

ORDINANCE NO. 35

**AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF
SIMLA COLORADO AMENDING TITLE 6, CHAPTER 3 OF THE TOWN
CODE OF SIMLA REGARDING WATER METER TAMPERING AND
WATER METER TESTING FEES**

WHEREAS, the Board of Trustees desires to amend the Town Code of Simla to revise how the Town regulates water meter tampering and water meter testing fees.

NOW, THEREFORE, BE IT ORDAINED by the Board of Trustees of the Town of Simla as follows:

Section 1. A new subsection (I) and (J) is hereby added to Section 6-3A-5 of the Town Code of Simla to read as follows:

Section 6-3A-5: Water Meters; Regulations; Maintenance; and Testing:

* * *

I. Customer-Initiated Testing: Customers may request testing of their water meter if the customer reasonably believes the water meter readings are inaccurate. If the water meter is found to be operating within acceptable industry standards, the customer shall be responsible for:

1. The full cost of testing;
2. Any related labor charges; and
3. Any other related service fees.

J. If after testing a water meter is found to be inaccurate, the Town shall bear the cost of testing and any associated labor charges and other related service fees. Customer billing adjustments shall be made in accordance with Town policies and procedures.

Section 2. Section 6-3A-9 of the Town Code of Simla is hereby amended as follows:

Section 6-3A-9: Prohibited Acts:

* * *

D. Meter Tampering: It shall be unlawful for any customer to tamper with the Town's waterworks system, including water meters. Tampering shall include without limitation the following actions:

1. Breaking or damaging meter housing;
2. Breaking or damaging a curb stop;

3. Breaking or damaging communication port housing;
4. Breaking or damaging the antenna housing;
5. Removing any meter locking mechanisms;
6. Breaking or damaging meter components;
7. Stealing a water meter;
8. Inserting unauthorized connections; and
9. Unauthorized water use.

Section 3. Section 6-3A-10 of the Town Code of Simla is hereby repealed in its entirety and replaced as follows:

Section 6-3A-10: Penalty:

A. Any person violating any provision of this Article shall be fined not less than forty-five dollars (\$45.00) and not more than seven hundred dollars (\$700.00) for each offense, in the discretion of the Municipal Court. Each violation and each day a violation occurs under this Article shall constitute a separate offense.

B. In addition to the above penalty, in the discretion of the Municipal Court, the following penalties may additionally apply:

1. Pursuant to Section 6-3A-9(D) above, if a customer is found to have tampered with the Town's waterworks system, the customer shall be charged the full replacement cost and any applicable labor charges incurred by the Town. This shall include damage to a water meter, any associated components, or related equipment.

2. Customers who accidentally damage the Town's waterworks system, including water meters or related equipment, may be assessed the full replacement cost and any applicable labor charges incurred by the Town.

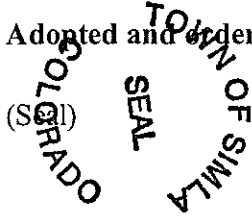
C. All penalties imposed under this Article must be paid to the Town in full prior to the reconnection of water service.

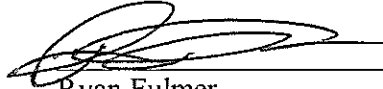
Section 4. **Severability.** If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Board of Trustees hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that anyone, or part, or parts be declared unconstitutional or invalid.

Section 5. **Safety.** The Board of Trustees finds that the adoption of this Ordinance is necessary for the protection of the public health, safety, and welfare.


Section 6. **Effective Date.** This Ordinance shall become effective thirty (30) days after publication.

Adopted and ~~ordered~~ published this 9th day of September, 2025.





Ryan Fulmer
Mayor

Attest:


Megan Taunton, Town Clerk