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CHAPTER 13.01

General

13.01.010 Authority.

The Town is a home rule municipality with those powers necessary for carrying out the objectives and purposes of the Town with respect to the provision of water services. (Ord. 96-21 §1(part))

13.01.020 Purpose.

The purpose of this body of rules and regulations is to ensure an orderly and uniform administration of water operations of the Town. (Ord. 96-21 §1(part))

13.01.030 Policy.

The Town Council declares that the rules and regulations hereinafter set forth will serve a public use and are necessary to promote the health, safety, prosperity, security and general welfare of the inhabitants of the Town. (Ord. 96-21 §1(part))

13.01.040 Scope.

These rules and regulations shall be treated and considered as new and comprehensive regulations governing the operations and functions of the Town, and shall supersede all prior rules and regulations of the Town and of the Avon Metropolitan District. (Ord. 96-21 §1(part))

13.01.050 Intent of rules and regulations.

It is intended that these rules and regulations shall be liberally construed to effect the general purposes set forth herein, and that each and every part thereof is separate and distinct from all other parts. No omission or additional material set forth in these rules and regulation shall be construed as an alteration, waiver or deviation from any grant of power, duty or responsibility, or limitation or restriction, imposed or conferred upon the Town Council by virtue of the Town Charter or statutes now existing or subsequently amended, or under any contract or agreement existing between the Town and any other governmental entity. Nothing contained herein shall be so construed as to prejudice or affect the right of the Town to secure the full benefit and protection of any law which is now enacted or may subsequently be enacted by the Colorado General Assembly. (Ord. 96-21 §1(part))

13.01.060 Amendment.

It is specifically acknowledged that the Town shall retain the power to amend these rules and regulations to reflect those changes determined to be necessary by the Town Council. Prior notice of amendments shall not be required to be provided. Amendment of Appendix 13-A and Appendix 13-B hereto may be accomplished by resolution. (Ord. 97-1 §1; Ord. 96-21 §1(part))

CHAPTER 13.02

Definitions

13.02.010 Definitions.

(a) Unless the context specifically indicates otherwise, the meaning of the terms used herein shall be as follows:

Accommodation unit or hotel room is one (1) habitable room and without cooking facilities.

Applicant means any person who applies to the Town for a service connection or service disconnection, main line extension or other such service agreement, or who attempts to have real property annexed to the Town, as the case may be.

Commercial and/or industrial unit is any structure that engages in commerce, manufacturing, marketing and/or sale of services of any kind.

Common space, as it applies to multi-unit facilities, includes areas which have insignificant water consumption and are accessible and available to all residents and guests of the dwelling units, including but not limited to, hallways, lobbies, atriums.

Constructor means the landowner, developer, subdivider or agency actually paying for the construction of the lines.

Contractor means any person, firm or corporation authorized by the Town to perform work and to furnish materials within the Town.

Council and Town Council mean the Town Council of the Town of Avon.

Customer means any entity authorized to connect to and use the Town's water system under a permit issued by the Town.

Dwelling unit means one (1) or more habitable rooms arranged, occupied or intended or designed to be occupied by not more than one (1) family with facilities for living, cooking, sleeping and eating.

Efficiency or studio unit is a dwelling unit having one (1) room and one (1) bathroom.

Equivalent dwelling unit or single-family equivalent dwelling unit means a use which is estimated to have an impact upon the water system equal to that of the average usage of the dwelling unit.

Inspector means that person who, under the direction of field supervisor or Town Manager, shall inspect all water connections, excavations, installations of and repairs to the water system and facilities of the Town to ensure compliance with the rules and regulations.

Permit means the written permission to connect to or enlarge the use for the water system of the Town pursuant to the rules and regulations of the Town.

Person means any entity of any nature, whether public or private.

Rules and regulations means the rules and regulations of the Town, including all amendments and policies as set forth in the Town minutes, resolutions and ordinances.

Service line means any privately owned and maintained pipe, line or conduit used or to be used to provide water service from water main to a building, whether the pipe, line or conduit is connected or not.

Shall or may. Whenever *shall* is used in this Title, it shall be construed as a mandatory direction. Whenever *may* is used in this Title, it shall be construed as a permissible, but not mandatory direction.

Stub-out means any connection to a main line which extends from the main line and which is intended to facilitate service line connection to the water system, either directly to the main line or indirectly through a private main. A stub-out may extend to, but not through, the foundation, exterior walls or floor of any structure intended to be served. Any extension through the foundation or exterior wall shall be considered a tap, whether connected or not.

Tap or connection means the connecting of the service line to the water system, either directly to a main line, or stub out from the main line, or indirectly through a private main line, which service line extends beyond the easement line or property line into the structure intended to be served, whether or not actually connected to the structure's water system.

Tap fee means the payment to the Town of a fee for the privilege of connecting a particular use of the water system.

Town means the Town of Avon, Colorado.

Town Engineer means that person or firm that has been authorized by the Town to perform engineering services for the Town.

Town Manager of the Town means the Town Manager of the Town as defined in the Town Charter of the Town.

Water main means any pipe, piping or system of piping used as a conduit for water in the Town's water system and owned by the Town. Unless otherwise provided by the Town Council, a water main shall be six (6) inches or more in diameter.

Water system means any water main line, appurtenances, accessories or portion thereof owned and maintained by the Town.

(b) Any other term not defined in this Chapter shall be defined as presented in the "Glossary – Water and Sewage Control Engineering," A.P.H.A., A.W.W.A., A.S.C.E. and F.W.S.A., latest editions. (Ord. 96-21 §1(part))

CHAPTER 13.03

Ownership and Operation of Facilities

13.03.010 Responsibilities of Town.

Except as otherwise provided by these rules and regulations, the Town is responsible for the operation and maintenance of the water system, which operation and maintenance shall be carried out in a sound and economical manner, in accordance with these rules and regulations. It shall not be liable or responsible for inadequate treatment or interruption of service brought about by circumstances beyond its control. (Ord. 96-21 §1(part))

13.03.020 Liability of Town.

It is expressly stipulated that no claim for damage shall be made against the Town by reason of the following: breakage of mainlines; interruption of water service and the conditions resulting therefrom; breaking of any service or distribution line, pipe, cock or meter; failure of the water supply; shutting off or turning on water; making of connections or extensions; damage caused by water running or escaping from open or defective faucets; burst service lines or other facilities not owned by the Town; damage to water heaters, boilers or other appliances resulting from shutting water off or from turning it on, or from inadequate, excessive or sporadic pressures; or for doing anything to the systems of the Town deemed necessary by the Town Council or its agents. (Ord. 96-21 §1(part))

13.03.030 Rights and authority.

(a) The Town shall have no responsibility for notification to customers of any of the foregoing conditions. The Town reserves the right to discontinue, temporarily, service to any property, at any time, for any reason deemed necessary or appropriate.

(b) The Town shall have the right to revoke service to any property for violations of these rules and regulations in accordance with the procedures set forth in these rules and regulations. (Ord. 96-21 §1(part))

13.03.040 Ownership of facilities.

All existing and future main lines and treatment works connected with and forming an integral part of the water system shall become and are the property of the Town, unless any contract with owner or customer provides otherwise. Said ownership will remain valid whether the main lines and treatment works are constructed, financed, paid for or otherwise acquired by the Town, or by other persons.

(1) Ownership of water facilities. For water, the Town owns and is responsible for the maintenance of the water service line, up to and including the curb stop valve or the customer's property line, whichever is closer to the water main. The customer is responsible for the maintenance of the remaining portion of the service line serving his or her property.

(2) Ownership of water meters. Notwithstanding the above, all water meters and shut-off valves shall become and are the property of the Town. Said ownership shall remain valid whether the meters and/or shut-off valves are installed, financed, paid for, repaired or maintained by another person or whether the meters and/or shut-off valves are located on a privately owned and maintained service line. Ownership of meters and valves is all inclusive of the components of ownership on the discharge side of

the curb stop (or property line) referenced in Subsection (1) of this Section. Remote readers and wiring connected to the meter are the property, and full responsibility, of the customer. (Ord. 96-21 §1(part))

13.03.050 Inspection powers and authority of Town agents.

Authorized employees of the Town, bearing proper credentials and identification, shall be permitted to enter upon all properties at all reasonable times for the purpose of inspection, observation, measurement, sampling and testing, in accordance with the provisions of these rules and regulations. Failure to permit such inspections, observations, measurements, samplings and/or testings upon the request, in writing, of the Town Manager may result in a finding that permission is being denied to avoid discovery of a violation which may result in the disconnection of service to the property of the party failing to permit such activity. (Ord. 96-21 §1(part))

13.03.060 Modification, waiver and suspension of rules.

The Town Council or the Town Manager, acting on instructions of the Town Council, shall have the sole authority to waive, suspend or modify these rules and regulations, and any such waiver, suspension or modification must be in writing, signed by the Town Council or the Town Manager. Such waiver shall not be deemed an amendment of the rules and regulations. No waiver will be deemed a continuing waiver. (Ord. 96-21 §1(part))

CHAPTER 13.04

Use Of Water System

13.04.010 Unauthorized tampering with systems.

(a) Unauthorized use. No unauthorized person shall uncover, use, alter, disturb or make any connection with the water system without first obtaining a written permit from the Town. Unauthorized uses of or tampering with the Town's systems include, but are not limited to, change in customer's equipment, service or use of property, as defined in Section 13.05.110, an unauthorized turn-on or turn-off of water service, burying valve boxes, and modifying any water meter even though the same may be performed on a privately owned and maintained service line.

(b) Malicious damage to system. No person shall maliciously, willfully or negligently break, damage, destroy, cover, uncover, deface or tamper with any portion of the Town's system.

(c) Violators prosecuted. Any person who shall violate the provisions of this Section shall be deemed guilty of a violation of this Title.

(d) Violators fined. Any person violating any of the provisions of these rules and regulations shall, upon conviction, be punished in accordance with the provisions of Section 1.08.010 of this Code. Such penalty shall also constitute a perpetual lien upon the violator's property, or upon the property concerning which the violator was providing services at the time of the violation in question, whichever the Town Manager deems appropriate. See Section 13.05.150 regarding unauthorized connections. (Ord. 96-21 §1(part); Ord. 04-05 §1)

13.04.020 Notice of changes and repairs of leaks.

(a) The customer shall notify the Town prior to any expansion or addition to the service or use of the property served by the Town and upon any change of ownership of said property. Each customer shall be responsible for all costs associated with the construction and maintenance of that length of the service line to the curb stop or property line, whichever is closer to the main. Service lines shall be constructed in accordance with the rules and regulations.

(b) Leaks or breaks in the service line shall be repaired within seventy-two (72) hours of obtaining knowledge of a leak or from the time of notification of such condition by the Town. If satisfactory progress toward repairing said leak has not been completed within the same time period, the Town Manager shall shut off the service until the leaks or breaks have been repaired; in addition, the Town shall have the right to effect the repair, and the costs therefor shall constitute a lien on and against the property of such customer, securing payment of such cost. (Ord. 96-21 §1(part))

13.04.030 Cross-connection control.

Each customer is responsible for complying with the Colorado Department of Public Health and Environment's Cross-connection Control Manual with the additional requirement that all "wet type" fire protection systems must utilize a "reduced pressure" type backflow preventor valve. (Ord. 96-21 §1(part))

13.04.040 Stop and waste type valves.

No stop and waste type valve is permitted in conjunction with a customer's service line. When closed, this type valve permits groundwater contamination of the service line. It is the responsibility of the customer to bury the service line with sufficient cover to prevent it from freezing. (Ord. 96-21 §1(part))

13.04.050 Safety devices.

Each person having boilers and/or other appliances on his or her premises, depending on pressure or water in pipes, or on a continual supply of water, shall provide, at his or her own expense, suitable safety devices to protect himself or herself and his or her property against a stoppage of water supply or loss of pressure. The Town expressly disclaims any liability or responsibility for any damage resulting from a customer's failure to provide such appropriate protection. (Ord. 96-21 §1(part))

13.04.060 Water meters required.

(a) No connection shall be made to the Town's system without a water meter having been installed to serve the subject unit. All water meters shall have devices for remote reading. The remote reading device installation, repair and/or replacement is the responsibility of the customer. The type of water meter and remote reading device and the location of the meter shall be subject to the approval of the Town. The Town shall install the initial meter and shall have the right to test, remove, repair or replace any and all water meters. It shall be the duty of each customer to notify the Town if his or her water meter is operating defectively. If any meter is suspected to be defective, the Town shall diligently pursue repair or replacement of said meter at the Town's expense.

(b) If a remote reader or connecting wire is suspected of being defective, the customer shall diligently pursue repair or replacement of this equipment at the customer's expense, and in accordance with the policy below.

(c) Notwithstanding the customer's responsibility to notify the Town of suspected defects, the Town shall have authority to initiate any investigative action to determine defects and/or make repairs.

(d) During the interim period prior to repair, the following policy shall be enforced: the customer shall be given notice, by first-class mail, that the Town suspects that the water meter is defective. The customer shall be given thirty (30) days in which to respond, which response shall include scheduling with the Town an appointment for a meter inspection and replacement. If the customer fails to respond, the customer will be placed on the unmetered rate, effective with the following billing cycle. (See Appendix 13-A for unmetered rate.)

(e) The customer shall be given a second notice, by first-class mail, that the Town suspects that the water meter is defective. The customer shall be given thirty (30) days in which to respond to the second notice, which response shall include scheduling an appointment for a meter inspection and replacement. If the customer fails to respond to the second notice, the Town may disconnect the water service and charge the customer the base water rate while the service is disconnected. (See Appendix 13-A for base rate.) A fee will be assessed in accordance with Section 13.05.180 to return water service to the customer. (Ord. 96-21 §1(part))

13.04.070 Water-saving devices.

All new connections are required to install water-saving devices as follows:

(1) All toilets shall have a maximum flush of three and one-half (3.5) gallons.

(2) All showers shall have a shower restrictor device installed, which shall have a measured flow, at sixty (60) pounds per square inch, of not greater than three and one-fifth (3.20) gallons per minute. (Ord. 96-21 §1(part))

13.04.080 Pressure-reducing valves.

A pressure-reducing valve ("PRV") shall be installed in all service lines immediately before the water meter, ensuring that the water meter and the building plumbing system are protected from fluctuating water main delivery pressures. The pressure setting of the PRV shall not exceed one hundred (100) PSI without written permission from the Town. (Ord. 96-21 §1(part))

13.04.090 Fire hydrants.

It is unlawful for any person to operate Town valves or fire hydrants without prior authorization by the Town; any law enforcement officer, personnel of the Town or of a fire department is authorized to confiscate any hydrant wrench or valve shut-off key found to be used without Town authorization. (Ord. 96-21 §1(part))

13.04.100 Clearances around hydrants.

Minimum clearances must be maintained around fire hydrants to facilitate their use. It shall be the responsibility of property owners to maintain a seven-foot clearance on either side, a four-foot clearance on back and a ten-foot clearance in front of fire hydrants. (Ord. 96-21 §1(part))

13.04.110 Fire hydrant meter policy.

(a) Fire hydrant meters are allowed to be used between April 15th and October 15th, provided freezing at night is not occurring. The customer is responsible for any damage to fire hydrants or fire hydrant meters, which includes vandalism or freezing.

(b) Fire hydrant water shall not be used for drinking purposes at anytime. If the water is to be used for lawn irrigation, the customer shall provide a backflow device. Only Town personnel are allowed to move fire hydrant meters. A contractor will be subject to a penalty if he or she attempts to move or alter the fire hydrant meter. (See Appendix 13-A for deposit, installation, relocation and user fees.) (Ord. 96-21 §1(part))

13.04.120 Restrictions on water use.

Water shall be used only for beneficial purposes and shall not be wasted. Conditions may exist when the water supply is temporarily limited. During such periods of time water for irrigation and other outside uses shall be used only in accordance with these regulations. (Ord. 96-21 §1(part))

13.04.130 Restriction levels.

There are established three (3) levels of restriction of water use as follows:

(1) Level I. Level I water restriction shall be effective during periods of extreme emergency, including but not limited to water treatment plant failure, water main break and other emergencies creating an immediate threat to the water supply. During a Level I water restriction period, water use shall be limited to in-home use.

(2) Level II. Level II water restriction shall be effective during periods of emergency, including but not limited to severe drought and other periods of significant reduction in the water supply. During a Level II water restriction period, water use shall be limited to in-home use and to such business use as is essential to the viability of the business, such as watering of outside stock at nurseries, greenhouses and stores. No irrigation or other outside use shall be permitted. Swimming pools shall not be refilled.

(3) Level III. Level III water restriction shall be effective during periods of drought or other conditions temporarily causing a supply of water not adequate to the demand. During a Level III water restriction period, irrigation shall be limited as follows:

a. For properties having an even-numbered address, from 10:00 p.m. to 6:00 a.m., commencing on Sunday, Wednesday and Friday of each week.

b. For properties having an odd-numbered address, from 10:00 p.m. to 6:00 a.m., commencing on Tuesday, Thursday and Saturday of each week.

c. Provided that newly sodded lawns may be watered each day for fourteen (14) consecutive days, not exceeding one (1) inch per week, and newly seeded lawns may be watered each day for twenty-five (25) consecutive days, not to exceed one (1) inch per week.

Vehicles may be washed only with a bucket and shut-off nozzle and not with a freely running hose. No irrigation shall be permitted without a nozzle or sprinkler. Swimming pools shall be refilled only for purpose of repairs. (Ord. 96-21 §1(part))

13.04.140 Determination of periods of water restriction.

Periods of water restriction shall be determined as follows:

(1) Level I. The Town Manager shall make any determination of a Level I period of water restriction. Any determination of a Level I period of water restriction shall immediately be reported to the Town Council, and notice thereof and of the restrictions imposed shall be publicized by radio and newspaper as expeditiously as possible. Such period of restriction shall continue no longer than necessary and in any event no longer than until the next regular meeting of the Town Council and thereafter may be continued by the Town and notice given as hereinafter provided.

(2) Levels II and III. The Town Council shall make any determination of a Level II or Level III period of water restriction. Notice thereof and of the restrictions imposed shall be published in a newspaper of general circulation within the Town and further posted in at least three (3) public places within the Town. Such publication and posting shall continue until the period of restriction is terminated. (Ord. 96-21 §1(part))

13.04.150 Water restrictions – penalties for violation.

Any person using water in violation of Sections 13.04.120 through 13.04.140 shall be fined in accordance with Subsection 13.04.010(d) and shall be charged at triple the ordinary rate for the applicable billing period. Upon a second violation, the property shall be disconnected from service. (Ord. 96-21 §1(part))

13.04.160 Mechanical devices.

The Town may require, at the customer's expense, that seals or other mechanical devices be attached to any water-using system in or about premises served by the Town in order to detect any unauthorized use of water from that system. Such seals or mechanical devices may be inspected by agents of the Town at any reasonable time upon reasonable notice to the person in charge of the property served. (Ord. 96-21 §1(part))

CHAPTER 13.05

Application For Service

13.05.010 Service outside the Town.

No service shall ever be provided to property outside of the Town, except upon the express written consent of the Town. Charges for furnishing service outside of the Town shall be at the discretion of the Town Council, but no service shall be furnished to property outside of the Town unless the charge therefor equals at least the cost of service, plus the estimated mill levy and tap fees for which such property would be responsible if it were a part of the Town. In every case where the Town furnishes service to property outside the Town, the Town reserves the right to discontinue the service when, in the judgment of the Town Council, it is in the best interest of the Town to do so. (Ord. 96-21 §1(part))

13.05.020 Application for service.

Application for service must be filed with the Town on forms provided by the Town and accompanied by appropriate fees prior to any action to connect to the system. Only upon authorized approval of the application and a receipt therefor may a connection to the system be made. The location of the water meter and the remote reading device shall be indicated on all applications for service. (Ord. 96-21 §1(part))

13.05.030 Fire sprinkler system.

If a fire protection water sprinkler system is to be used, a plan of the system is to accompany the application and is subject to the approval of the Town. All fire sprinkler systems shall meet NFPA requirements and additionally shall meet the requirements of all applicable state building and fire protection codes. If a water sprinkler system for lawn irrigation is to be used, it must be metered. (Ord. 96-21 §1(part))

13.05.040 Taps prohibited in winter.

No taps will be permitted or made between November 1st and April 15th, without specific written approval of the Town Manager. (Ord. 96-21 §1(part))

13.05.050 Additional tap information required.

All information requested on the tap application form must be completed. In addition, the water meter location and arrangement, and a diagram of the curb stop valve box location must be included. A site plan or improvement plan and floor plan shall accompany the tap permit application, showing the location of the building relative to property lines. A building permit shall also accompany the tap permit application for new construction. (Ord. 96-21 §1(part))

13.05.060 Reassessment of tap fees.

Should any information disclosed on the application prove at any time to be false, or should the applicant omit any information, the Town shall have the right to reassess the tap fee originally charged at the rate current to the discovery by the Town of the false or omitted information, and/or disconnect the service in question, and/or back charge the property in question for service fees that may be due and owing, and/or charge any other or additional fee or penalty specified in these rules and regulations, as amended. Any reassessment shall be due and payable, together with any penalties or other additional fees charged, and together with interest at the maximum legal rate on the entire balance, upon and from the date of the original application. (Ord. 96-21 §1(part))

13.05.070 Denial of application.

The Town reserves the exclusive right to deny application for service when, in the opinion of the Town Council, the service applied for would create an excessive seasonal, or other, demand on the facilities. Denial may also be based upon an unresolved obligation between the Town and the applicant, inadequate documentation of easements for main lines serving the property or any other reason as determined by the Town Manager. (Ord. 96-21 §1(part))

13.05.080 Cancellation of application.

The Town reserves the right to revoke any prior approval of an application before service has been provided, and thereafter for any violation of these rules and regulations. (Ord. 96-21 §1(part))

13.05.090 Moved or destroyed buildings.

When a building is moved or destroyed, the original authorization shall remain; provided that a written request is made to and approved by the Town Manager prior to cessation of payment of service charges. (Ord. 96-21 §1(part))

13.05.100 Abandoned service line.

When a service line is abandoned permanently, the property owner or customer shall valve the water supply off at the main line (corporation stop valve). (Ord. 96-21 §1(part))

13.05.110 Change in customer's equipment, service or use of property.

No expansion of or addition to the customer's service or use of property served shall be made without the prior notification of an approval by the Town. Any such change which, in the opinion of the Town, will increase the burden placed on the Town's systems by the customer shall require a redetermination of the tap fee and monthly service charge, and a payment by the customer of any additional tap fee and monthly service charge resulting from the redetermination. Subject to Section 13.05.090, tap fees previously paid with respect to the property in question shall be credited against the redetermined tap fee so that only the unpaid portion of any redetermined tap fee shall be due; provided, however, that redeterminations resulting in a conclusion that the tap fee, if assessed currently, would be in an amount less than that originally paid shall not result in a refund or credit of any kind to the customer. (Ord. 96-21 §1(part))

13.05.120 Unauthorized connection fee.

Any violation of Section 13.05.110 shall result in the assessment of an unauthorized connection fee, as provided by Section 13.05.150 of these rules and regulations, and the Town shall take those steps authorized by these rules and regulations, and state law regarding the collection of said fees. (Also, see Section 13.04.010, Unauthorized tampering with systems.) (Ord. 96-21 §1(part))

13.05.130 Inspection required.

Any customer believed to have changed equipment, service or use of his or her property, in violation of Section 13.05.110, shall be notified of such belief by the Town, and shall be afforded twenty (20) days from the date upon which the notice is mailed in which to respond to the Town's notice. Any response by the customer must include permission to make such inspection of the property in question as the Town Manager or his or her representatives deem necessary to establish clearly the nature of equipment, service and use of the property in question. Failure to respond may result in the Town discontinuing service to the property. (Ord. 96-21 §1(part))

13.05.140 Redetermination of tap fees.

Inspection shall be made of the property in question. Following inspection, the Town Manager shall make a determination as to the change in the customer's equipment, service or use of the property in question, and shall redetermine any additional tap fees and service charges due. In the event the decision of

the Town Manager is deemed unsatisfactory to the customer, the customer may present a complaint in accordance with the hearing and appeal procedures, Chapter 13.09 of these rules and regulations. (Ord. 96-21 §1(part))

13.05.150 Unauthorized connections and fees.

No person shall be allowed to connect onto the water system or to enlarge or otherwise change equipment, service or use of property without prior payment of tap fees, approval of application for service and adequate supervision and inspection of the tap by Town employees. Any such connection, enlargement or change without payment, approval, supervision and inspection shall be deemed an unauthorized connection. Upon the discovery of any unauthorized connections, the then-current tap fee shall become immediately due and payable, and the property shall automatically be assessed an additional unauthorized connection fee equal to the then-current tap fee per equivalent dwelling unit, as liquidated damages toward the Town's costs associated with such unauthorized connections. (Ord. 96-21 §1(part))

13.05.160 Revocation of service.

(a) Service shall be revocable by the Town upon nonpayment of any valid fees or charges owing to the Town. In the event of nonpayment, the customer shall be given not less than twenty (20) days' advance notice in writing of the revocation, which notice shall set forth:

(1) The reason for the revocation;

(2) That the customer has the right to contact the Town, and the manner in which the Town may be contacted for the purpose of resolving the obligations; and,

(3) That there exists an opportunity for a hearing in accordance with Chapter 13.09 of these rules and regulations.

(b) If payment of the outstanding obligation is not received by the Town within twenty (20) days of the date of mailing of the revocation notice, the Town Manager shall disconnect the service and the customer shall be assessed the cost of the disconnection. While the service is disconnected, the customer shall continue to be assessed the base service charges for water. (Ord. 96-21 §1(part))

13.05.170 Revocation of tap rights.

The right to connect to the Town's system and receive services under Section 13.05.020 shall be revocable by the Town upon nonpayment of any Town fees owing to the Town and remaining unpaid for a period of thirty (30) days, and whether or not the customer owning the right to connect has actually connected to the Town's system. Such revocations shall be conducted in accordance with Section 13.05.160. If the right to connect to the Town's system is revoked, the customer may reacquire such tap right only by reapplying for service in accordance with Section 13.05.020, and after paying all fees due and owing the Town and the then-current tap fees charged by the Town under these rules and regulations. (Ord. 96-21 §1(part))

13.05.180 Turn-ons/turn-offs of service.

(a) All turn-ons and turn-offs of water service through a shut-off valve on a service line that has been connected to the Town's water system pursuant to a written permit issued by the Town shall be performed only by Town personnel, regardless of the ownership of the shut-off valve or service line and regardless of

the circumstances respecting the turn-on or turn-off. The Town shall assess a single turn-off/turn-on charge in the amount of fifty dollars (\$50.00) for any such turn-off and turn-on performed, except when initial service is provided and/or when the service is performed for customers requiring maintenance to their service lines, in which case there shall be no charge. The Town will provide this service only for a tap for new construction, one (1) time prior to the occupancy of the building served.

(b) All other requests for a turn-off or turn-on of Town service may be granted or denied by the Town Manager in his or her sole discretion. (Ord. 96-21 §1(part))

CHAPTER 13.06

Construction of Service Lines

13.06.010 Compliance with rules and regulations.

The requirements of these rules and regulations and Appendix 13-B, attached hereto, are applicable to the construction of all service lines. (Ord. 97-1 §2: Ord. 96-21 §1(part))

13.06.020 Inspection and tapping charges.

All taps shall be made by the Town or its authorized representative, and all service lines shall be inspected by a representative of the Town. All water service lines are to be tested under normal operating pressure. Constructors of service lines shall call the Town to schedule an open ditch inspection of all service lines. If said inspection is not made within twenty-four (24) hours of the call, excluding weekends and holidays, construction may proceed. There shall be a charge for all inspections as determined from time to time by the Town Council. Further information regarding inspections and the charges for inspections may be obtained at the Town Clerk's office. (Ord. 96-21 §1(part))

13.06.030 Separate service lines required.

A separate and independent service line shall be provided for every building and shall be installed at the expense of the property owner. There shall be one (1) water meter installed for each separate building served. A curb stop shall be located at the property line on all service lines. Each half of a duplex shall have a curb stop at the property line and shall have a separate water meter and service line. The Town Council may, in the exercise of its sole discretion, provide an exemption from the above requirements for buildings that are part of a condominium or homeowners' association. In such a case, the Town shall bill the association for service charges assessed by the Town for water usage in the association. In all cases where individual units are not separately metered, billing shall be to one (1) entity for service to all units serviced through the same meter or service line, and payment for less than all units shall be considered nonpayment, allowing the Town to terminate service. (Ord. 96-21 §1(part))

13.06.040 Construction and connection.

(a) The contractor shall notify the Town when the service line is ready for inspection and connection to the Town's main. One (1) working day's notice is required. The connection shall be made to the main by a contractor approved by the Town and shall be observed by Town personnel. All contractors, plumbers and others doing work on any main, service lines or structures in the Town shall comply with Town and Colorado Department of Transportation regulations on excavation, backfill, compaction and restoration of

surface. All permits, fees and licenses shall be paid for by the contractor, plumber or others doing work in the Town prior to the start of construction.

(b) All excavations for service installations shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public or private property disturbed in the course of the work shall be restored in a manner satisfactory to the Town. All daily inspection fees on water service line construction required by any governmental agency, including the Town, shall be paid by the plumber, contractor or others doing work for the Town. (Ord. 96-21 §1(part))

CHAPTER 13.07

Main Line Extensions

13.07.010 Compliance with rules and regulations.

Main line extensions shall comply with the requirements of these rules and regulations and the Town's standard specifications for water line construction. (Ord. 96-21 §1(part))

13.07.020 Main line extensions by the Town.

The Town has the right to construct all main lines within the Town. Developers who desire to construct such main lines prior to the date planned by the Town for their construction may do so as provided in Section 13.07.050. (Ord. 96-21 §1(part))

13.07.030 Procedure for main line extension by the Town.

The Town may construct any main line if the Town Council deems it in the best interest of the Town to do so. All main line extensions which are so authorized shall be bid and contracted for by the Town Council, with the constructor installing the main lines being responsible to the Town Council. The Town, through its Town Engineer, shall supervise construction activity and coordinate all matters pertaining to the completion of the subject project, including periodic and final payments to the constructor, inspection and as-built drawings. (Ord. 96-21 §1(part))

13.07.040 Performance bonds and one-year warranty.

(a) A letter of credit or other security satisfactory to the Town in an amount equal to the contract price at a minimum shall be furnished to the Town by the constructor on all construction contracted by the Town. All main lines constructed shall be accepted by the Town upon completion of construction, subject to a one-year warranty period during which the constructor shall promptly, without cost to the Town, correct any defective work. All daily inspection fees required by any governmental authority, including the Town, shall be paid by the constructor.

(b) Constructors who have completed construction of main line extensions shall, before the main lines are accepted by the Town, deed the main lines and all appurtenances to the Town free and clear of all liens and encumbrances, and furnish to the Town a surety bond or other acceptable collateral which shall cover all maintenance for one (1) year from the date of acceptance of the main lines by the Town. Prior to the acceptance of the main lines by the Town, the constructor shall provide to the Town reproducible as-built drawings, including water service stub-out locations, valve and fire hydrant locations and easements. (Ord. 96-21 §1(part))

13.07.050 Procedure for main line extension by developers.

The Town has no obligation to extend any main. In the discretion of the Town Council, the Town Council may permit an applicant to construct, at the sole expense of the applicant, main lines prior to their construction by the Town. The applicant shall enter into a written main line extension agreement with the Town prior to proceeding with any extension.

(1) Application for approval. All applicants desiring to construct a main line shall first make formal application to the Town for approval. This application shall be in writing, and shall contain a legal description of the property to be served by the main line and plans for such extension, and any other information required by the Town, in its discretion. Said plans shall be reviewed for compliance with the Town's specifications and with other specifications and requirements appropriate to the situation. The cost of such study for compliance shall be borne by the applicant.

(2) Deposits with the Town. Prior to the execution of the main line extension agreement with the Town, the applicant shall deposit with the Town an amount sufficient to compensate the Town for engineering fees, legal fees and other costs, except direct construction costs, anticipated to be incurred by the Town as a result of the application and the construction of the main line.

(3) Performance and payment bonds. All contracts entered into by the applicant for construction of any part of a main line shall be assignable to the Town. All such contracts that an applicant proposes to assign to the Town shall include performance and payment bonds, or other security satisfactory to the Town, to be issued by the contractor to the Town. Said bonds or other security shall be at a minimum equal to the contract price for the construction contracted for by the applicant. All main lines shall be constructed according to applicable Town and state specifications. All main line extensions within the Town shall be made under the supervision of the Town Engineer at the applicant's expense. Similarly, all daily inspection fees on mains required by any governmental agency, including the Town, shall be paid by the applicant. Such costs may be subject to cost recovery if so designated in the cost recovery contract.

(4) Special structures designed by Town Engineer. Special structures such as pumping stations, pressure-reducing valves, meter vaults, etc., required to ensure proper operation of the extensions, shall be constructed from designs of the Town Engineer or such other engineers as may be approved by the Town Council.

(5) Oversizing of main lines. The applicant shall be responsible for oversizing main line extensions as required by the Town, at the Town's expense, subject to future cost recovery by the Town from future extenders. Specifically, a future extender may be required to reimburse the Town the cost of oversizing, including reasonable interest, upon connecting a further extension.

(6) Documentation required. Applicants who have completed construction of main lines shall, before the main lines are accepted by the Town, deed the main lines and appurtenances to the Town free and clear of all liens and encumbrances, and furnish to the Town bonds which shall cover all maintenance for one (1) year from the date of acceptance of the main lines by the Town. Prior to the acceptance of the main lines by the Town, the applicant shall provide the Town with:

- a. All easements necessarily accompanying the main lines;
- b. Reproducible as-built drawings; and

c. A statement of the certified costs of the main lines.

(7) Contract required. No reimbursement or recovery of costs shall be permitted for main line extensions, except as provided by fully executed contracts with the Town. The Town shall, in its sole discretion, determine when reimbursement may be made for main line extensions. (Ord. 96-21 §1(part))

13.07.060 Recovery of costs.

In the Town's sole discretion, reimbursements or cost recovery payments, as provided by contracts, may be made at such times and in such amounts as the Town may determine. Applicants who desire to construct a water main line or water main line extension within the Town may, in the sole discretion of the Town, recover a portion of the costs expended by the applicant in constructing such lines, in accordance with this Section.

(1) Cost recovery agreement. Applicants seeking cost recovery payments shall, prior to constructing the main lines for which recovery is sought, execute a cost recovery agreement with the Town which, subject to these rules and regulations, shall establish the terms and conditions under which such cost recovery payments are made.

(2) Limitation on payments – direct construction cost. The amount of cost recovery payments shall in no case exceed one hundred percent (100%) of the approved direct construction cost, which costs shall not include interest or overhead.

(3) Limitation of payments – fifty percent (50%) of tap fees. All cost recovery payments made by the Town to an applicant shall be paid out of those amounts received by the Town as tap fees for those actual physical service taps made into the line constructed by the applicant and shall not exceed fifty percent (50%) of the amount of each tap fee paid, as determined at the time of payment. Extensions of other main lines off the line constructed shall not give rise to additional tap fee recovery rights.

(4) Payments made at discretion of Town. All cost recovery payments shall be made at such times and in such amounts as the Town, in its sole discretion, shall determine. No taps may be made onto such main line until said main has been accepted by the Town, unless by special written arrangement with the Town.

(5) Phased construction. All cost recovery agreements and subsequent payments shall relate only to those facilities which are described in the cost recovery agreement. If an applicant desires to construct a phased development consisting of several periods of construction, separate cost recovery agreements must be executed for each phase. If the former phase contract is still in force and effect, it shall be incorporated into the new phase's contract.

(6) Executed agreement required. Before any cost recovery payments can commence, the applicant and Town must each have signed a cost recovery agreement; the fully executed agreement, along with all exhibits and appendices thereto, must have been returned to the Town's possession; and all terms and conditions contained in the cost recovery agreement must have been met.

(7) Eligible costs. The following costs may be deemed eligible for recovery if specifically provided for in the cost recovery agreement:

a. Reasonable inspection and design costs, as approved by the Town in its sole discretion.

b. If the Town determines, in its sole discretion that oversizing of the proposed main line extension is necessary as provided in Subsection 13.07.050(5) above, the lower line shall obtain cost recovery first. Subsequent extensions shall first reimburse the Town for the cost of oversizing, plus interest, and will receive cost recovery in the priority of their construction and as provided in the cost recovery agreement.

(8) Ineligible costs. The following costs shall not be eligible for cost recovery:

a. Cost of water service stub-outs;

b. Structures able to be served by a main line currently in place are not subject to cost recovery, unless approved prior to construction, at the sole discretion of the Town Council. The purpose and intent of this provision is to prevent abuse of the cost recovery system.

c. Costs of repairing water mains are not allowed; the cost of repair, particularly within the warranty period, shall not be a recoverable cost. This Section does not include costs of duly authorized change orders. (Ord. 96-21 §1(part))

13.07.070 Main line.

The size of the main line required to serve any area served by the Town shall be determined by the Town. (Ord. 96-21 §1(part))

13.07.080 Locations of main line extensions.

(a) Main lines shall be installed in roads or street rights-of-way, as well as in easements granted to the Town. Where required, facilities must cross land not being subdivided, or where such land is under the applicant's control for the granting of public rights-of-way, each applicant who desires service will, in consultation with and with the approval of the Town, dedicate and grant to the Town appropriate rights-of-way and easements in which will be constructed such facilities.

(b) The Town shall maintain sole discretion over the location of any main line extensions, including control over any parallel lines. (Ord. 96-21 §1(part))

CHAPTER 13.08

Rates and Charges

13.08.010 General.

The information contained in this Chapter is pertinent to all charges of whatever nature to be levied for the provision of water services. Said rates and charges as herein established are in existence and effect at this time, and shall remain in effect until modified by the Town Council under the provisions of these rules and regulations. Nothing contained herein shall limit the Town Council from modifying rates and charges, or from modifying any classification. (Ord. 96-21 §1(part))

13.08.020 Application of this Chapter.

The rates, charges and other information shown herein shall apply only to customers inside the Town and shall in no way obligate the Town with respect to services provided outside the Town boundaries. (Ord. 96-21 §1(part))

13.08.030 Classification of customers.

For the purpose of levying fair, reasonable, uniform and equitable charges, the following classifications and related definitions are provided:

(1) Residential unit. Any living unit with kitchen, including single-family houses, duplexes, residential condominiums, townhouses and apartments, but excluding hotel/lodge/motel units and units approved for timeshare sales.

(2) Hotel, lodge, motel, accommodation unit. Includes accommodation rooms or suites of rooms or apartments designed for short-term commercial rental, including units approved for timeshare sales. All other auxiliary uses, i.e., restaurants, bars, athletic facilities, public restrooms, are included under Subsection (3) of this Section.

(3) Commercial, industrial service. All nonresidential uses which are not included under Subsections (1) and (2) of this Section. (Ord. 96-21 §1(part))

13.08.040 Tap fee.

A tap fee shall be charged to all customers of the Town. Such fee is the applicant's proportionate share of the system cost in relation to the applicant's use. It shall be assessed and paid before the permit for service is issued. Tap fees shall be assessed as provided for in the schedule of fees and charges attached hereto as Appendix 13-A; provided, however, that:

(1) Prepaid tap fees. Tap fees may be prepaid, and tap permits issued, anytime in advance of connection, in which case the commencement of service charges shall be governed by Section 13.08.060 of these rules and regulations.

(2) Factors and usage. The fees and charges reflected in Appendix 13-A are based upon factors of usage and physical structure, and upon the application by the Town Manager of those factors to the facts and circumstances surrounding the application.

(3) Disputed tap application – hearing before the Town Council. If any application, in the opinion of the Town Manager, does not properly reflect the nature and use of the structure to carry out the purpose of the fees and charges reflected in Appendix 13-A, then:

a. The Town Manager shall report said opinion and the facts supporting the same to the Town Council.

b. The Town Council shall, upon receipt of the Town Manager's report, and upon a determination that said report is supported by sufficient facts to justify a hearing, provide notice to the applicant of a hearing to be held at the convenience of the Town Council to determine the facts and circumstances surrounding the application. The Town Council shall hold a hearing in accordance with the notice provided, and shall hear any person who may wish to come before the

Town Council to provide the Council with information concerning the facts and circumstances surrounding the applications.

c. After hearing all who come before it at said hearing, the Town Council shall determine whether the application properly reflects the nature and use of the structure and fulfills the purpose of this Section and, if not, the Town Council shall assess the tap fee that is appropriate for the applicant, which tap fee shall be collected in accordance with these rules and regulations. (Ord. 97-1 §§3, 4; Ord. 96-21 §1(part))

13.08.050 Transfer of tap fees.

No tap fee paid on behalf of one (1) property, or any portion thereof, may be transferred to any other property unless:

(1) The owner requesting the transfer is the common owner of the property for which the tap fee has been paid and the property to which the transfer of the tap fee, or portion thereof, is being requested.

(2) The owner requesting the transfer has no outstanding unpaid accounts with the Town and has previously maintained a good credit with the Town.

(3) The property to which the tap fee initially applied has never been connected to the Town's system.

(4) Taps may be transferred on single-family-equivalent (SFE) basis without regard for the difference between previous and current tap fee rates.

(5) Any approval of a request for a transfer of a tap or fees shall be in the sole discretion of the Town. (Ord. 96-21 §1(part))

13.08.060 Service charge.

Service charges shall be as reflected in the schedule of fees and charges, attached hereto as Appendix 13-A. Service charges will begin when water service is turned on to the building. (Ord. 96-21 §1(part))

13.08.070 Amended tap fees.

In those situations where a prospective user applies for a permit for service to a structure or use not defined in Chapter 13.07; or where, in the Town Council's opinion, said structure represents a classification not contemplated in the establishment of the previously defined tap fee, the Town Council shall, in its sole discretion, establish a fair, reasonable and equitable tap fee for said structure. (Ord. 96-21 §1(part))

13.08.080 Amended service charges.

In those situations where, in the Town Council's sole discretion, the service charges shown in the previous chapters do not represent a fair, reasonable and equitable charge for the intended use, the Town Council, in its sole discretion, may adjust said rates. (Ord. 96-21 §1(part))

13.08.090 Payment of service charges.

(a) It is the policy of the Town to bill all monthly service charges in arrears.

(b) When a condominium or homeowners' association exists for a number of units receiving service from the Town, said association shall receive an invoice for all units serviced by the association.

(c) In no instance shall the Town bill individual owners within a multi-unit project without separate meters, curb stop, shut-off valves and service lines. The Town shall have the right to issue only one (1) bill for a multi-unit structure or development. Any structure with more than one (1) living unit off the service line, which is not separately metered, shall establish one (1) responsible party for water bills.

(d) The customer shall pay to the Town within ten (10) days after the billing date the full amount of that statement. Where the customer believes said statement is in error, the customer must file, in writing, a notice to the Town of the presumed error, and request a clarification from the Town Manager. Upon review by the Town Manager, and resubmittal and/or revision of the statement, payment shall be due no later than ten (10) days from the billing date of the resubmitted statement. (Ord. 96-21 §1(part))

13.08.100 Penalty for late payment.

(a) At any time the customer is thirty (30) days past due in payment of charges due the Town, the Town shall assess an interest rate of one percent (1%) per month on the unpaid balance including accrued interest, but not to exceed the maximum effective interest rate permitted by state law. Customers will be notified on their bills when they are thirty (30) days past due. If the charges become sixty (60) days past due, the customers will be notified on their bill and notice will be mailed by first class mail and posted on the premise that they have twenty (20) days from the date of notice to pay the bill in full, including current, past due, penalty and interest charges or their service will be terminated, a fee will be assessed in accordance with Section 13.05.180 and all charges due the Town must be paid in full to return water service to the customer.

(b) The Town shall assess to any customer who is past due in payment of his or her account, all legal, court, disconnection and other costs necessary to or incidental to the collection of said account. (Ord. 96-21 §1(part))

13.08.110 Foreclosure proceedings/attorney's fees.

At any time it becomes necessary after other efforts (letters, posted notices) to collect delinquent payments of any fee or charge imposed by the Town under these rules and regulations and/or Colorado law, the Town may then initiate foreclosure proceedings in the manner provided by law for the foreclosure of mechanics liens. All of the provisions of these rules and regulations to the contrary notwithstanding, all customers/users of the Town agree to be bound by these rules and regulations as a matter of contract and for which there is good and valuable consideration. And further, therefore, in the event the Town shall commence a foreclosure action or proceedings to collect any payments of whatsoever nature due and payable to the Town, then in said event the party being foreclosed upon agrees hereby to the payment of any and all costs incurred in connection with said foreclosure proceedings, including, but not limited to, reasonable attorney's fees which the court shall tax as a part of the costs of such foreclosure proceedings. In the event payment is made by the customer prior to the foreclosure sale, said attorney's fees and any and all other fees outstanding against the subject account and relating to the subject real property, must also be paid as a precondition to the resumption of service to the subject property. (Ord. 96-21 §1(part))

CHAPTER 13.09

Hearing and Appeal Procedures

13.09.010 Application.

The hearing and appeal procedures established by this Chapter shall apply to all complaints concerning the interpretation, application or enforcement of the rules and regulations of the Town, and contracts related thereto, as they now exist or may hereafter be amended. The hearing and appeal procedures established by this Chapter shall not apply to the following complaints.

(1) Complaints which arise with regard to personnel matters, which complaints shall be governed exclusively by the Town's personnel rules as the same may be amended from time to time.

(2) Any other complaint which does not concern the interpretation, application or enforcement of the rules and regulations of the Town, or contracts related thereto. (Ord. 96-21 §1(part))

13.09.020 Initial complaint resolution.

Complaints concerning the interpretation, application or enforcement of rules and regulation of the Town must be presented in writing to the Town Manager, or such representative as he or she may designate. Upon receipt of a written complaint, the Town Manager or his or her representative, after a full and complete review of the allegations contained in the complaint, shall take such action and/or make such determination as may be warranted and shall notify the complainant of the action or determination by mail within twenty (20) days after receipt of the complaint. (Ord. 96-21 §1(part))

13.09.030 Hearing.

(a) In the event the decision of the Town Manager or his or her representative is deemed unsatisfactory to the complainant, a written request for hearing may be submitted to the Town Manager, or such hearing officer as the Town Manager may appoint, within twenty (20) days from the date written notice of the decision was mailed.

(b) Upon receipt of the request, if it be timely and if any and all other prerequisites prescribed by these rules and regulations have been met, the Town Manager or hearing officer shall conduct a hearing at the Town's convenience, but attempt to do so within twenty (20) days after the receipt of the request for hearing. The hearing shall be conducted in accordance with and subject to all pertinent provisions of these rules and regulations. If the Town Manager renders a final decision against the customer, the out-of-pocket costs of the hearing shall be assessed against the customer. (Ord. 96-21 §1(part))

13.09.040 Conduct of hearing.

(a) At the hearing, the Town Manager or hearing officer shall preside. The complainant and representatives of the Town shall be permitted to appear in person, and the complainant may be represented by any person of his or her choice or by legal counsel.

(b) The complainant or his or her representatives and the Town representatives shall have the right to present evidence and arguments; the right to confront and cross-examine any person; and the right to oppose any testimony or statement that may be relied upon in support of or in opposition to the matter

complained of. The Town Manager or hearing officer may receive and consider any evidence which has probative value commonly accepted by reasonable and prudent persons in the conduct of their affairs.

(c) The Town Manager or hearing officer shall determine whether clear and convincing grounds existing to alter, amend, defer or cancel the interpretation, application and/or enforcement of the rules and regulations that are the subject of the complaint. The decision shall be based upon evidence presented at the hearing. The burden of showing that the required grounds exist to alter, amend, defer or cancel the action shall be upon the complainant. (Ord. 96-21 §1(part))

13.09.050 Findings.

Subsequent to the hearing, the Town Manager or hearing officer shall make written findings and an order disposing of the matter and shall mail a copy thereof to the complainant not later than ten (10) days after the date of the hearing. (Ord. 96-21 §1(part))

13.09.060 Appeals to the Council.

(a) In the event the complainant disagrees with the findings and order of the Town Manager or hearing officer, the complainant may, within twenty (20) days from the date of mailing of the findings and order, file with the Town a written request for an appeal thereof to the Town Council. The request for an appeal shall set forth, with specificity, the facts or exhibits presented at the hearing upon which the complainant relies and shall contain a brief statement of the complainant's reasons for the appeal. In response, the Town Manager or hearing officer shall compile a written record of the appeal consisting of:

- (1) Minutes of the hearing;
- (2) All exhibits or other physical evidence offered and reviewed at the hearing;
- (3) A copy of the written findings and order; and

(4) Additional written comments which the Town Manager may wish to submit in response to the written request for appeal.

(b) The Town Council shall consider the complainant's written request and the written record on appeal at the next regularly scheduled meeting held not earlier than ten (10) days after the filing of the complainant's request for appeal. Such consideration shall be limited exclusively to a review of the record on appeal, the complainant's written request for appeal and an oral presentation by the complainant, which presentation shall be limited by the Town Council. No further evidence shall be presented by any party to the appeal and there shall be no right to a hearing de novo before the Town Council. (Ord. 96-21 §1(part))

13.09.070 Council's findings.

The Town Council shall make written findings and an order concerning the disposition of the appeal presented to it and shall cause notice of the decision to be sent by certified mail to the complainant within ten (10) days after the hearing. The Town Council shall not reverse the decision of the Town Manager or hearing officer unless it appears that such decision was contrary to the evidence made available at the hearing. (Ord. 96-21 §1(part))

13.09.080 Notice.

A complainant shall be given notice of any hearing before the Town Manager, the hearing officer or before the Town Council, by certified mail at least seven (7) calendar days prior to the date of the hearing, unless the complainant requests or agrees to a hearing in less time, or to a waiver of formal notice. (Ord. 96-21 §1(part))

Appendix 13-A

Water Rate Schedule/Tap Fee Schedule

<i>Classification</i>	<i>Rate</i>	
1. Residential Unit. Any living unit with a kitchen; a kitchen being defined as including but limited to, hot and cold water, stove and/or microwave, sink and refrigerator. Examples: residential condominiums, townhouses, apartments, duplexes, triplexes, lock-off apartments, etc. Any commercial business and/or facilities in a residential condominium complex must be metered by a separate master meter separate from the residential units.	\$4,000.00 per unit up to 3,000 sq. ft., plus \$2.00 per sq. ft., thereafter; plus \$2.00 per sq. ft. for private swimming pool	
2. Hotel/Lodge/Motel/Lock-Off/Accommodation Unit. Efficiency Room: a single room with a bathroom and a kitchen; a kitchen being defined as including, but not limited to, hot and cold water, stove and/or microwave, sink and refrigerator.	\$2,000.00 per efficiency room	
Rooms (with or without a bathroom, but without a kitchen) with private access to a central corridor or the outside.	\$1,400.00 per room	
Restaurants, bars, stores, offices and accessory areas (such as lobbies, mechanical rooms, convention centers, ballrooms, auxiliary dining rooms, guest recreational facilities) in a hotel/lodge must be metered by a separate master meter so that these uses can be assessed a tap fee and usage fee separate from the hotel/lodge/motel/lock-off/accommodation units.	(minimum \$6,000.00)	
3. Commercial, Industrial and Irrigation. (These uses must be metered on a separate master meter so that these uses can be assessed a tap fee and usage fee separate from the residential, hotel, lodge, motel, lock-off, and accommodation units.)		
<u>Service Line Size</u>	<u>SFE</u>	<u>Rate</u>
¾ inch	1.50	\$ 6,000.00
1 inch	2.60	10,400.00
1½ inch	5.80	23,200.00
2 inch	10.30	41,200.00
3 inch	23.00	92,000.00
4 inch	40.90	163,000.00
6 inch	92.10	368,000.00
4. Water Meter. The town shall provide and install the appropriate water meter required for new structures. The material and labor charges shall be in addition to the tap fee. A "pipe spool piece" having the same dimensions as the meter will be provided to the contractor to facilitate testing prior to the Town's installation of the meter.		
5. Service Charges.		\$12.75 per month per single-family equivalent

For metered accounts: \$2.35 per thousand gallons of water
 Base charge

Usage rate

Accounts with broken meters, or unmetered accounts shall be charged the rate for 10,000 gallons per single-family equivalent per month during the winter (October through April) and 20,000 gallons per single-family equivalent per month during the summer (May through September), or an amount consistent with historic use, whichever the Town deems most appropriate.

Single-family equivalents:

Single-family equivalents (SFEs) shall be assigned as follows for the determination of base service charges:

Residential unit to 3,000 per sq. ft. 1 SFE/unit
 Residential unit over 3,000 sq. ft:

$$\frac{(\text{actual sq. ft.}) \times 1 \text{ SFE}}{(3,000 \text{ sq. ft.})} = \text{SFE/unit}$$

Hotel/lodge/motel/lock-off/accommodation unit:

Efficiency room 0.50 SFE/efficiency room
 Rooms 0.35 SFE/room

Commercial, industrial and irrigation:

<u>Service Line Size</u>	<u>SFE</u>
¾ inch	1.50
1 inch	2.60
1½ inch	5.80
2 inch	10.30
3 inch	23.00
4 inch	40.90
6 inch	92.10

Base service charges for existing accounts with assigned SFEs varying from this schedule shall be adjusted over a three-year period. One-third of the difference between the assigned SFEs and the reviewed SFEs shall be added to the SFE schedule for base service charges effective with the January billing of each year until the assigned SFE schedule is current.

6. Fire Hydrant Meters.

Policy. Fire hydrant meters are allowed to be used between April 15th and October 15th, provided freezing at night is not occurring. The customer is responsible for any damage to fire hydrants or fire hydrant meters, which includes vandalism or freezing. Approval for extension of use after October 16th must be requested in writing.

A deposit of \$200.00 for one-inch or smaller meter, or \$600.00 for meters larger than one-inch is required. Deposit is fully refundable, provided the meter is returned in good condition. A \$50.00 installation and removal charge, payable in advance, is required (nonrefundable). The billing shall be \$35.00 per month, plus \$3.20 per 1,000 gallons.

Fire hydrant water shall not be used for drinking purposes at anytime. If the water is to be used for lawn irrigation, the customer shall provide a backflow prevention device. A relocate fee of \$25.00 to move the fire hydrant meter from one fire hydrant to another is required. Only Town personnel are allowed to move fire

hydrant meters. Contractor will be subject to a penalty if he/she attempts to move or alter the fire hydrant meter.

Appendix 13-B
Service Line Construction

Standards for Service Lines.

Prior to service line construction, the constructor shall familiarize him/herself with the Town standards and specifications. The owner or constructor shall obtain approval for the location of the service line and submit appropriate sets of site and mechanical plans and inform the Town's personnel of intended schedule for construction.

Constructors shall apply for all permits. All permits, fees and licenses shall be paid for by the constructor, plumber or others doing the work in the Town prior to the start of construction.

Excavation.

All excavation required for the installation of service lines shall be open trench work unless otherwise approved by the Town Manager.

Pipe laying and backfill shall be performed in accordance with the Town's standards and specifications. No excavation shall remain open for more than forty-eight (48) hours and all Town mains are required to be covered overnight.

Where a street-cut is required, the contractor shall rebuild the road base in accordance with applicable Town or state regulations on excavation, backfill, compaction and restoration of service. All excavation for all service lines shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public and private property disturbed in the course of the work shall be restored in a manner satisfactory to the Town.

All backfill shall be maintained in a satisfactory condition and all places showing signs of settlement shall be filled and maintained during construction for a period of two (2) years following completion of construction. When an applicant is notified by the Town that a backfill is hazardous, he/she shall correct such hazardous conditions at once.

Tapping the Main.

The Town's representative is authorized to make taps onto the Town's water mains. The applicants of the building water service permit shall notify the Town when the service is ready for inspection and connection to the main. All tap fees must be paid before the Town will make a tap.

Inspections.

The applicant for the water line service permit shall notify the Town when the service is ready for inspection and connection to the water main. The connection shall be made by qualified personnel. All service lines shall be inspected by the Town's representative, who shall have the authority to halt construction when, in his or her opinion, the Town's rules and regulations for proper construction practices are being violated. Whenever any such violations occur, the Town's representative, shall, in writing, order further construction to cease until all deficiencies are corrected. No service lines shall be covered without the Town's representative's approval. Anyone making any installation without such approval shall be required to remove all soil and any other covering over the service line to allow its inspection.

Water Service Lines.

Alignment of the water service line shall be located so as to take the shortest, most direct route, preferably perpendicular to the main to the building. All water services lines shall have a minimum cover of eight (8) feet. No water service line shall be laid parallel to any bearing wall which might be thereby weakened. The water service shall be laid at a uniform grade in a straight alignment.

Under supervision of the Town representative, the water service line is to be pressure tested at normal operating pressure from the water main to the building before backfill begins. The water service line shall be constructed using soft Type K copper for water services two (2) inches and smaller. The service line shall have a curb stop control valve located at the property line, or as otherwise approved by the Town with easy access to the Town. The service line shall be one (1) continuous line with no joints if at all possible. Splices are allowed if distance exceeds the length of one hundred (100) feet.

When water service lines are stubbed out to property lines, the stub-out shall be valved off and plugged, with a valve box installed to the ground surface.

Water Meters and Remotes.

All water service lines shall have a water meter before water is turned on. Water meters shall be provided and installed by the Town. The cost of the meter shall be borne by the customer. Water meters are to be installed in a horizontal position in an area that does not freeze and is conveniently accessible for repair. The water meter shall have remote readout. The remote readout shall be installed in an approved location that is conveniently accessible on the building at a height of five (5) feet above ground. The maximum remote distance from the meter shall be five hundred (500) feet. All water meters and remote readouts shall be inspected by the Town's representative and sealed. The operational testing of the meter and readout shall be demonstrated at the time of inspection.

It shall be the builder's/contractor's responsibility to protect the meter from freezing or other physical damage during construction. After completion of the construction and acceptance by the owner, it shall be the owner's responsibility to protect the meter from freezing, from damage due to high water pressure (i.e., PRV), and other physical damage.

Pressure-Reducing Valves.

Individual pressure-reducing valves are required on all water service lines and shall be located upstream from (ahead of) the water meter.

Backflow Prevention.

Backflow prevention devices are required on all facilities where required by the Colorado Department of Health. All devices will be inspected and certified as working properly every year by a certified inspector.