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ARTICLE I

Water and Sewer Development

Sec. 13-1-10. Water development fees.

(a) Any applicant desiring to connect to, take and use water from the Town's water system shall pay to the Town a water development fee in an amount set forth in the Town of Bennett Schedule of Fees. All taps two and one-half (2½) inches and over, and all taps applied for where the service requested is outside of the Town limits, will be by contract with the Board of Trustees, based on the need, usage, other circumstances and Code specifications; and will be set forth in a separate agreement. Out-of-Town taps less than two and one-half (2½) inches shall be charged a water development fee at the same rate as in-Town taps.

(b) Fire lines for sprinkler protection system. Any party who desires to utilize individual fire protection sprinkler systems within the construction of business, commercial, industrial, motel, hotel or residential buildings shall be allowed a sprinkler tap without development fees for that tap. Additionally, the sprinkler line may itself be tapped by the party or user for normal water use, provided that this tap will be assessed the development fees in an amount as established from time to time by resolution of the Board of Trustees. The developer or user shall be responsible to pay all actual costs and expenses incurred in the construction of the fire line and tap. All water meters used will be specified by the Town.

(c) All owners of premises requesting a utility tap must apply for and obtain both sewer and water taps for such premises. If either one of such taps has been previously obtained, the owner must establish proof of ownership. Applications for utility taps must state the tap size requested, the legal description and address of the premises to be served, the names and addresses of the owner of the premises and the person applying for the tap, and such other information as is required by the Town. (Ord. 298 §4, 1992; Ord. 526 §1, 2005; Ord. 529 §1, 2006; Ord. 585 §1, 2008; Ord. 610-10 §3)

Sec. 13-1-20. Sewer development fees.

Any applicant desiring to connect to and use the Town's sewer system shall pay to the Town a sewer development fee in an amount set forth in the Town of Bennett Schedule of Fees. All taps two and one-half (2½) inches and over, and all taps applied for where the service requested is outside of the Town limits, will be by contract with the Board of Trustees, based on the need, usage, other circumstances and Code specifications; and will be set forth in a separate agreement. Out-of-Town taps of less than two and one-half (2½) inches shall be charged a sewer development fee at the same rate as in-Town taps. (Ord. 586 §1, 2008; Ord. 610-10 §3)

Sec. 13-1-30. Installation costs.

All costs of material and expenses incident to the installation and connection of the water and sewer services shall be borne by the applicant. (Ord. 298 §6, 1992)

Sec. 13-1-40. Water and sewer tap inspection fees.

(a) An applicant for a water tap shall pay a water tap inspection fee in an amount set forth in the Town of Bennett Schedule of Fees.

(b) An applicant for a sewer tap shall pay a sewer tap inspection fee in an amount set forth in the Town of Bennett Schedule of Fees. (Ord. 298 §7, 1992; Ord. 526 §1, 2005; Ord. 585 §2, 2008; Ord. 610-10 §3)

Sec. 13-1-50. Water tap installation.

(a) There will be an additional charge for the extra size of accessories and bypass lines as required for installations larger than one (1) inch. If the owner, developer or contractor performs the installation, the Town will set the meter. The cost to be paid to the Town will be the cost of the meter, materials and labor actually incurred by the Town. All water meters must be approved by the Town and must be capable of being read remotely by a Town-approved device.

(b) Residential service shall include single-family, duplex, multi-family and mobile home dwelling units with a minimum size of three-quarter-inch service. Mobile homes in a mobile home park may be served by one (1) commercial meter, with the size to be determined by Town personnel. Multiple dwelling units being served by one (1) meter must be under one (1) ownership and/or a homeowners' association acceptable to the Town. Commercial, business, industrial, motel or hotel service will be determined on an individual basis.

(c) All owners of premises requesting a utility tap must apply for and obtain both sewer and water taps for such premises. If either one of such taps has been previously obtained, the owner must establish proof of ownership. Applications for utility taps must state the tap size requested, the legal description and address of the premises to be served, the names and addresses of the owner of the premises and the person applying for the tap, and such other information as is required by the Town. (Ord. 298 §8, 1992; Ord. 526 §1, 2005; Ord. 531 §1, 2006)

Sec. 13-1-60. Special contracts.

The Board of Trustees reserves the right to determine all fees and charges to users not specifically covered by this Article. This right shall extend to such users as governmental, parks and recreation districts, churches, universities and colleges, hospitals and such other public service entities and/or nonprofit organizations as the Board of Trustees may determine should be governed by special contract. (Ord. 298 §8, 1992)

Sec. 13-1-70. Property owner responsibility.

It shall be the responsibility of each property owner to extend water and sewer mains and lines across its property from property line to property line, as determined to be necessary by the Town. In so doing, it shall be the responsibility of the property owner to pay the costs and expenses for extending such mains and lines across the property, unless determined otherwise by the Town. All water and sewer mains and lines shall be installed, inspected and accepted in accordance with the Town's specifications, regulations, codes and ordinances. If the Town believes it is necessary to

oversize a line or lines over twelve (12) inches, the Town will pay for the difference in costs of material only. (Ord. 298 §8, 1992; Ord. 526 §1, 2005)

Sec. 13-1-80. Allowance for reimbursement.

Developers, subdividers or other parties who have paid the costs of extending water and sewer mains by or through vacant property and have entered into a main extension agreement with the Town may be reimbursed part or all of the costs as provided in this Section:

(1) Prior to the extension of any water or sewer main, the party must receive from the Director of Public Works a determination of cost, which determination shall be made by the Director of Public Works in accordance with bids, statements or other appropriate evidence as determined by the Director of Public Works. In no event, after November 30, 1987, shall any party be allowed reimbursement if such determination of costs has not been made prior to the construction of the main extensions.

(2) All mains must be determined to be beneficial to the intervening property owners, either directly or by reason of the intervening property owners' responsibility, to extend the mains. In the event more than one (1) property owner is intervening, it shall be administratively determined by the Director of Public Works which property owners shall be responsible for what percentage of the costs of the construction based upon linear feet. Additionally, where such lines shall be beneficial to adjoining property owners on either side of the line, it may be administratively determined by the Director of Public Works that such intervening property owners may only be responsible for a percentage of the linear feet traversed by said line. In no event shall the total costs assessed against intervening property owners exceed one hundred percent (100%) of the total cost of the construction of the mains.

(3) For an intervening property owner to be affected by this Section, his or her property must be within the municipal limits of the Town or must be subject to an annexation or water service request to the Town.

(4) No party extending water or sewer mains shall be permitted to do so until such time as proper evidence is provided to the Town as to the availability of proper easement for the construction and maintenance of the water and sewer mains.

(5) No party shall benefit through reimbursement from an intervening owner under this Section unless evidence is provided to the Town that such intervening owner was notified in writing by certified mail, return receipt requested, as to the parties' intention to extend such water or sewer mains for the intervening property owner's benefit and that such intervening property owner may be subject to a future assessment of a specified amount. Such notice must be given no less than thirty (30) days prior to construction of said mains in order that the intervening property owner may make appropriate arrangements with the other party to participate or otherwise resolve his or her obligation. (Ord. 298 §8, 1992; Ord. 526 §1, 2005)

Sec. 13-1-90. Reimbursement amount.

The only costs which a party extending such lines may assess and cause to be reimbursed are the actual material and labor costs for the construction of the extended main. Such costs shall not include

engineering, overhead, legal expense, interest and such related costs inuring directly to the benefit of the party extending the main. (Ord. 298 §8, 1992)

Sec. 13-1-100. Reimbursement term.

The liability of the intervening property owner to pay the costs of such beneficial lines shall be indefinite in time and shall accrue until such time as the property is developed through platting or by request of a building permit or water extension request, whichever event occurs first. Should the intervening property owner pay the cost assessment against his or her property within five (5) years of the construction of the extended lines, the Town shall cause such assessment to be reimbursed to the original developer, subdivider or party. If however, such assessment is not paid within five (5) years of the initial construction, such assessment shall be collected by the Town and appropriated to the water and sewer development capital fund. (Ord. 298 §8, 1992; Ord. 526 §1, 2005)

Sec. 13-1-110. Oversizing of mains.

All developers and property owners shall be responsible for the engineering and construction of all water and sewer mains up to and including twelve (12) inches in diameter; provided, however, that all engineering plans and specifications for the same must be submitted to and approved by the Town prior to such construction. All construction shall be subject to all applicable Town specifications, regulations, codes and ordinances. In the event the Town determines that a main must exceed twelve (12) inches in diameter, the Town shall participate in the costs of material only, based upon mutual agreement between the parties. In the event such oversizing is necessary due to the unusual topographical features of the developer's or owner's land, or such other factors attributable solely to the property, the Town shall not be required to participate in the costs incurred for such construction. (Ord. 298 §8, 1992)

Sec. 13-1-120. Contract.

In the event any party intends on extending water or sewer mains subject to future reimbursement, he or she must execute a main extension agreement with the Town specifying the terms of reimbursement, the intervening parties affected thereby and the specific costs incurred. This agreement shall be executed no later than thirty (30) days following the completion of construction of the extended line. (Ord. 298 §8, 1992)

Sec. 13-1-130. Determinations by Director of Public Works.

The Director of Public Works shall make all determinations and decisions necessary for enforcement of all of the obligations set forth in this Article. In so doing, the Director of Public Works is empowered to promulgate such rules and regulations as may be necessary to enforce or implement these rules in an orderly and effective manner. Any determination of the Director of Public Works may be appealed by the party affected within thirty (30) days by submitting a written appeal to the Board of Trustees. Such appeal is jurisdictional to any litigation thereon and must be made prior to a request for court intervention. (Ord. 298 §8, 1992)

Sec. 13-1-140. Notice of assessment.

The Board of Trustees empowers, authorizes and directs the Town Clerk to cause a notice of assessment to be prepared and recorded against any intervening property determined to be liable for any reimbursement under this Section to any party. Such notice of assessment shall specify the owner of the property, the nature of the assessment and such other specifics as deemed necessary by the Town Clerk. The notice shall be delivered to the County Clerk and Recorder for recording in the official records of the County. (Ord. 298 §8, 1992)

Sec. 13-1-150. Costs and expenses.

Any party requesting or anticipating reimbursement in accordance with the terms of this Section shall pay to the Town an administrative fee in an amount set forth in the Town of Bennett Schedule of Fees, together with all costs incurred by the Town. (Ord. 298 §8, 1992; Ord. 610-10 §3)

Sec. 13-1-160. Compliance with Town specifications.

In addition to the specifications set forth in this Section, all parties shall comply with all applicable Town specifications, regulations, codes and ordinances of the Town and pay such other fees that may be imposed thereby. (Ord. 298 §8, 1992)

ARTICLE II

Sewer Regulations

Sec. 13-2-10. Sewer Department created.

The Bennett Sewer Department is hereby created within the Public Works Department, to be managed by the Public Works Director. The Public Works Director is hereby authorized and empowered to perform such duties and obligations as are necessary and proper to carry out the duties of the Sewer Department and to adopt necessary rules and regulations therefor, to the extent permitted by Colorado law. (Ord. 261 §1, 1988)

Sec. 13-2-20. Specific regulations.

Without limiting the authority of the Public Works Director to adopt other rules and regulations as provided in Section 13-2-10 above, the following specific regulations shall apply to sewer service provided by the Town:

- (1) The house or building sewer shall be that part of the horizontal pipe which begins outside of the wall of a house, building or business and which connects the drain with the main sewer line.
- (2) Each property owner shall be responsible for the house or building sewer line to its connection with the main sewer line.
- (3) Each house or building sewer system shall be independent of that of any other house or building sewer system, except where one (1) house or building is located on an interior lot, in

which event, the sewer from the interior building may be extended to the rear or exterior building and the whole considered as one (1) house or building sewer.

(4) No house or building sewer shall be less than four (4) inches in diameter, and each line shall have a grade of not less than one-eighth ($\frac{1}{8}$) inch per foot nor more than one-fourth ($\frac{1}{4}$) inch per foot.

(5) Rainwater leaders, roof leaders, surface drains and groundwater drains shall not be connected to the sewer lines.

(6) Each garage, service station or place of business with a floor drain shall have an approved sand trap. (Ord. 261 §2, 1988; Ord. 526 §1, 2005)

Sec. 13-2-30. Sewer rate fees.

(a) A minimum monthly service charge per unit shall be charged for sewer services provided by the Town, regardless of the amount of water consumed, in an amount set forth in the Town of Bennett Schedule of Fees.

(b) In addition to the minimum monthly service charge, there shall be charged per month per unit a usage rate for each one thousand (1,000) gallons of median winter monthly consumption in an amount set forth in the Town of Bennett Schedule of Fees.

(c) Median winter monthly consumption (AWMC) means the median water usage in a specified structure as measured through the water tap associated with the structure for the most recent three-month period commencing November 15 and ending February 15. If usage for the most recent period contains estimated readings, Town staff may choose to estimate and extrapolate the most reliable data from previous years. In the event a structure has no water usage history for the most recent period, has a significant change or expansion of use or is a flat-rate user account, Town staff shall use the median of the Town's AMWC, as determined with reference to all accounts that are active, to estimate the per-unit usage to be applied for the given structure until actual usage can be documented.

(d) The AWMC shall be calculated and reset annually in April of each year. The established AWMC will be used in conjunction with the Town's then-current monthly usage rate to establish the monthly usage fee.

(e) The Town utility billing clerk shall be responsible for annual AWMC determinations, which shall be consistent with the requirements of this Section. Any such annual determination may, upon written request of the owner, be administratively reviewed by the Town Administrator or his or her designee according to written policies promulgated by the Town Administrator. The Town Administrator's administrative determination upon any such review shall be final and binding for the then-current year.

(f) Out-of-Town rates shall be the same as in-Town sewer rates.

(g) Any person wishing reinstatement of sewer service who is not a water customer of the Town shall request such reinstatement in writing to the Town Clerk and shall pay a fee for such reconnection in an amount set forth in the Town of Bennett Schedule of Fees.

(h) The minimum monthly service charge on all taps within the Sewer Department shall be due regardless of whether the tap is used and regardless of whether the property is occupied. Such amount is not charged only if both water and sewer service is discontinued and the water supply is physically shut off by the Town. (Ord. 586 §2, 2008; Ord. 610-10 §3)

Sec. 13-2-40. Billing and collection procedures.

(a) All fees and charges for water and sewer services are due and payable within twenty-five (25) days from the date of the bill. If payment is not received within forty-five (45) days from the date of the bill, a notice of discontinuance of service shall be sent to the property owner or other responsible party, indicating that if the amount set forth in the notice is not paid in full within fifteen (15) days from the date of the notice of discontinuance of service, the service will be disconnected. However, no service will be disconnected on the basis of estimated billing. The notice of discontinuance of service shall be the final notice to the property owner or other responsible party and shall be sent by first-class mail.

(b) All fees and other charges for water and sewer services which are not paid within one (1) month from the date of billing shall be assessed a delinquency charge of five percent (5%) per month, or fraction thereof, on the amount due, but not to exceed a total of twenty-five percent (25%) of the amount due. No interest shall be assessed on a delinquency charge.

(c) All unpaid water and sewer service fees and charges, together with any delinquency charges and any costs of collection, shall constitute a perpetual lien on the property so served, which shall be recorded with the Clerk and Recorder of the County in which the property is located, whenever an account has been delinquent for ninety (90) days or longer. However, the lien shall not be dependent on its recordation with the County Clerk and Recorder's office to be valid. The Town Clerk is hereby authorized to certify the unpaid water and sewer fees, charges and other costs to the County Treasurer in which the property is located, to be levied and assessed against the property so served, and collected and paid over by the County in the same manner as delinquent general taxes and assessments are collected. However, no interest shall be charged or assessed on a delinquency charge or on any amount other than the amount due, prior to the date a tax lien is sold at a tax lien sale pursuant to Article 11 of Title 39, C.R.S.

(d) In addition to taking any other collection remedies permitted by state law or this Code, the liens on all accounts which have been delinquent for one (1) year or longer may be enforced 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 other charges in the manner provided for foreclosure of statutory liens.

(e) In all instances in which water service is disconnected because of nonpayment or inadequate payment, such service shall not be restored until all arrearages have been paid in full, including all delinquency charges and costs of collection, together with a water disconnection/ reconnection charge in an amount as established from time to time by resolution of the Board of Trustees. The disconnection/reconnection charge shall be assessed to each delinquent account when the Public Works Department takes receipt of the final delinquent list.

(f) All water and sewer service account transfers shall incur a transfer charge in an amount as established from time to time by resolution of the Board of Trustees. (Ord. 396 §1, 1999; Ord. 512 §1, 2004; Ord. 526 §1, 2005; Ord. 585 §3, 2008)

Sec. 13-2-50. Construction, repair and replacement of mains and lines.

(a) Prior to the construction, installation, repair or replacement of any sewer system, line or main, the person shall make application to the Sewer Department on such forms as are provided by the Public Works Director, execute a water and sewer service agreement, submit such plans and specifications as shall be necessary for approval prior to construction, and pay the necessary permit and inspection fees therefor.

(b) The developer, builder, subdivider or landowner shall be responsible for all costs of construction of new additions to the sewer system which will include mains, manholes, cleanouts and lift stations, if required, and including all engineering and inspection costs and fees.

(c) All construction shall be performed by a licensed and bonded contractor approved by the Sewer Department.

(d) All new additions to the sewer system shall be warranted by the developer, builder, subdivider or landowner for a period of two (2) years from the date of their acceptance for maintenance by the Sewer Department. The Sewer Department will accept all such new additions for maintenance after they have been inspected and are deemed in compliance with all of the approved plans and specifications.

(e) Any person who performs any construction, repair or replacement of mains and lines without obtaining a permit and approval therefor by the Sewer Department violates these provisions. Such person shall pay a penalty in the amount of one hundred dollars (\$100.00). (Ord. 261 §4, 1988; Ord. 526 §1, 2005)

Sec. 13-2-60. Establishment of units.

(a) Except as otherwise provided or as established by the Public Works Director, for purposes of this Article, the following shall apply:

(1) Each fifteen (15) pupils shall constitute one (1) unit.

(2) In multiple dwellings, each family shall constitute one (1) unit.

(3) In multiple dwellings, each rented apartment shall constitute one (1) unit.

(4) Each Laundromat or business with: one (1) or more but less than three (3) washers shall constitute one (1) unit; with three (3) but less than six (6) washers shall constitute two (2) units and each set of four (4) additional washers shall constitute one (1) additional unit.

(5) Each restaurant, tavern or place of business where food is served that has restrooms and a kitchen or a place to wash utensils other than restrooms with no inside seating shall constitute two (2) units.

(6) Each restaurant, tavern or place of business where food is served that has restrooms and a kitchen or a place to wash utensils other than restrooms shall constitute one (1) unit plus one-tenth (0.1) of a unit per each seated unit.

(7) Each garage, service station or place of business with a restroom shall constitute one (1) unit.

(8) Each garage, service station or place of business with floor drains to wash cars or car parts will constitute one (1) unit per drain.

(b) The Public Works Director shall be responsible for determining the number of units at the time of application for a building permit or connection to the sewer system. (Ord. 261 §5, 1988; Ord. 526 §1, 2005)

ARTICLE III

Water Regulations

Division 1 General Provisions

Sec. 13-3-10. Application.

Application for the use of water shall be made to the Town Clerk by the owner or the agent of the property to be served, designating the location of the property and stating the purpose for which the water may be required. (Prior code 6-1-2; Ord. 526 §1, 2005)

Sec. 13-3-20. Waste.

Whenever a break or leak occurs in the service line, the owner or other person in charge of the property where such leak or break occurs shall be responsible to have said leak or break repaired immediately. Said owner or other person in charge shall immediately report the leak or break to the Town in order to prevent the unnecessary waste of water or damage to property. (Prior code 6-1-3)

Sec. 13-3-30. Fire alarm.

During all alarms of fire, the use of hoses and all outlets where a constant flow of water is maintained is positively forbidden and prohibited. (Prior code 6-1-4; Ord. 526 §1, 2005)

Sec. 13-3-40. Turn-on charge.

Any person wishing to discontinue the use of Town water must give written notice thereof to the Town Clerk. Any person wishing to reinstate the use of the Town water must first pay a reinstatement fee to the Town Clerk in an amount as established from time to time by resolution of the Board of Trustees. (Prior code 6-1-5; Ord. 585 §4, 2008)

Sec. 13-3-50. Regulation.

Consumers shall prevent unnecessary waste of water and keep all water outlets closed when not in actual use. Hydrants, urinals, water closets, bath tubs and other openings must not be left running for any purpose other than the use for which they are intended. In addition to the penalty provided herein for Code violations, the water supply may be turned off where any such waste occurs. In such case, a

fee in an amount set forth in the Town of Bennett Schedule of Fees must be paid before the water is turned on again. (Prior code 6-1-6; Ord. 610-10 §3)

Sec. 13-3-60. Financial responsibility.

Owners of property shall be held financially responsible for water used on their premises. Such liability shall be joint and several with that of the customer and shall not relieve the customer from his or her obligation of payment for services when the customer is not the owner. All unpaid water accounts shall be a lien against the property to which water service is provided when certified by the Town Clerk to the County Treasurer in accordance with state law. Such lien shall be prior and superior to all other liens, claims, titles and encumbrances, whether or not prior in time, except liens for general property taxes. The Town may enforce and foreclose the lien against the property, or the personal liability of the owner and customer, or both. (Prior code 6-1-7; Ord. 511 §2, 2004; Ord. 526 §1, 2005)

Sec. 13-3-70. Metering required.

(a) If the Board of Trustees deems it to be in the best interests of the Town, it may compel any water consumer to install a suitable water meter capable of being read remotely by a Town-approved device. The expense for the meter, materials and labor for such compulsory installation shall be borne by the Town.

(b) All meters shall be furnished, set in place and kept in repair by the Town, and shall be and remain the property of the Town and under its control. (Prior code 6-1-8; Ord. 526 §1, 2005; Ord. 531 §2, 2006)

Sec. 13-3-80. Unlawful use or acquisition.

It is unlawful for any person without lawful authority to open any fire plug, stopcock, valve or other fixture pertaining to said water works in and for the Town; or to make any fraudulent representation for the purpose of obtaining water; or to take or use water from the waterworks for a purpose or purposes or on property other than as provided in the customer's permit. (Prior code 6-1-9; Ord. 526 §1, 2005)

Sec. 13-3-90. Unlawful connection; tampering.

(a) It is unlawful for any person to tap or connect to any mains or hydrants or any portion of the water works of the Town without lawful authority.

(b) It is unlawful for any person to tamper with any meter, or to install or use any bypass or other device whereby water may be drawn from a service pipe without being registered by the meter. (Prior code 6-1-10; Ord. 526 §1, 2005)

Sec. 13-3-100. Maintenance.

The Board of Trustees reserves the right to cause the water to be shut off from the street or mains when deemed necessary for repairing the mains or water works, making connections or extensions of the same, or for the purpose of cleaning the same. (Prior code 6-1-11)

Division 2
Fees

Sec. 13-3-210. Fees as established by resolution.

There is hereby imposed and charged and to be paid to the Town, for the use of water from any of the water lines, mains or water system of the Town, the rates, tolls, fees and charges in amounts as established from time to time by resolution of the Board of Trustees. (Ord. 154 §1-2, 1981; Ord. 585 §5, 2008)

Sec. 13-3-220. Collection.

All of said rates, tolls, fees and charges due shall be chargeable against the owners of various properties wherein the water is and may be used, and collectable as are taxes for public improvements in the manner prescribed by law. The minimum monthly water fees as established from time to time by resolution of the Board of Trustees shall begin on the date that a water tap is purchased. (Ord. 229 §1, 1986; Ord. 526 §1, 2005; Ord. 585 §5, 2008)

Sec. 13-3-230. Out-of-Town rates.

Unless otherwise provided by contract, the meter rates for users outside the Town limits shall be the same as the rates for users inside the Town limits. (Ord. 395 §1, 1999; Ord. 474 §2, 2002; Ord. 529 §2, 2006; Ord. 585 §5, 2008)

Sec. 13-3-240. Flat-rate users.

All flat-rate users shall be charged a flat rate as established from time to time by resolution of the Board of Trustees. (Ord. 395 §2, 1999; Ord. 474 §3, 2002; Ord. 529 §3, 2006; Ord. 585 §5, 2008)

Sec. 13-3-250. Multiple units.

Multiple-unit customers shall be charged the rates as established from time to time by resolution of the Board of Trustees. (Ord. 395 §3, 1999; Ord. 474 §4, 2002; Ord. 529 §4, 2006; Ord. 585 §5, 2008)

Sec. 13-3-260. Bulk rate sales.

All sales taken from fire hydrants or stand pipes shall be charged at the rates as established from time to time by resolution of the Board of Trustees. No bulk sales shall be allowed during the time of water restrictions or at any time when there is a chance of shortage of water to regular metered or flat-rate customers. (Ord. 177 §3, 1983; Ord. 474 §5, 2002; Ord. 526 §1, 2005; Ord. 585 §5, 2008)

Sec. 13-3-270. Minimum monthly water service fees.

The minimum monthly water fees as established from time to time by resolution of the Board of Trustees shall be due regardless of whether any quantity of water under two thousand (2,000) gallons in a given month is used. These fees shall be due regardless of whether the unit is occupied and are due beginning on the date a water tap is purchased. A separate minimum monthly fee is due from each unit, including each trailer, each apartment, each condominium and any other dwelling unit. (Ord. 268 §6, 1988; Ord. 585 §5, 2008)

Sec. 13-3-280. Meter reading.

(a) All meters shall be read as near as practical to the 15th of the month in which the bill is to be sent. These readings shall be given to the Town Clerk no later than the 20th of such month.

(b) The appropriate officials of the Town are hereby authorized and each owner or occupant of property in the Town is required to permit the reading of each internal water meter within the Town on a quarterly basis, but in no event less than one (1) time per year. Prior to each reading, the Town shall send a written notice to the owner or occupant thereof indicating its intent to conduct its internal reading. The owner or occupant shall be given fifteen (15) days from the date of said notice to set up an appointment with the Town for its reading. If an appointment is not made within said fifteen-day period, or if the Town is unable to enter the residence and read the internal water meter within thirty-five (35) days of said notice due to the inaction or fault of the occupant or owner, service will be disconnected upon fifteen (15) days' written notice as is set forth in Section 13-2-40 above.

(c) Notice as required herein shall be effective upon the date set forth in the notice and by mailing such notice addressed to the owner or occupant at its last known address by regular mail, postage prepaid. (Ord. 235 §1, 1986; Ord. 526 §1, 2005)

Sec. 13-3-290. Billings.

All water bills shall be mailed on the last working day of each month. (Prior code 6-3-2)

Sec. 13-3-300. Estimated bills.

In order to preserve a financial balance in billing, any meter reading, when it becomes necessary, may be estimated. Such estimate shall be based on usage of the same quarter of preceding years. When a reading is estimated, the bill will be adjusted to actual readings as soon as actual readings become available. (Prior code 6-3-3)

Sec. 13-3-310. Deposits.

A refundable deposit in an amount set forth in the Town of Bennett Schedule of Fees, payable upon application for water service, is required as a condition of providing water service to any customer. The deposit may be applied against any unpaid bills of the customer; and if any balance remains after such application is made and service is discontinued, such balance shall be refunded to the customer. If, at any time prior to discontinuation of water service, deposited funds are applied to unpaid bills, the customer shall replenish the amount on deposit. No interest shall accrue to the customer on such deposit. (Ord. 511 §1, 2004; Ord. 610-10 §3)

*Division 3
Water Usage*

Sec. 13-3-410. Mandatory outdoor watering restrictions; penalty.

(a) All customers (owners and occupants) using water provided by the Town shall comply with and shall be limited to water every third day in accordance with the following watering restrictions:

(1) Properties with an address ending in digits zero (00) through thirty (30) shall only water on those days designated by a diamond (◆).

(2) Properties with an address ending in digits thirty-one (31) through sixty (60) shall only water on those days designated by a circle (●).

(3) Properties with an address ending in digits sixty-one (61) through ninety-nine (99) shall only water on those days designated by a square (■).

The days designated above shall be the days established by the Town as posted at Town Hall and published in Denver newspapers.

(b) Irrigation shall not occur between the hours of 9:00 a.m. and 6:00 p.m.

(c) The mandatory watering restrictions set forth in this Section shall not apply to hand-watering of vegetable and flower gardens, trees and shrubs, so long as hand-watering of lawns and water waste do not occur. *Hand-watering* means holding in the hand a hose with attached positive shutoff nozzle, and does not include operating a hose with a sprinkler or manually operating an irrigation controller. (Ord. 185 §1, 1983; Ord. 347 §1, 1997; Ord. 474 §6, 2002; Ord. 494 §1, 2003)

Sec. 13-3-420. Wasting water unlawful.

(a) It is unlawful for any person using Town water to use, allow or permit water to run to waste upon his or her premises, buildings, houses or lots, in, through or out of any water closet, lavatory, urinal, bathtub, hose, hydrant, faucet or other fixtures, appliances or apparatus whatsoever, or in any manner through neglect or by reason of faulty or imperfect plumbing or fixtures.

(b) It is unlawful for any person using Town water to, at any time, use water to clean any hard surface upon or adjacent to his or her premises, building, house or lot. For purposes of this Subsection, *hard surface* includes, but is not limited to, driveways, sidewalks, patios and streets and street gutters.

(c) It is unlawful for any person using Town water to allow, either manually or automatically, the sprinkling or watering of a hard surface; to allow excessive runoff of water from his or her premises, buildings, houses or lots; and/or to allow the excessive pooling of water upon or adjacent to his or her premises, houses or lots.

(d) Personal vehicles shall be washed only during the water day provided in Section 13-3-410 and only with a bucket or a hand-held hose equipped with a positive shutoff nozzle. Vehicles contained in commercial operations may be washed no more often than once per week. (Ord. 347 §1, 1997; Ord. 474 §6, 2002; Ord. 526 §1, 2005)

Sec. 13-3-430. Exemptions by permit.

(a) Upon payment of an administrative fee, customers may apply for and be granted permits for:

(1) New turf sod application for up to three (3) weeks.

(2) New grass seed application for up to four (4) weeks. However, new grass seeding between June 15 and September 15 is strongly discouraged.

(3) Landscape in large common or public areas that, because of irrigation system limitations, cannot be sustained by following the mandatory drought restrictions contained in this Division.

(4) Exceptional hardship due to individual circumstances.

(b) No property for which a special watering permit is issued shall be eligible for a subsequent permit to water the same lawn area, nor can the expiration date of the permit be extended. (Ord. 347 §1, 1997; Ord. 474 §6, 2002)

Sec. 13-3-440. Enforcement; penalties.

(a) The person or entity billed for water service to any given property, whether owner or occupant, shall be responsible for complying with the drought restrictions contained in this Division.

(b) Any person who violates any of the provisions provided in this Division is guilty of a violation of this Division and shall be punished by a warning for the first violation, a fine of one hundred dollars (\$100.00) for the second violation during the calendar year, two hundred fifty dollars (\$250.00) for the third violation during the calendar year, five hundred dollars (\$500.00) for the fourth violation during the calendar year, and five hundred dollars (\$500.00) for the fifth violation during the same calendar year. Additionally, for the fifth violation, the Town may install a flow restrictor to limit water to indoor use only.

(c) Each day of violation shall constitute a separate offense. (Ord. 347 §1, 1997; Ord. 474 §6, 2002; Ord. 526 §1, 2005)