelling unit is liable for all charges for utility services furnished to the premises, building, lot, house, or dwelling unit.
2. All utility service charges, together with interest and the cost of collecting them, if any, are a lien that is prior and superior to all other liens, claims, titles, and encumbrances, whether prior in time or not, except liens for general taxes, and remain a lien upon the property to which utility services are delivered from the date such charges, together with interest and the cost of collecting them, if any, become due until they are paid.
3. The Town may enforce the lien against the property or the liability against the landowner in an action at law or an action to enforce the lien. If any person in possession of any premises, building, lot, house, or other dwelling unit pays the entire charges due and owing, the payment relieves the landowner from such liability and the premises, building, lot, house, or dwelling unit from the lien. But the Town is not required to look to any person other than the landowner of the premises, building, lot, house, or other dwelling unit for the payment of the charges.
4. For condominiums, town homes, and any such multi-family dwellings to which utility services are furnished by means other than by metering the consumption of each dwelling unit, the lien for the unpaid utility service charges, interest, and costs of collection, if any, imposed by Section 1 of this Ordinance attaches upon each dwelling unit in amount computed by dividing the total amount of the lien by the number of dwelling units.
5. No change of ownership or occupation shall be deemed to affect the application of this Ordinance or any of its provisions. The failure of any landowner to learn that the landowner purchased any property against which a lien for unpaid utility services exists does not affect the landowner's liability for such payment in full and is not a basis for any claim of any kind whatsoever against the Town for refusing to turn on utility services until the charges are paid in full.
6. If any landowner fails or refuses to pay when due any tax, charge, or assessment imposed by this Ordinance or any other ordinance of the Town of Hillrose, the Town Clerk may, in addition to taking other collection remedies, certify due and unpaid taxes, charges, and assessments, including interest and cost of collection, to the Morgan County Treasurer to be levied against the landowner's property for collection by the County in the same manner as delinquent general taxes upon such property are collected.
7. Before certifying taxes, charges, interest, cost of collection, and assessments to the County for collection as prescribed by Section 6 of this Ordinance and if requested by the landowner in writing, the Town Clerk shall provide to the landowner an opportunity for a hearing to contest the authority of the

Town to incur the taxes, charges, or assessments or the amount thereof. The Town Clerk shall conduct such hearing as a quasi-judicial hearing. The Town Clerk shall mail the notice to the landowner by first-class mail addressed to the last known landowner of the property as listed on the records of the Morgan County Assessor. If, after a hearing, the Town Clerk's decision affirms the imposition of charges, the decision shall include notice that the charges are due and payable within 10 days of the date of the decision and that, if not paid when due, the charges will be certified to the Morgan County Treasurer for collection.

8. Whenever the Town Clerk certifies any tax, charge, interest, cost of collection, or assessment to the Morgan County Treasurer for collection, the Town Clerk shall record notice of such certification to the Morgan County Clerk and Recorder.
9.
 - a. Any tax, charge, or assessment imposed by this Ordinance or any other ordinance of the Town of Hillrose, together with interest and cost of collection, if any, if not paid by the due date specified, constitutes a perpetual lien on the property to which service was delivered effective from the date such service was delivered.
 - b. The attachment of such lien is not dependent on the recording of written notice, and the lien is prior and superior to all other liens, claims, titles, and encumbrances whether or not prior in time except liens for general taxes. The lien remains attached to the property from the date such utility service was delivered to the property the delinquent fees and charges, together with interest and costs of collection, if any, are paid.
 - c. When the tenant in possession of the property served or any third person pays the utility bill, it relieves the landowner from the obligations and lien imposed by this Ordinance, but the Town is not required to seek payment of utility charges from any person other than the landowner. No change of ownership, occupation, or possession affects the application of this Ordinance, and the failure of any landowner to discover that he or she purchased property against which a lien for utility services exists in no way affects such landowner's liability for payment in full.
 - d. The Town may enforce the lien by a suit for foreclosure and sale of the property subject to the lien. The proceeds of the sale shall be applied to the unpaid fees and charges and allowable costs in the manner provided for foreclosure of statutory liens. The lien may also be enforced by certification of assessment upon the property to the Morgan County Treasurer for collection by the County in the same manner as delinquent general taxes and special assessments upon such property are collected or by any other means provided by law.
 - e. Delinquent utility service charges together with interest and cost of collection may also be collected by civil suit against the landowner of the property served at any time after the charges become delinquent. The remedies provided in this Ordinance are cumulative and supplemental to each other.
10. The following words, terms, and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:
 - a. "Cost of collecting" means the service charge which will be required to be paid in addition to full payment of the bill. Such service charge shall be

the greater of \$100.00 or the actual costs of attorney fees, filing expenses, labor, and any other cost incurred as a result of collection or filing a lien with the Morgan County Treasurer.

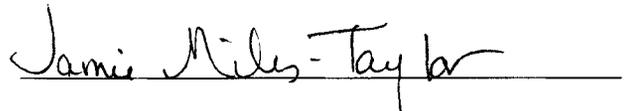
b. "Landowner" means the landowner of property as listed on the records of the Morgan County Assessor as well as legal representatives, assigns, authorized agents, and successors in interest of the landowner of record of the property served by the Town.

c. "Utility service charges" means all charges applicable to water, sewer, sanitation collection services, and all charges applicable to any other Town services as are designated as utility charges by any other ordinance of this Town.

11. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

The Board of Trustees finds that this Ordinance is necessary to the immediate preservation of the public health or safety in the Town of Hillrose, Colorado. Therefore, this Ordinance shall take effect immediately upon adoption.

INTRODUCED, READ, ADOPTED, APPROVED, PASSED, AND ORDERED PUBLISHED BY TITLE ONLY by the Board of Trustees of the Town of Hillrose, Colorado on February 20, 2006.



Mayor/Mayor Pro Tem

[SEAL]

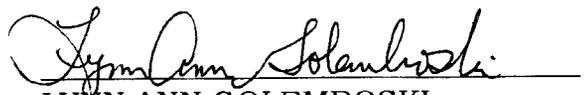

LYNN ANN GOLEMBOSKI
Town Clerk

CERTIFICATION

I, Lynn Ann Golemboski, Town Clerk of the Town of Hillrose, Colorado, hereby certify and attest that the foregoing Ordinance No. 94 was introduced, read, adopted, and ordered published by title only at a regular meeting of the Board of Trustees of the Town of Hillrose, Colorado on the 20 day of February, 2006. This Ordinance was published in The Brush News-Tribune on February 22, 2006.

DATED: March 6, 2006




LYNN ANN GOLEMBOSKI
Town Clerk

the greater of \$100.00 or the actual costs of attorney fees, filing expenses, labor, and any other cost incurred as a result of collection or filing a lien with the Morgan County Treasurer.

b. "Landowner" means the landowner of property as listed on the records of the Morgan County Assessor as well as legal representatives, assigns, authorized agents, and successors in interest of the landowner of record of the property served by the Town.

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INTRODUCED, READ, ADOPTED, APPROVED, PASSED, AND ORDERED PUBLISHED BY TITLE ONLY by the Board of Trustees of the Town of Hillrose, Colorado on _____, 2006.

Mayor/Mayor Pro Tem

[SEAL]

LYNN ANN GOLEMBOSKI
Town Clerk

CERTIFICATION

I, Lynn Ann Golemboski, Town Clerk of the Town of Hillrose, Colorado, hereby certify and attest that the foregoing Ordinance No. ____ was introduced, read, adopted, and ordered published by title only at a regular meeting of the Board of Trustees of the Town of Hillrose, Colorado on the ____ day of _____, 2006. This Ordinance was published in The Brush News-Tribune on _____, 2006.

DATED: _____, 2006

[SEAL]

LYNN ANN GOLEMBOSKI
Town Clerk