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Chapter 13.02

General Provisions

13.02.010 Definitions

13.02.010 Definitions.

As used in this Title 13, the following terms shall have the indicated meanings:

Customer means the owner of the property receiving utility service, as well as a person who has been designated to receive utility billings for that specific real property.

Owner or property owner means a person or entity who is the owner of the real property receiving utility services, as shown in the public records of the County Assessor; provided, however, that if title is held in representative capacity, or the right to possession, use and control of the property has been judicially vested in another party, such equitable owners shall have the rights and responsibilities afforded and imposed by this Chapter.

SFE means a relative measure of demand placed on the water, sewer and/or irrigation capital plant of the Town by an average single-family residential unit.

Utility bill means the periodic statement of utility charges issued in accordance with this Title 13.

Utility charges means all charges applicable to potable water, sewer and non-potable irrigation services, including the surcharges imposed pursuant to Chapter 13.15, stormwater fees imposed under Chapter 13.30, and all such other Town services as designated in this Code. (Ord. 2010-34 §1, 2010)

Chapter 13.04

Sewer System; Prohibited Discharges

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13.04.010 Definitions.

As used in this Chapter, certain terms are defined as follows:

A. *Connection* means the physical connection to the wastewater system of the Town.

B. *PCWA* means the Plum Creek Wastewater Authority.

C. *User* means any person who contributes, causes or permits the contribution of wastewater into the wastewater system.

D. *Wastewater system* means the tangible facilities used to collect and treat municipal sanitary sewage, including sewer mains, interceptors and treatment facilities, whether owned by the Town or by the PCWA. (Ord. 97-18 §1(part), 1997; Ord. 93-5 §2(part), 1993)

13.04.020 Adoption of primary code.

The Code of Rules and Regulations of the Plum Creek Wastewater Authority dated 1991, as published on June 11, 1991, as amended is adopted as a primary code of the Town. The code is referred to in this Chapter and may be cited as the "Wastewater Discharge Regulations." The Wastewater Discharge Regulations are adopted verbatim, subject to the following modifications:

A. The definition of "Service Area" in Section 1 of the Wastewater Discharge Regulations is modified to read as follows:

Service Area. The geographic area located within the municipal boundaries of the Town of Castle Rock, as the same may be amended from time to time, or any area where the Town provides wastewater service by contract outside its municipal limits, in which wastewater is generated and discharged to the POTW. Location within the Service Area does not create an entitlement to service. (Ord. 97-18 §1(part), 1997; Ord. 93-5 §2(part), 1993)

13.04.030 Connection.

No new connection shall be made to the wastewater system until and unless the user has complied with all of the applicable conditions imposed under the Wastewater Discharge Regulations and the public works regulations of the Town, including the issuance of a permit by the PCWA, if required thereunder. The issuance of a discharge permit by the PCWA shall constitute a permit to connect to the wastewater system subject to approval by the Town. Any current user of the wastewater system who is required to obtain a discharge permit from the PCWA shall obtain such permit not later than September 1, 1991. Connection to the wastewater system shall be conditioned on the payment by the user of the applicable fees and charges of the PCWA and the Town. (Ord. 97-18 §1(part), 1997; Ord. 93-5 §2(part), 1993)

13.04.040 Compliance with discharge regulations.

The continued right to utilize the wastewater system shall at all times be conditioned on the user's compliance with all of the terms, conditions, restrictions, rules and regulations of the PCWA as embodied in the Wastewater Discharge Regulations. By application to the Town for wastewater services and/or the issuance of tap authorization or a permit by the PCWA, the user shall have deemed to have consented to all of the provisions of the Wastewater Discharge Regulations, including the process and procedure by which the PCWA may enforce the Wastewater Discharge Regulations, including the termination of services for noncompliance. (Ord. 97-18 §1(part), 1997; Ord. 93-5 §2(part), 1993)

13.04.050 Recovery.

Should the PCWA or any state or federal agency or authority impose upon the Town the monetary responsibility for a violation of the Wastewater Discharge Regulations by a user of the municipal wastewater system, the user shall be liable to the Town for such monetary fine, penalty or assessment. (Ord. 97-18 §1(part), 1997; Ord. 93-5 §2(part), 1993)

13.04.060 Capital charges.

Unless otherwise provided to the contrary in Title 13 of this Code, the Capital Reserve Fee imposed under the Wastewater Discharge Regulation shall be supplementary to the system development fees and tap fees imposed by Sections 13.12.080 and 13.12.090. (Ord. 97-18 §1(part), 1997; Ord. 93-5 §2(part), 1993)

13.04.070 Enforcement.

The Town shall have the right, independent of the PCWA, to enforce the Wastewater Discharge Regulations within the service area. All rights and remedies of enforcement granted to the PCWA under the Wastewater Discharge Regulations may be invoked directly by the Town, whether such action is brought in the name of the Town, or jointly with the PCWA. In addition, the Town shall have the right to recover in a civil action against the offending party any civil or administrative penalty, fine or monetary sanction imposed by any state or federal agency, for which the Town is or may become responsible for payment. (Ord. 97-18 §1(part), 1997; Ord. 93-5 §2(part), 1993)

13.04.080 Violation and penalties.

A. Any person who violates any of the provisions of this Chapter shall be punished by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment not to exceed one (1) year, or by both such fine and imprisonment.

B. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation is committed, continued or permitted by any such person.

C. The Town may seek enforcement of Wastewater Discharge Regulations, recover all present and future damages, costs and other relief to which the Town is entitled and obtain any available judicial remedies related to any violation of the provisions of this Chapter. (Ord. 97-18 §1(part), 1997; Ord. 93-5 §2(part), 1993)

Chapter 13.06

Cross-Connection Control

- 13.06.010 Purpose**
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- 13.06.070 Testing and maintenance**
- 13.06.080 Record keeping**
- 13.06.090 Right of entry**
- 13.06.100 Compliance**
- 13.06.110 Violations and penalties**

13.06.010 Purpose.

The purpose of this Chapter is to implement and maintain controls and regulations on cross connection pursuant to the following legislation and regulations:

A. Safe Drinking Water Act; Title XIV – Safety of Public Drinking Water Systems of the Public Health Service Act, codified as 42 U.S.C. §300 et seq. (1974), Public Law 99-399 Safe Drinking Water Act Amendments of 1986.

B. National Primary Drinking Water Regulations authorized through the Safe Drinking Water Act; 42 U.S.C. § 300g-1.

C. Colorado Department of Health Law Title 25, C.R.S.

D. Colorado Primary Drinking Water Regulations, Section 12 (Hazardous Cross-Connections), 5 CCR 1003-1. (Ord. 2006-06 §1, 2006; Ord. 97-18 §1(part), 1997; Ord. 93-5 §2(part), 1993)

13.06.020 Primary codes adopted.

A. Pursuant to the powers conferred upon it by statutes, the Town, through its Town Council, hereby adopts by reference the following primary codes:

1. Cross-Connection Control Manual, Version 5.0, revised April 2004, by the Backflow Prevention Education Council of Colorado, P.O. Box 1934, Arvada, Colorado 80001-1934.

2. The Manual of Cross-Connection Control, ninth edition, published in 1993 by the Foundation for Cross-Connection Control and Hydraulic Research, University of Southern California, University Park, Los Angeles, California, 80090.

3. The National Fire Protection Association Standards No. 13, No. 24 and No. 25, 2002 edition, published by the National Fire Protection Association, Batterymarch Park, Quincy, Massachusetts 02269.

The subject matter of these codes concerns a minimum standard for cross-connection control. Adoption includes all supplements to the codes. Three (3) copies of the above-referenced codes, all certified to be true copies by the Mayor and Town Clerk, shall be maintained on file at the office of the Town Clerk and may be inspected during regular business hours.

B. The provisions of the above-adopted primary codes shall apply to and govern over any and all improvements within or to be incorporated in the corporate limits of the Town. Where, in any specific case, there is a conflict between different sections of the above-adopted primary codes, or a conflict between the above-adopted primary codes and any Town regulation, the most restrictive provision shall apply.

C. Any person found to have violated any of the provisions of the above-adopted primary codes shall be charged with a violation of this Chapter. Except in cases where a different punishment is prescribed by any ordinance of the Town, upon conviction thereof, such violator shall be punished by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment not to exceed three hundred sixty-four (364) days, or by both such fine and imprisonment. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this Chapter is committed. (Ord. 2006-06 §1, 2006; Ord. 2001-21 §1, 2001; Ord. 97-18 §1(part), 1997; Ord. 93-5 §2(part), 1993

13.06.030 Certified technician registration.

A. Certified technician. Cross-connection control technicians shall possess a valid certification from an agency approved by the Colorado Department of Public Health and Environment.

B. Registration required. No person shall perform testing, repair or maintenance of backflow prevention assemblies in the Town unless such person is a certified technician and has first applied for, paid the associated fee, registered with the Utilities Department and attended a Town Cross-Connection Control education seminar. Certified technicians shall maintain a current and valid registration while performing any work governed by this Chapter.

C. Registration expiration and renewal. Certified technician registration shall expire one (1) year from date of issue. Registered certified cross-connection control technicians shall provide the Town all registration application documentation, including registration application, technician certification and testing equipment information and calibration certificate.

D. Test equipment accuracy verification. Testing equipment that is used in the performance of the testing identified in this Chapter shall be checked at least annually for accuracy, and re-calibrated when inaccuracy is greater than +/-0.2 psid. A current certificate of accuracy and calibration certification for such testing equipment issued from an authorized manufacturer's calibration repair laboratory or an ISO 9002 certified repair laboratory for instrument repairs or measurements shall be maintained and provided to the Utilities Department at registration, and as additionally requested by the Utilities Department to maintain current registration status. Accuracy verification certification and calibration must be National Institute of Standards and Technology (NIST) traceable and meet the current ASME/ANSI B40.01 standards.

E. Responsibilities. All certified technicians shall be responsible for any testing, repair and/or maintenance without limitation to the items as herein listed:

1. To provide generally recognized safety measures and equipment to protect themselves, laborers and the public in general.
2. To present registration documentation when required by the Town and/or water customer.
3. To inspect, test or repair a backflow prevention assembly in conformance with all applicable codes and regulations.
4. To provide accurate information on all applications, certifications, testing equipment documentation and/or backflow prevention assembly test reports.

5. To provide test reports to the Utilities Department as prescribed herein.

6. To observe and conform to all the policies, rules and regulations governing construction and land use in the Town.

F. Registration management. Certified technicians shall perform inspections, testing, repair and/or maintenance in accordance with standards and testing requirements as identified herein.

1. Authority. The Utilities Department Director or designee shall have the authority to deny, suspend, revoke or place restrictions on the applicant or registrant when the applicant or registrant commits one (1) or more of the acts or omissions:

a. Provides incomplete, false or misleading information on the registration application, technician certification, and/or test equipment accuracy verification documentation, including certification of accuracy and/or calibration.

b. Fails to provide current information or documentation related to current technician certification and/or test equipment accuracy verification documentation certification and/or calibration.

c. Fails to provide test reports as prescribed herein.

d. Fails to comply with policies, rules, regulations and standards prescribed herein.

2. Notification procedure. When any of the acts or omissions as herein enumerated are committed and the Utilities Department Director or designee deems that such registration shall be denied, suspended, revoked or restricted for reasons set forth in Paragraph above, the procedures shall be as follows:

a. The applicant or registrant shall be notified in writing, by certified mail, addressed to the applicant's or registrant's address of record with the Utilities Department, along with the reason under Paragraph above for the action.

b. Upon the receipt of the notice, the applicant or registrant may request a hearing. Such request shall be in writing delivered to the Utilities Department Director or designee within fourteen (14) calendar days of the receipt of the notice.

c. If a hearing is requested in writing within the time limited above, the Utilities Department Director or designee shall set a time, date and place of the hearing and so notify the applicant or registrant to contest the reason set forth by the Utilities Department Director or designee for the action.

d. When a hearing is conducted, the applicant or registrant and other interested parties may be in attendance and give testimony. Upon completion of the hearing, the Utilities Department Director or designee shall notify the applicant or registrant of his or her findings and ruling in writing, by certified mail, within fifteen (15) business days after the completion of the hearing.

e. If the decision rendered by the Utilities Department Director or designee is adverse, the applicant or registrant may appeal to the Town Manager or his or her designee as an aggrieved

person. The Town Manager's review shall be limited to determining whether the Utilities Department Director or designee had sufficient evidence to determine the violation under Paragraph above.

3. Suspension/revocation. Associated registration fees shall be required for reinstatement of suspended and/or revoked registrations. Evidence of compliance with Paragraph above is required prior to reinstatement of registration.

a. The suspension of a registration shall be for the period stated in the suspension, but in no event more than six (6) months. Evidence of compliance with Paragraph above is required prior to reinstatement of registration.

b. If a registration is revoked, the applicant shall not be eligible to register with the Town for a period of six (6) months after revocation or any final decision from an appeal thereof. (Ord. 2006-06 §1, 2006; Ord. 2001-21 §2, 2001; Ord. 97-18 §1(part), 1997; Ord. 93-5 §2(part), 1993)

13.06.040 Plan approval.

A. All building and/or construction plans involving water/sewer service, plumbing plans for additions or alterations to existing plumbing systems, and/or irrigation system installation submitted to the Town shall be reviewed by the Utilities Department and/or its designee and approved prior to issuance of a permit.

B. Submitted plans must show:

1. The service address and/or legal description of property being served.
2. The water service type, size and location.
3. Meter type, size and location.
4. Types of water use occurring at the property.

5. Sizes, types, manufacturer, model and locations of all containment and isolation backflow prevention assemblies. (Ord. 2006-06 §1, 2006; Ord. 2001-21 §3, 2001; Ord. 97-18 §1(part), 1997; Ord. 93-5 §2(part), 1993)

13.06.050 Installation.

Installation of backflow prevention assembly in compliance with this Chapter is a condition to receiving water service from the Town. All connections to the municipal water system, including all existing connections, shall conform or be brought into conformance with the following requirements:

A. Any person installing backflow prevention assemblies shall comply with Chapter 15.03 of this Code with respect to registration.

B. Backflow prevention assemblies installed in violation of this Chapter shall be removed and replaced at the water customer's expense. Any such repair or replacement shall be made with an

approved backflow prevention assembly within ten (10) days of discovery by the user, a certified technician, or the Utilities Department and/or its designee, unless arrangements satisfactory to the Utilities Department are made. Should the hazard presented to the water system be determined to present a significant health risk, immediate service discontinuance may be necessary until such repair or replacement is accomplished.

C. Backflow prevention assemblies shall be installed in a safe and accessible location to facilitate maintenance, testing, repair and drainage in accordance with all applicable codes and regulations. No backflow prevention assembly shall be installed in a pit, vault or location where toxic gases are present. No backflow prevention assembly shall be installed over electrical lines or other equipment where water could cause a hazard.

D. Containment backflow prevention assemblies shall be installed immediately downstream of the water meter, prior to any service connections, in compliance with all applicable codes and regulations.

E. Access for inspection, testing, repair, maintenance and/or replacement of backflow prevention assemblies that serve more than one (1) property, such as a master-metered facility, shall not be contingent on access of a private residence or business. Such installations shall be located in an area accessible from the exterior, such as a mechanical room or an ASSE 1060-certified enclosure, that is protected against freezing and meeting all installation criteria identified herein.

F. Before installing a backflow prevention assembly, pipelines shall be thoroughly flushed to remove foreign material.

G. Thermal expansion equipment shall be installed on all water systems contained by a backflow prevention assembly.

H. Backflow prevention assembly valves shall not be used as the inlet or outlet valve of the water meter. Test cocks shall not be used as supply connections.

I. All costs for design, installation, maintenance, repair and testing shall be borne by the utility customer. (Ord. 2006-06 §1, 2006; Ord. 2001-21 §4, 2001; Ord. 97-18 §1(part), 1997; Ord. 93-5 §2(part), 1993)

13.06.060 Inspection.

A. Backflow prevention assembly installations shall be inspected and approved for use by the Utilities Department and/or its designee prior to the furnishing of water service. Inspections must be scheduled at least twenty-four (24) hours in advance of the desired inspection time.

B. The Utilities Department may conduct surveys to verify location, application, appropriate protection of degree of hazard and operation of backflow prevention assemblies.

C. The Utilities Department may conduct surveys of water supply system users to identify hazardous service connections or cross-connections. Surveys may consist of written instruments, verbal interviews or physical inspections. Water supply system users shall complete such surveys and otherwise cooperate in the identification of potentially hazardous service connections or cross-

connections according to terms and conditions prescribed herein. (Ord. 2006-06 §1, 2006; Ord. 2001-21 §5, 2001; Ord. 97-18 §1(part), 1997; Ord. 93-5 §2(part), 1993)

13.06.070 Testing and maintenance.

Backflow prevention assemblies shall be tested and maintained as described below:

A. Backflow prevention assembly testing shall be conducted in accordance with performance standards and field test procedures in referenced documents herein as directed by the Colorado Department of Public Health and Environment.

B. All backflow prevention assemblies shall be tested by a certified technician at the time of installation, prior to issuance of a certificate of occupancy.

C. Customers with single-family residential backflow prevention assemblies shall test the assemblies at the Town's expense and according to manufacturer requirements whenever the assembly is selected by the Utilities Department for testing. Customers with single-family residential backflow prevention assemblies that are not selected by the Utilities Department for testing should test the assembly annually in accordance with the manufacturer requirements. All other customers shall test their backflow prevention assemblies at their expense and according to manufacturer requirements at least annually, or more often as determined by the Utilities Department.

D. Backflow prevention assemblies shall be tested immediately upon installation, repair, replacement or alteration of plumbing upstream of the assembly.

E. In addition to the annual testing required under Subsection C above, single-family residential service connections may be subject to more frequent risk assessment evaluations, to include the probability of the occurrence of a physical connection between a potable water supply and a nonpotable substance; the occurrence of backflow conditions, including backsiphonage and backpressure; the total failure of the backflow prevention assembly used to isolate the cross-connection; and the probability that a nonpotable substance is present and will have an adverse effect on the water system or user. As determined through such risk assessment, the Utilities Department may require additional testing at the Town's expense.

F. The Utilities Department retains the right to test or otherwise check the installation and operation of any testable assembly at any time to assure proper operation.

G. Should a backflow prevention assembly not be installed in conformance with Town standards, the test report shall reflect such information and be recorded as a failure.

H. All backflow prevention assemblies not meeting requirements shall be repaired or replaced at the water customer's expense. Any such repair or replacement shall be made with an approved backflow prevention assembly within ten (10) days of discovery by the user, a certified technician or the Utilities Department and/or its designee, unless arrangements satisfactory to the Utilities Department and/or its designee are made. Should the hazard presented to the water system be determined to present a significant health risk, immediate service discontinuance may be necessary until such repair or replacement is accomplished. (Ord. 2006-06 §1, 2006; Ord. 2001-21 §6, 2001; Ord. 97-18 §1(part), 1997; Ord. 93-5 §2(part), 1993)

13.06.080 Record keeping.

- A. The certified technician shall report on a form approved by the Utilities Department.
- B. Records of all tests, inspections, repairs and replacements of backflow prevention assemblies shall be kept by the water customer, the certified technician and the Utilities Department for a period of three (3) years.
- C. The certified technician is required to send copies of all passed test reports to the owner and the Utilities Department within five (5) working days after testing, inspecting or repairing any backflow prevention assembly. The certified technician should repair a failed assembly immediately, if possible. When an assembly failure is a potential threat to the potable water system or the environment and cannot be repaired immediately, the certified technician must report the failure verbally to the owner and the Utilities Department and/or its designee. The technician must send written notification to the owner and the Utilities Department and/or its designee within three (3) working days. (Ord. 2006-06 §1, 2006)

13.06.090 Right of entry.

- A. The Town representative and/or his or her designee assigned to inspect premises relative to possible hazards shall carry proper credentials of his or her office and, upon exhibit of which, said representative shall have the right of entry to inspect any and all buildings and premises for cross-connections in the performance of his or her duties. If such entry is refused, the Town administrative authority or the designated authorized representative thereof shall have recourse to every remedy provided by law to secure entry.
- B. This right of entry shall be a condition of water service in order to provide assurance that the health, safety and welfare of the people throughout the Town's potable water distribution system are maintained. Where building security is required, the backflow assembly or assemblies should be located in an area not subject to security. Questions regarding proper credentials should be directed to the Utilities Department. (Ord. 2006-06 §1, 2006; Ord. 2001-21 §7, 2001; Ord. 97-18 §1(part), 1997; Ord. 93-5 §2(part), 1993)

13.06.100 Compliance.

- A. Customers shall cooperate in the installation, maintenance, testing and inspection of backflow prevention assemblies and/or water use survey process. Failure to cooperate shall be grounds for the discontinuance of water service to the premises, or the requirement for air-gap separation from the public potable water system.
- B. Service of water to any premises may be discontinued by the Utilities Department if unprotected cross-connections exist on the premises, if any defect is found in an installed backflow prevention assembly or if a backflow prevention assembly has been removed or bypassed. Service shall not be restored until such conditions or defects are corrected.
- C. Discontinuance of service may be summary, immediate and without written notice whenever, in the judgment of the Town Manager or the designated representative thereof, upon the recommendation of the Utilities Department or a registered certified cross-connection control

technician, such action is necessary to protect the purity of the public potable water supply or the safety of the water system. (Ord. 2006-06 §1, 2006; Ord. 2001-21 §8, 2001; Ord. 97-18 §1(part), 1997; Ord. 93-5 §2(part), 1993)

13.06.110 Violations and penalties.

A. Any person who violates any of the provisions of this Chapter or any of the primary codes adopted herein shall be punished by a fine of not more than one thousand dollars (\$1,000.00), by imprisonment not to exceed one (1) year or by both such fine and imprisonment.

B. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation is committed, continued or permitted by any such person.

C. The Town is authorized to seek recovery of all present and future damages, costs and other relief to which the Town is entitled and obtain any available judicial remedies related to maintenance of a cross-connection or any violation of the provisions of this Chapter. (Ord. 2006-06 §1, 2006; Ord. 97-18 §1(part), 1997; Ord. 93-5 §2(part), 1993)

Chapter 13.08

Extension of Water and Sewer Mains

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13.08.010 Property owner responsibility.

It shall be the responsibility of each property owner and/or developer to extend water and sewer lines and/or mains as determined to be necessary by the Town Manager to make available services to the property to be served. It shall be the responsibility of the property owner to pay the costs and expenses for extending such lines across the property, unless determined otherwise by the Town Manager. All water and sewer lines shall be designed, engineered and constructed to Town specifications. (Ord. 97-18 §1(part), 1997; Ord. 93-05 §2(part), 1993)

13.08.020 Allowance for reimbursement.

Developers shall be allowed reimbursement for extending water and sewer mains by or through vacant property located within the municipality, all in accordance with the further terms of this Chapter, and subject to the following:

A. Prior to such extension of water or sewer mains, the developer must receive from the Town Manager a determination of cost of the extension, which determination shall be made by the Town Manager based upon statements or other appropriate evidence as required by the Town Manager. In

no event shall a developer be allowed reimbursement if such cost determination has not been made prior to the construction of the main extensions in accordance with the procedures of this Chapter.

B. The party seeking reimbursement must present sufficient information and documentation support to the Town Manager making a determination that the main will benefit an intervening property, either directly or by reason of relieving the intervening property owner from a responsibility to extend the main. In the event more than one (1) property owner is intervening, it shall be administratively determined by the Town Manager 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, then it may be administratively determined by the Town Manager that such intervening property owners may only be responsible for a percentage of the linear feet traversed by said line.

C. The developer or property owner must enter into a contract with the Town specifying the terms of reimbursement, the intervening properties and owners affected thereby and the specified costs incurred. The contract shall provide that the Town will make diligent, good faith efforts to recover the specified reimbursement; however, the Town shall incur no liability to the party seeking reimbursement if, despite such efforts, the Town is unable to obtain reimbursement.

D. No developer or other person 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 and recordation of proper easements for the construction and maintenance of the water and sewer mains.

E. No property owner or developer shall benefit through reimbursement through this Chapter from any intervening owner unless evidence is provided to the Town that such intervening owner was notified in writing by certified mail, return receipt requested, as to (1) the developer's intention to extend such water or sewer mains for the intervening property owner's benefit, (2) the preliminary determination of the Town Manager of the apportionment of the cost to such intervening property owners, (3) that such intervening property owner may be subject to a future assessment of a specified amount, and (4) the nature of the reimbursement agreement with the Town. Such notice must be given no less than thirty (30) days prior to the date the Town Manager has fixed for making his or her final determination on the application for reimbursement and assessment of costs.

F. The Town Manager shall consider any relevant evidence submitted by an intervening property owner in response to the notification required under subparagraph D and if so requested shall afford such owner, or his or her representative, an informal administrative hearing. The final determination of the Town Manager may be appealed to the Town Council under such procedures as the Town Manager may promulgate to assure due process of law is extended to the protestant. The decision of the Town Council shall be final. (Ord. 97-18 §1(part), 1997; Ord. 93-5 §2(part), 1993)

13.08.030 Reimbursement amount.

The costs which the developer or property owner extending such lines may recover include easement acquisition, surveying, design, engineering, construction management and actual material and labor costs for the construction of the main extension. Recoverable costs shall not include overhead, legal expense and interest. (Ord. 97-18 §1(part), 1997; Ord. 93-5 §2(part), 1993)

13.08.040 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 at such time as the property is developed as evidenced by a request for any land use approval or permit. Should the intervening property owner pay the cost assessment against his or her property within five (5) years of the construction of the main extension, the Town shall cause such assessment to be reimbursed to the original developer. If, however, such assessment is not collected within five (5) years of construction, then such assessment shall be collected by the Town and appropriated for the water and sewer development fund. (Ord. 97-18 §1(part), 1997; Ord. 93-5 §2(part), 1993)

13.08.050 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. In the event the Town or the local metropolitan district determines that a main must exceed twelve (12) inches in diameter, then the Town or the local metropolitan district shall participate in the incremental costs of construction thereof, said participating amount to be determined by negotiation between the parties, unless such oversizing is necessary due to the unusual topographical features of the developer's land, or such other basis in fact attributable solely to the developer's property. (Ord. 97-18 §1(part), 1997; Ord. 93-5 §2(part), 1993)

13.08.060 Notice of assessment.

The Town Council authorizes 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 Chapter. Such notice of assessment shall specify the owner of the property, the legal description of the property affected, the amount and nature of the assessment and such other specifics as deemed necessary by the Town Clerk. The notice shall be delivered to the Clerk and Recorder of the County for recording in the official records of Douglas County. (Ord. 97-18 §1(part), 1997; Ord. 93-5 §2(part), 1993)

13.08.070 Costs and expenses.

Any developer or property owner requesting or anticipating reimbursement relief in accordance with the terms of this Chapter shall pay to the Town an administrative fee in the amount of five hundred dollars (\$500.00); and shall pay such actual expenses as incurred by the Town for notice of publication, recording fees and other actual expenses incurred. (Ord. 97-18 §1(part), 1997; Ord. 93-5 §2(part), 1993)

Chapter 13.12

Utility Services and Charges

- 13.12.010 Purpose**
- 13.12.020 Utilization of municipal services required**
- 13.12.030 Preexisting systems**
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- 13.12.050 Ownership of system**
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13.12.010 Purpose.

The purpose of this Chapter is to regulate the provision of all municipal water, water reuse and sanitary sewer services by the Town and impose certain fees, rates, charges, levies and regulations in order to maintain water, water reuse and sewer facilities for the benefit of the community. (Ord. 97-18 §1(part), 1997; Ord. 93-5 §2(part), 1993)

13.12.020 Utilization of municipal services required.

No individual or separate water systems shall be permitted. Except when authorized by the Town Council with approval of a final subdivision plat and upon finding that connection to the municipal wastewater system will create an extraordinary hardship, no individual residence, business or other property development shall be permitted to create a separate septic system. Such separate wastewater system shall require the approval of the Tri-County Health Department and any other permitting jurisdiction and shall be abandoned and connection made to municipal services in accordance with the terms and conditions of the resolution of the Town Council authorizing the system(s). (Ord. 97-18 §1(part), 1997; Ord. 93-5 §2(part), 1993)

13.12.030 Preexisting systems.

Preexisting separate water and septic systems shall be abandoned in accordance with the express terms of any contract or authorization by the Town for such systems; otherwise, such separate systems shall be abandoned and connection made to the municipal system, at the expense of the property owner, within one hundred eighty (180) days of receipt of notice from the Town that a public line of the municipal water, sewer or water and sewer system, as applicable, is located within four hundred (400) feet of the improvements receiving such water or sewer service. No expansion of service provided by a preexisting, separate water or sewer system shall be permitted. Private water or septic systems in service on property annexed to the Town shall be considered a preexisting system under the provisions of this Section, provided that the terms of the annexation agreement relating to abandonment of separate systems and connection to the municipal system shall supersede any conflicting terms of this Section. (Ord. 97-18 §1(part), 1997; Ord. 93-5 §2(part), 1993)

13.12.040 Extension of services outside municipal boundaries.

Pursuant to contract, the Town may make available municipal water and sewer services to properties outside the Town's corporate boundaries; provided, however, that such service shall not impair services to resident users. The contract for extraterritorial service shall specify the terms and conditions for service extension, including the system development, tap and connection charges to be imposed, the charges for service, and the requirements for annexation, if any. As a condition to such service extension, the property owner shall be subject to all ordinances and regulations of the Town governing water and wastewater use and service. Extraterritorial service shall be charged at one hundred twenty-five percent (125%) of the rate established under Section 13.12.110. (Ord. 97-18 §1(part), 1997; Ord. 93-5 §2(part), 1993)

13.12.050 Ownership of system.

A. The Town shall own and maintain all water service lines utilized in the distribution of municipal water from the point of distribution and including individual water meters. The *service line* is defined as the pipe (excluding the outlet connection of the curb stop or meter yoke) extending from the distribution main to the property line. If the meter is located within the customer's building, only the meter is the property of the Town, and not the line from the curb stop to the meter. The service line from the meter to final distribution point shall be under private ownership and responsibility. The Town shall own and maintain all sewer mains and sewer connection points within the corporate limits of the Town. *Connection point* is defined as the wye on the sewer main. Service lines from the sewer main for the individual user shall be owned and maintained by the property owner. The Town shall have the power to require a property owner to repair any deficiencies detected in the property owner's line discovered by routine maintenance of municipal mains or by any other means. The Town representative shall carry proper credentials of his or her office and, upon exhibit of which, said representative shall have reasonable right of entry during normal business hours and/or upon reasonable notice, to repair, replace or otherwise inspect the meter assembly as described in Subsection 13.12.110G.

B. All water and sewer lines and mains, whether owned privately or by the Town, upon initial construction or subsequent repair, must meet Town engineering specifications and standards. It shall be the responsibility of each developer and/or property owner to cause water and sewer mains to extend from property line to property line as determined by the Town Engineer in order that services will thereupon be available to adjacent property owners and users. (Ord. 97-18 §1(part), 1997; Ord. 93-5 §2(part), 1993)

13.12.060 Ownership of water.

The Town retains sole control of all water, wastewater and effluent delivered through or collected from the municipal utility system, and the payment of system development fees, tap fees and service charges as provided for in this Chapter shall not create any ownership or dominion over such water, wastewater and effluent. All users of municipal water, wastewater and/or effluent shall insure and be responsible for the return flow of such water, wastewater and/or effluent to the Town by one (1) of the following methods:

A. All potable water used for domestic, commercial or industrial purposes within a structure, less usual and necessary consumptive uses shall have provided for its return flow a connection to the wastewater/sewer system of the Town unless an approved septic system is in place; or

B. All potable and effluent water utilized for irrigation purposes, or other exterior purposes, shall be utilized in such a manner that it is placed upon the ground for absorption, evaporation or runoff into the Plum Creek or Cherry Creek drainage areas. (Ord. 97-18 §1(part), 1997; Ord. 93-5 §2(part), 1993)

13.12.070 Emergency regulation of water.

A. The Town Council shall have the power to regulate water usage during times of drought, shortage, fire or other emergency. This power shall extend to an absolute prohibition of water use or any lesser degree of regulation which shall be necessary in order to preserve and protect the municipal facilities and the water supply of the Town during such emergency.

B. At such time as the Town Council shall undertake to regulate the water service usage in accordance with Subsection A of this Section, it shall pass a resolution setting forth the degree of regulation, its duration and the reasons for the regulatory action.

C. Copies of the resolution passed by the Town Council under this Section shall be published as soon after passage as possible in a newspaper of local publication and distribution, and may also be delivered to the premises of each user affected. Twenty-four (24) hours after delivery of a copy of the resolution to the premises of the user, or forty-eight (48) hours following the publication of the resolution, whichever occurs sooner, shall be determined to be constructive notice of the terms and regulatory effect of the resolution passed by the Town Council to the user of water service. Upon actual or constructive notice of the resolution, every user shall be expected to obey and conform to the resolution. Persons found to knowingly violate the provisions of the resolution shall forfeit their right to further water service and the Town may immediately terminate water service during the pendency of the emergency restrictions.

D. The Town Manager shall have the power to declare a water emergency on the same terms and for the reasons stated in Subsection A of this Section, provided that no such emergency declaration shall extend beyond seven days (7) after its declaration. The Town Manager shall cause actual and/or constructive notice of the declaration to be made to the affected property owners to the extent feasible; however the giving of such notice shall not be a condition to the validity or enforceability of the emergency declaration. (Ord. 97-18 §1(part), 1997; Ord. 93-5 §2(part), 1993)

13.12.080 System development fees.

A. In order to defray the capital costs of utilizing, expanding and developing municipal facilities for the provision of water and wastewater, system development fees shall be assessed in accordance with the following schedule of rates in effect as of the date of submission of a complete building permit application:

Water System Development Fee

<i>Meter Size</i>	<i>SFE</i>	<i>GPM *</i>	<i>2011</i>	<i>2012</i>	<i>2013</i>	<i>2014</i>	<i>2015</i>
3/8" x 3/4"	.67	20	\$2,372	\$2,450	\$2,513	\$2,615	\$2,701
3/4" x 3/4"	1	30	\$3,540	\$3,657	\$3,778	\$3,903	\$4,032
1"	1.67	50	\$5,912	\$6,107	\$6,309	\$6,518	\$6,733
1.5"	3.33	100	\$11,788	\$12,178	\$12,581	\$12,997	\$13,427
2"	6.67	200	\$23,612	\$24,392	\$25,199	\$26,033	\$26,893
3"	16.67	500	\$59,012	\$60,962	\$62,979	\$65,063	\$67,213
4"	33.33	1,000	\$117,988	\$121,888	\$125,921	\$130,087	\$134,387
6"	66.67	2,000	\$236,012	\$243,812	\$251,879	\$260,213	\$268,813

* Potential flow capacity in gallons per minute

Wastewater System Development Fee *

<i>Meter Size</i>	<i>SFE</i>	<i>GPM **</i>	<i>2011</i>	<i>2012</i>	<i>2013</i>	<i>2014</i>	<i>2015</i>
3/8" x 3/4"	.67	20	\$2,125	\$2,196	\$2,268	\$2,343	\$2,421
3/4" x 3/4"	1	30	\$3,172	\$3,277	\$3,385	\$3,497	\$3,613
1"	1.67	50	\$5,297	\$5,473	\$5,653	\$5,840	\$6,034
1.5"	3.33	100	\$10,563	\$10,912	\$11,272	\$11,645	\$12,031
2"	6.67	200	\$21,157	\$21,858	\$22,578	\$23,325	\$24,099
3"	16.67	500	\$52,877	\$54,628	\$56,428	\$58,295	\$60,229
4"	33.33	1,000	\$105,723	\$109,222	\$112,822	\$116,555	\$120,421
6"	66.67	2,000	\$211,477	\$218,478	\$225,678	\$233,145	\$240,879

* Plum Creek Basin only. Cherry Creek Basin is served by the Pinery Water and Wastewater District.

** Potential flow equivalency in gallons per minute

Payment of the applicable system development fees shall be a condition to the issuance of the building permit.

B. The applicant for a building permit shall furnish the certification of a registered professional engineer reasonably qualified to make such certification, that the building, improvements or development can be adequately serviced to established and recognized standards. The water supply required for any building and/or irrigation shall be determined by total load at peak demand in terms of water supply fixture units and gallons per minute (gpm).

C. *Nonpotable* refers to Town-produced untreated or "raw" Denver basin groundwater delivered exclusively for the purpose of irrigation. Unless otherwise specifically provided to the contrary, the provision of this Chapter pertaining to potable water service shall be similarly applicable to nonpotable water service.

D. If the required system development fees are not paid, for whatever reason, upon discovery of such nonpayment the Town may revoke any and all outstanding development approvals, including building permits, or certificates of occupancy and/or terminate municipal services, subject to the due process requirements of Chapter 13.14.

E. With payment of the required system development fee and the renewable water resource fee imposed under Section 4.04.150 of this Code and issuance of a building permit, the permittee is granted a reservation of water and wastewater service in the amount of the specified SFE for a period coinciding with the term that a building permit is valid under Section 15.04.030 of this Code. Reservation of water and wastewater service by prepurchase of SFE through contract with the Town shall be subject to specific service commitment and reservation terms contained therein, irrespective of the foregoing provision.

F. A fee credit may be approved by the Town Manager or his or her designee. A fee credit may be considered in the event that the applicant commits, pursuant to a development agreement, subdivision improvement agreement or other legally binding instrument approved by the Town, to provide public capital facilities for which an applicable system development fee would otherwise be utilized. The eligibility and amount of the fee credit shall be determined by the Town Manager or his or her designee, taking into consideration the intent and purpose of the applicable system development fee and the monetary value of the public capital facilities to be provided by the applicant which otherwise would be paid for from system development fee proceeds. No fee credit shall be granted for public capital facilities otherwise required by any applicable Town code or ordinance. An application for a fee credit shall be submitted to the Town Manager or his or her designee utilizing a form and information as may be required by the Town Manager or his or her designee. The Town Manager's decision on a fee credit application may be appealed to the Town Council.

G. A qualifying attainable housing project shall be eligible to receive up to a one-hundred-percent reduction, per qualifying attainable housing unit, in the amount of the otherwise applicable system development fees. A *qualifying attainable housing project and unit* shall be defined as a housing project or unit participating in an attainable or affordable housing program through the Douglas County Housing Partnership, Colorado Housing Finance Authority or other certified local, state or federal attainable housing program. An application for this attainable housing fee reduction must be approved by the Town Council.

H. The Town Manager may approve reductions or waivers in otherwise applicable system development fees up to a maximum of one hundred thousand dollars (\$100,000.00) for qualifying economic development priority projects. Economic development priority project fee reduction in an amount greater than one hundred thousand dollars (\$100,000.00) shall require the approval of the Town Council. The Town Manager may also approve deferrals of system development fees pursuant to Subection 2.25.030.D. (Ord. 2011-22 §5, 2011; Ord. 2011-21 §7, 2011; Ord. 2009-20 §3, 2009; Ord. 2009-02 §2, 2009; Ord. 2006-45 §§1, 2, 2006; Ord. 2006-12 §3, 2006; Ord. 2005-35 §§1, 2, 2005; Ord. 2004-54 §6, 2004; Ord. 2002-11 §1, 2002; Ord. 97-18 §1(part), 1997; Ord. 97-09 §1, 1997; Ord. 96-18 §1, 1996; Ord. 93-5 §2(part), 1993)

13.12.085 Renewable water resource fee.

Payment of the renewable water resource fee in accordance with Section 4.04.150 of this Code is a condition to the right to obtain a building permit. (Ord. 2006-12 §4, 2006; Ord. 2005-54 §1, 2005;

Ord. 2005-35 §3, 2005; Ord. 2004-58 §1, 2004; Ord. 2002-66 §4, 2002; Ord. 2002-11 §2, 2002; Ord. 97-18 §1(part), 1997; Ord. 93-5 §2(part), 1993)

13.12.090 SFE assignment.

A. Upon the redevelopment or change in use at a location where an authorized physical connection or "tap" to the water and/or wastewater system currently exists, the SFE previously assigned to such tap (or if none, the SFE value calculated in accordance with the above schedule or formula) shall be "credited" or set off against the SFE assigned based upon the new use or development, and system development fees shall be payable (in accordance with Section 13.12.080) only for the incremental SFE, if any. No refund of system development or meter set fees shall be allowed for a reduction of service demand made pursuant to a reassignment of an existing tap.

B. Any property which currently does not have a useable service connection to the water system shall pay the monthly fixed water, wastewater and renewable water fee per SFE in effect at the time of implementation of the SFE reservation. Unless otherwise modified by written contract the Town is required to recognize an out-of-service SFE reservation.

C. SFE assigned to a property may not be transferred or utilized at any other service location, unless the Town was contractually obligated to honor such transfer as of January 1, 1994. (Ord. 2011-21 §8, 2011; Ord. 2003-51 §1, 2003; Ord. 97-18 §1(part), 1997; Ord. 93-5 §2(part), 1993)

13.12.100 Tap fees.

A. No new potable water, wastewater or irrigation water service shall be extended to any user until payment of proper tap fees in accordance with the schedule enumerated below is made. The fee shall be assessed and payable at the time of submission of a complete building application. The payment of the tap fee is for the privilege to tap to the main and an inspection by the Town and is supplementary to the system development fees imposed under Section 13.12.080. The construction of the service line is to be completed by the user, stubbed at a properly designated point as determined by the Town Engineer or his or her designee.

B. Payment of meter set fees does not include the cost of material or labor for installation of service lines, stub outs, meter pits or other necessary installations or connections, except as outlined below. Payment of meter set fees includes final installation, inspection and use of the meter, but the meter remains the property of the Town. All meters and installations shall be in accordance with Town construction standards and specifications, and must be inspected and approved by the Town prior to initiation of service. The meter set fees shall be as follows:

Meter Set Fee Schedule

	<i>Single Port</i>	
<i>Meter Size & Type</i>	<i>Indoor Installation</i>	<i>Outdoor Installation</i>
5/8" x 3/4" iPerl	\$342.24	\$339.72
1" iPerl	\$424.47	\$421.95
1.5" OMNI C2, 1,000 gallon pulse	\$1,515.74	\$1,513.22

2" OMNI C2, 1,000 gallon pulse	\$1,715.40	\$1,712.88
3" OMNI C2, 1,000 gallon pulse	\$2,114.74	\$2,112.22
4" OMNI C2 1,000 gallon pulse (irrigation)	\$3,545.35	\$3,542.83
6" OMNI C2, 1,000 gallon pulse	\$5,908.42	\$5,905.90
1.5" OMNI T2, 1,000 gallon pulse (irrigation)	N/A	\$1,107.69
2" OMNI T2, 1,000 gallon pulse (irrigation)	N/A	\$1,268.90
3" OMNI T2, 1,000 gallon pulse (irrigation)	N/A	\$1,528.18
4" OMNI T2, 1,000 gallon pulse (irrigation)	N/A	\$2,784.87
6" OMNI T2, 1,000 gallon pulse (irrigation)	N/A	\$4,816.71
	Single Port	
Meter Size & Type	Indoor Installation	Outdoor Installation
5/8" x 3/4" iPerl	\$369.76	\$363.15
1" iPerl	\$451.99	\$445.38
1.5" OMNI C2, 1,000 gallon pulse	\$1,543.26	\$1,536.65
2" OMNI C2, 1,000 gallon pulse	\$1,742.92	\$1,736.31
3" OMNI C2, 1,000 gallon pulse	\$2,142.26	\$2,135.65
4" OMNI C2 1,000 gallon pulse (irrigation)	\$3,572.87	\$3,566.26
6" OMNI C2, 1,000 gallon pulse	\$5,935.94	\$5,929.33
1.5" OMNI T2, 1,000 gallon pulse (irrigation)	N/A	\$131.12
2" OMNI T2, 1,000 gallon pulse (irrigation)	N/A	\$1,292.33
3" OMNI T2, 1,000 gallon pulse (irrigation)	N/A	\$1,551.61
4" OMNI T2, 1,000 gallon pulse (irrigation)	N/A	\$2,808.30
6" OMNI T2, 1,000 gallon pulse (irrigation)	N/A	\$4,840.14

On an annual basis, the Town Manager shall be responsible for reporting to the Town Council information on construction cost indexes for the year. The Town Council, at its discretion, may amend the fee schedule upon consideration of the construction cost index information.

(Ord. 2011-21 §9, 2011; Ord. 2002-11 §3, 2002; Ord. 97-18 §1(part), 1997; Ord. 93-5 §2(part), 1993)

13.12.110 Service charges, generally.

A. Subject to the need to limit water and sewer service charges so as to not unduly discourage new connections to the system, there shall be imposed water and sewer service charges in an amount which, on an annual basis, shall be sufficient to defray all:

1. Anticipated operation and maintenance costs of the water and sewer utility, together with a revenue stabilization reserve and an accumulation of sufficient cash reserves to fund the necessary periodic replacement and improvements thereto and applicable debt service;
2. The cost of maintaining dedicated or reserved capacity in the utility system;

3. The acquisition and development of tributary water resources to meet the system demand generated from connections to the municipal water system, and the acquisition of supplemental Denver Basin groundwater resources; and

4. The construction of water reuse and water recharge facilities, the establishment of water conservation programs and design, management, planning, operations, maintenance and regional agreements associated with such overall water and sewer long-term resource plans and programs.

B. Capacity is dedicated or reserved upon payment of the system development fees imposed pursuant to Section 13.12.080 above, or upon acquisition of specific capacity in the utility system by purchase, lease or other financial investment. Dedicated capacity costs include asset depreciation and amortization, debt service on invested capital and other costs or charges which, under generally accepted accounting principles, are considered by the Town to maintain capacity in the system, irrespective of actual usage or demand upon the system.

C. With submittal of the annual budget as required under the Charter, the Town Manager, not less than annually, shall submit to the Town Council an analysis of the operational maintenance, depreciation and debt service costs of the water and sewer utilities, the revenues required to maintain such utilities on an enterprise basis and a recommendation as to the service charges and rates to be imposed in the following fiscal year consonant with this Section. The Town Council shall also consider any findings or recommendations of the Utility Commission.

D. When the literal water budget criteria, as set forth in this Chapter, results in an inequitable water budget due to the usage patterns of a specific customer, the water budget may be administratively adjusted by the Director of Utilities. (Ord. 2009-21 §1, 2009; Ord. 2008-13 §1, 2008)

13.12.111 Definitions.

As used in this Chapter, certain terms are defined as follows:

Average Winter Monthly Consumption (AWMC) shall mean the AWMC computed for each customer by dividing the total potable water consumption billed to the customer in the months of December, January, February and March divided by four (4). It shall not be necessary that the period of consumption as reflected on the bills be entirely coextensive with the period of December through March; provided, however, that the utility bills selected shall, as closely as possible, reflect the consumption during this period. Annually, effective with billings on April 1 of each year, the AWMC for each utility customer shall be recalculated and adjusted accordingly.

AWMC consumption block shall mean water use up to the individual account's AWMC. This block represents the minimum water use necessary for indoor purposes.

Budget consumption block shall mean water use over an individual account's AWMC and up to the calculated monthly water budget. This block represents an efficient volume of use for outdoor irrigation purposes.

Commercial shall mean commercial, industrial and nonconforming land use serving interior and exterior (outdoor/irrigation) water use from one (1) service connection.

Commercial indoor use only shall mean commercial, industrial and nonconforming land use with interior water service provided by a single metered water service. Exterior water use is served by a dedicated, separately metered water service connection.

Excess consumption block shall mean water use over the total of an individual account's AWMC (indoor use) and the calculated monthly water budget (outdoor use). This block targets inefficient volumes of use for outdoor purposes and discourages water waste.

Irrigated area cap shall mean the maximum irrigated square footage within the landscape that is allocated a water budget. This cap is applicable to single-family customers only.

Irrigation season AWMC shall mean the AWMC for the previous months of December, January, February and March to be used during the months of April 1 through October 31, which is an account's allowance for indoor water use.

Irrigation season budget shall mean the calculated monthly water allowance for the months of April 1 through October 31, which is based on landscaped area and ET (evapotranspiration) requirements.

Irrigation season excess shall mean the consumption for a meter-reading period during the months of April 1 through October 31 that exceeds the sum of the monthly AWMC and the monthly budget.

Multifamily shall mean master metered residential attached dwelling units, including apartments, condominiums, and mobile homes serving interior and exterior (outdoor/irrigation) water use from one (1) service connection.

Multifamily indoor use only shall mean master metered residential attached dwelling units, including apartments, condominiums and mobile homes, serving interior water use from one (1) service connection. Exterior (irrigation) water service is served by a dedicated separately metered water service connection.

Non-single-family customer shall mean all customers other than:

1. One-family dwellings, under Section 17.08.130 of this Code; or
2. Two-family dwellings under Section 17.08.140 of this Code.

Revenue stabilization reserve shall mean a cash reserve that can be drawn upon during revenue shortfalls resulting from lower-than-expected customer consumption.

Single-family customer shall mean a customer residing in a residence defined as a one-family dwelling under Section 17.08.130 of this Code, or a two-family dwelling under Section 17.08.140 of this Code.

Water budget shall mean tailored water use allocations developed for each customer with rates that increase as the allocation is exceeded.

1. Water budget base rates shall be established to:

a. Identify customer-specific monthly budgeted amounts of water that vary by landscaped area and weekly historical evapotranspiration (ET); and

b. Charge volume rates per unit of water use that vary by consumption block.

2. A monthly water budget is equal to the AWMC and the amount of water allocated to a customer based on that customer's landscaped area in square feet determined by the Town and eighty percent (80%) of the monthly required watering needs for turf per square foot of landscaped area based on the historical evapotranspiration rate. For single-family customers, the landscaped area is subject to an irrigated area cap of seven thousand (7,000) square feet for calculation of the water budget. The monthly irrigation requirements for turf vary throughout the year; therefore, the monthly budgets will vary while the landscaped area is held constant. Customers are billed for the amount of water used each month in comparison to the monthly water budget. If a customer's water use exceeds the monthly budget, the amount billed per one thousand (1,000) gallons of water used increases for the amount over the budget.

3. The water budget-based thresholds define the blocks of consumption for calculating an individual customer's monthly bill. The threshold represents the maximum usage in each consumption block for which a customer will be billed a specific rate per one thousand (1,000) gallons of use.

4. For all customers with irrigation, excluding irrigation-only customers, there are two (2) block thresholds during the irrigation season: the AWMC and the monthly irrigation budget. There are three (3) consumption blocks for these customers: AWMC, budget and excess as defined in this Section. During the winter season, there is one (1) block threshold, the AWMC; there are two (2) consumption blocks, AWMC and excess.

5. For all customers: with indoor use only, there is one (1) block threshold during both irrigation and winter seasons: AWMC. There are two (2) consumption blocks for these customers: AWMC and excess.

6. Irrigation-only customers are subject to one (1) block threshold during the irrigation season, which is the individual monthly irrigation budget. Irrigation customers are subject to two (2) consumption blocks during the irrigation season budget and excess. During the winter season, there is one (1) consumption block: excess.

Water Budget-Based Block Thresholds

<i>Irrigation Season – April 1 through October 31 Consumption</i>			
<i>Class</i>	<i>Block 1 – AWMC</i>	<i>Block 2 – Irrigation</i>	<i>Block 3 – Excess</i>
Residential	AWMC	Budget	Excess
Multi-family indoor use only	AWMC	N/A	Excess
Multi-family with irrigation	AWMC	Budget	Excess
Commercial indoor use only	AWMC	N/A	Excess
Commercial with irrigation	AWMC	Budget	Excess

Irrigation	N/A	Budget	Excess
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<i>Winter Season – November 1 through March 31 Consumption</i>			
<i>Class</i>	<i>Block 1 – AWMC</i>	<i>Block 2 – Irrigation</i>	<i>Block 3 – Excess</i>
Residential	AWMC	N/A	Excess
Multi-family indoor use only	AWMC	N/A	Excess
Multi-family with irrigation	AWMC	N/A	Excess
Commercial indoor use only	AWMC	N/A	Excess
Commercial with irrigation	AWMC	N/A	Excess
Irrigation	Excess	N/A	Excess

Winter season AWMC shall mean the AWMC calculated for the previous months of December, January, February and March to be used during the months of November 1 through March 31, which is an account's allowance for indoor water use.

Winter season excess shall mean the consumption for a reading period during the months of November 1 through March 31 that exceeds the monthly AWMC. (Ord. 2010-34 §2, 2010)

13.12.112 Service charges, all users, excluding bulk.

Beginning with water service provided on or after January 1, 2011, the Town is empowered to levy and collect the following monthly charges for water service within its corporate limits during the calendar years as noted:

All users, excluding Bulk Water Service Charge (\$ by meter size)

<i>Meter Size</i>	<i>2011</i>	<i>2012</i>	<i>2013</i>	<i>2014</i>	<i>2015 and thereafter</i>
$\frac{5}{8}$ " x $\frac{3}{4}$ "	\$12.52	\$12.97	\$ 13.68	\$14.43	\$15.22
$\frac{3}{4}$ " x $\frac{3}{4}$ "	\$12.52	\$12.97	\$ 13.68	\$14.43	\$15.22
1"	15.16	16.07	16.95	17.88	18.86
1½"	18.37	19.83	20.92	22.07	23.28
2"	22.94	25.18	26.56	28.02	29.56
3"	32.93	36.89	38.92	41.06	43.32
4"	66.07	75.72	79.88	84.27	88.90
6"	99.71	115.15	121.48	128.16	135.21

**Water Volume Rate All Users, excluding Bulk
(\$ per 1,000 gallons)**

Irrigation Season — April 1 through October 31 Consumption															
Class	Block 1 AWMC					Block 2 Irrigation					Block 3 Excess				
	2011	2012	2013	2014	2015 and thereafter	2011	2012	2013	2014	2015 and thereafter	2011	2012	2013	2014	2015 and thereafter
Residential	\$2.51	\$2.65	\$2.80	\$2.95	\$3.11	\$4.96	\$5.23	\$5.52	\$5.82	\$6.14	\$7.45	\$7.86	\$8.29	\$8.75	\$9.23
Multi-family Indoor Use Only	2.51	2.65	2.80	2.95	3.11	N/A	N/A	N/A	N/A	N/A	3.71	3.91	4.13	4.36	4.60
Multi-family with Irrigation	2.51	2.65	2.80	2.95	3.11	4.11	4.34	4.58	4.83	5.10	6.17	6.51	6.87	7.25	7.65
Commercial- Indoor Use Only	2.51	2.65	2.80	2.95	3.11	N/A	N/A	N/A	N/A	N/A	3.92	4.14	4.37	4.61	4.86
Commercial with Irrigation	2.51	2.65	2.80	2.95	3.11	4.65	4.91	5.18	5.46	5.76	6.97	7.35	7.75	8.18	8.63
Irrigation	N/A	N/A	N/A	N/A	N/A	7.07	7.46	7.87	8.30	8.76	10.60	11.18	11.79	12.44	13.12
Winter Season — November 1 through March 31 Consumption															
Residential	\$2.51	\$2.65	\$2.80	\$2.95	\$3.11	N/A	N/A	N/A	N/A	N/A	\$4.96	\$5.23	\$5.52	\$5.82	\$6.14
Multi-family Indoor Use Only	2.51	2.65	2.80	2.95	3.11	N/A	N/A	N/A	N/A	N/A	3.71	3.91	4.13	4.36	4.60
Multi-family with Irrigation	2.51	2.65	2.80	2.95	3.11	N/A	N/A	N/A	N/A	N/A	4.11	4.35	4.58	4.83	5.10
Commercial - Indoor Use Only	2.51	2.65	2.80	2.95	3.11	N/A	N/A	N/A	N/A	N/A	3.92	4.14	4.37	4.61	4.86
Commercial with Irrigation	2.51	2.65	2.80	2.95	3.11	N/A	N/A	N/A	N/A	N/A	4.65	4.91	5.18	5.46	5.76
Irrigation	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	10.60	11.18	11.79	12.44	13.12

Plus:

Renewable Water Service Charge

<i>Meter Size</i>	<i>2011</i>	<i>2012</i>	<i>2013</i>	<i>2014</i>	<i>2015 and thereafter</i>
$\frac{5}{8}$ " x $\frac{3}{4}$ "	\$23.00	\$23.87	\$24.78	\$25.72	\$29.32
$\frac{3}{4}$ " x $\frac{3}{4}$ "	\$23.00	\$23.87	\$24.78	\$25.72	\$29.32
1"	\$87.17	\$90.48	\$93.92	\$97.49	\$111.14
1½"	\$164.91	\$171.18	\$177.68	\$184.43	\$210.25
2"	\$275.77	\$286.25	\$267.13	\$308.42	\$351.60
3"	\$517.96	\$537.64	\$558.07	\$579.28	\$660.38
4"	\$1,321.35	\$1,371.56	\$1,423.68	\$1,477.78	\$1,684.67
6"	\$2,136.93	\$2,218.13	\$2,302.42	\$2,389.91	\$2,724.50

Plus: Any applicable surcharges imposed under Subsection 13.15.040.C. (Ord. 2011-21 §10, 2011; Ord. 2010-34 §3, 2010)

13.12.114 Reserved.

13.12.116 Service charges, bulk.

Bulk Customer Water Service Charge
(\$ per monthly bill — includes up to 15,000 gallons)

<i>2011</i>	<i>2012</i>	<i>2013</i>	<i>2014</i>	<i>2015 and thereafter</i>
\$81.37	\$85.57	\$90.33	\$95.28	\$100.57

Plus:

Water Volume Rate
(\$ per 1,000 gallons — for usage over 15,000 gallons)

<i>2011</i>	<i>2012</i>	<i>2013</i>	<i>2014</i>	<i>2015 and thereafter</i>
\$4.59	\$4.84	\$5.11	\$5.39	\$5.69

Plus:

Renewable Water Volume Rate
(\$ per 1,000 gallons usage)

<i>2011</i>	<i>2012</i>	<i>2013</i>	<i>2014</i>	<i>2015 and thereafter</i>
\$0.48	\$0.50	\$0.52	\$0.54	\$0.61

(Ord. 2010-34 §5, 2010)

13.12.118 Service charges, wastewater.

Beginning with wastewater service provided on or after January 1, 2011, the Town is empowered to levy and collect the following monthly charges for wastewater services within its corporate limits during the calendar years noted:

Wastewater Service Charge Service Charge (\$ meter size)

<i>Meter Size</i>	<i>2011</i>	<i>2012</i>	<i>2013</i>	<i>2014</i>	<i>2015 and thereafter</i>
5/8" x 3/4"	\$10.10	\$10.84	\$11.61	\$12.44	\$13.33
3/4" x 3/4"	\$10.10	\$10.84	\$11.61	\$12.44	\$13.33
1"	\$13.37	\$14.74	\$15.79	\$16.91	\$18.11
1 1/2"	\$17.34	\$19.47	\$20.86	\$22.35	\$23.94
2"	\$23.00	\$26.22	\$28.09	\$30.09	\$32.23
3"	\$35.37	\$40.95	\$43.87	\$46.99	\$50.34
4"	\$76.40	\$89.82	\$96.22	\$103.07	\$110.41
6"	\$118.04	\$139.43	\$149.36	\$159.99	\$171.38

Plus:

Wastewater Volume Rate (\$ per 1,000 gallons of AWMC)

<i>2011</i>	<i>2012</i>	<i>2013</i>	<i>2014</i>	<i>2015 and thereafter</i>
\$5.70	\$6.15	\$6.59	\$7.06	\$7.56

(Ord. 2011-21 §11, 2011; Ord. 2010-34 §6, 2010; Ord. 2008-13 §1, 2008; Ord. 2007-42 §1, 2007; Ord. 2006-51 §1, 2006; Ord. 2006-13 §1, 2006; Ord. 2004-58 §2; Ord. 2002-20 §1, 2002; Ord. 2002-10 §1, 2002; Ord. 2000-06 §1, 2000; Ord. 99-38 §1, 1999; Ord. 99-19 §3, 1999; Ord. 98-40 §1, 1998; Ord. 97-23 §1, 1997; Ord. 97-18 §1(part), 1997; Ord. 97-09 §1, 1997; Ord. 96-21 §1(part), 1996; Ord. 94-23 §1, 1994; Ord. 93-7 §1, 1993; Ord. 93-5 §2(part), 1993)

13.12.120 Metering of services.

All water service shall be authorized and metered by the Town. Meter removal, meter tampering, meter bypassing or any other acts which deliberately compromise the Town's accurate metering of water service are prohibited. The Town is authorized to immediately terminate water service to any improvements upon evidence of meter removal, meter tampering, meter bypassing or any other acts which deliberately compromise the Town's accurate metering of water service. Termination of water service to inhabited improvements shall be in accordance with Chapter 13.14. (Ord. 97-18 §1(part), 1997; Ord. 96-21 §1(part), 1996; Ord. 93-5 §2(part), 1993)

13.12.130 Senior citizen discount.

A. There shall be a discount upon the base water rate charged of three dollars (\$3.00) per SFE per month for senior citizen customers within the municipal limits of the Town who meet the following criteria:

1. The customer is over the age of sixty-five (65) effective the date of usage of the service. It shall be proper to determine such discount on a pro rata basis when the sixty-fifth birthday of the customer occurs during a billing cycle; and

2. The senior citizen must own and reside within the premises being served, or reside within the premises being served with the condition that the water service charge be paid by the senior citizen as a tenant.

B. Where the senior citizen resides in a multifamily dwelling unit, there must be a separate metering of the senior citizen's premises in order to effect the discount, unless it is determined by the Town Manager or his or her designee that such multi-family dwelling is properly designated and restricted for occupancy only by senior citizen persons and the SFE discount can then be applied uniformly to the entire premises. Where two (2) or more persons reside upon the same premises and are responsible for the water usage billing upon the premises, they all must have attained the age of sixty-five (65), unless the number of responsible persons is two (2) and they are married or related by blood within four (4) degrees (includes siblings, parent-child, first cousins), in which case the discount shall be available upon the first to reach the age of sixty-five (65). No discount shall be effective until the person desiring such discount shall display sufficient evidence of such age to the Town. In no event shall the discount be retroactive beyond the effective date of the ordinance codified in this Section or the current billing cycle when the discount is requested.

C. Residential property owners who are leasing or renting to senior citizens must provide appropriate evidence to the Utility Billing Department of the Town of such application. The evidence must include a copy of the lease, rental agreement or other agreement which provides that the senior citizen is responsible to the property owner for the payment of the water service charges. The appropriateness of the discount may be reviewed annually from the date of the first application. (Ord. 97-18 §1(part), 1997; Ord. 96-21 §1(part), 1996; Ord. 93-5 §2(part), 1993)

13.12.140 Special contracts.

A. The Town Council reserves the right to determine all fees and charges to users not specifically covered by the schedules enumerated in this Chapter, including fees and charges under extraterritorial service contracts.

B. The Town Manager may authorize temporary or one-time water rates for civic functions, governmental cooperation or other extenuating circumstances as deemed necessary for the benefit of the Town. (Ord. 97-18 §1(part), 1997; Ord. 96-21 §1(part), 1996; Ord. 93-5 §2(part), 1993)

13.12.150 Violations; penalty.

A. Any person who violates any of the provisions of this Chapter shall be punished by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment not to exceed one (1) year, or by both such fine and imprisonment.

B. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation is committed, continued or permitted by any such person.

C. The Town may seek to recover all present and future damages, costs and other relief to which the Town is entitled and obtain any available judicial remedies related to any violation of the provisions of this Chapter. (Ord. 97-18 §1(part), 1997; Ord. 96-21 §1(part), 1996; Ord. 93-5 §2(part), 1993)

Chapter 13.14

Utility Billing and Collection

- 13.14.010 Purpose**
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- 13.14.120 Computation of time**
- 13.14.130 Designated official**
- 13.14.140 Violations and penalties**

13.14.010 Purpose.

The purpose of this Chapter is to provide uniform systems and procedures for the billing and collection of the charges for services imposed by Chapter 13.12, surcharges imposed by Chapter 13.15, fees imposed by Chapter 13.30 and other applicable provisions of this Code, to ensure:

A. Timely and complete payment of all utility charges arising from utility services supplied to customers or from charges assessed under this Chapter; and

B. That customers are given adequate notice and opportunity to dispute the correctness of utility charges prior to termination of utility service for nonpayment. (Ord. 2001-59 §1, 2002; Ord. 97-18 §1(part), 1997; Ord. 96-21 §1(part), 1996; Ord. 93-5 §2(part), 1993)

3.14.020 Reserved.

13.14.030 Application for utility services.

A. The owner of real property desiring utility services shall complete and submit to the Town a "utility service application and agreement." Execution of such agreement shall be a condition to the Town's service obligation. The utility service application and agreement shall contain, at a minimum, the following information:

1. The name and signature of the applicant(s) who is (are) the owner of the property to be served;
2. The street address, including apartment or unit number, and the legal description of the property to be supplied utility services;
3. The address to which utility billings and notices are to be mailed, if the address is different from the address to which utility services are requested to be furnished;
4. The name and address of the person(s) to whom utility billings are being mailed, if the name is different from the applicant;
5. Statement of equitable interest, if real property interest is not by deed;
6. Utility services that are being requested: water, sewer and/or other services;
7. Statement that full and complete payment of a utility bill must be made no later than the payment date stated on the monthly utility bill, which payment date shall be at least twenty (20) calendar days from the date of the utility bill, and that failure to pay timely and completely by the due date the total amount stated in a utility bill shall result in:
 - a. Addition of a penalty late charge of ten dollars (\$10.00) per SFE,
 - b. Termination of utility service,
 - c. Assertion of a lien against the real property in order to collect the amounts due, and/or
 - d. Commencement of legal action to collect amounts due;
8. Acknowledgement that the owner is primarily responsible for the timely and complete payment of all utility charges arising from utility service supplied to the property identified in the utility service application and agreement form, irrespective of the billing to or historic payment by a tenant;
9. Acknowledgement that surcharges may be added to the water bill pursuant to Chapter 13.15 for violation of water conservation restrictions;
10. Written assurance to the prospective customer that the customer shall receive, upon request, a copy of the ordinance codified in this Chapter and all regulations promulgated under it;
11. Acknowledgement that the customer understands the customer's rights in the event of receipt of notice of rejection or disconnection, and the obligation of the customer to inform the Town, in writing, of: change of the designated billing address, change in service provided or requested, and such other changes affecting services provided or to be provided;
12. Statement by the applicant that the information supplied by the prospective customer is factual, and that in the event improper, less than accurate, false or misleading information is given by the prospective customer, the Town may, upon ascertainment of the true facts, bill as utility

charges for any and all amounts which should have been charged and as are proper and appropriate under the circumstances;

13. If requesting the senior citizen discount, the prospective customer must provide the information and documentation required by Section 13.12.130;

14. Acknowledgement that the prospective customer is obligated for the Town's collection costs, including attorney's fees on delinquent accounts; and

15. Notice that the customer may call an information number during business hours which shall be listed on the utility bill, in order to:

- a. Dispute the amount of the utility charges and/or penalty late charges,
- b. Avoid the termination of utility service for nonpayment of the total amount shown on the utility bill,
- c. Request the restoration of utility services, and
- d. Request answers to any other questions regarding utility services.

B. If utility services shall not be supplied to the property for which requested, a notice of rejection shall be sent to the prospective customer at the billing address and to known renters' units listed in the utility service application and agreement. Such notice shall state the specific reasons why services will not be supplied. Utility services shall not be supplied to any prospective customer if that customer has outstanding and unpaid utility charges relative to either the real property for which utility services are being requested and/or relative to any and all other real property in which the prospective customer has or has had an interest. A notice of rejection may be disputed in accordance with the procedure of Section 13.14.080.

C. A deposit equal to one hundred dollars (\$100.00) per SFE for each new service address shall be required except for a single-family residential unit where the applicant furnishes the Town a letter of reference from a utility firm stating the customer was provided service by the utility company within the past twelve (12) consecutive months, the customer's account has been paid in full, the account had not been disconnected from service due to late payments and that no more than two (2) delinquent or late payment charges have been incurred during the past twelve (12) months. Those new service customers required to make a deposit of one hundred dollars (\$100.00) per SFE shall receive a refund at such time as the owner has maintained utility billings for a period of one (1) year or longer with no disconnection from service due to late payments and that no more than two (2) delinquency charges has been incurred. The deposit plus five percent (5%) per annum interest thereon shall be applied to the billing. In the event the service is earlier terminated, the remaining deposit shall be returned to the owner with like interest. All, or any portion of, the deposit may be applied toward payment of any utility bill not paid by the due date.

D. The provisions of this Chapter shall apply equally to all existing customers of the utility systems, even though a utility service application agreement has not been executed. (Ord. 97-18 §1(part), 1997; Ord. 96-21 §1(part), 1996; Ord. 93-5 §2(part), 1993)

13.14.040 Utility bill and penalty charges.

A. A utility bill shall be mailed monthly for utility services supplied for the prior month and will be prorated for a partial month when there are ownership and billing changes. The utility bill shall contain the following information:

1. The reading date of utility service covered by the utility bill;
2. The utility charges and/or miscellaneous charges where applicable, including any surcharges or fees imposed pursuant to Chapters 13.15 or 13.30;
3. The date of the utility bill;
4. The date when complete payment is due at the Town, which shall be at least twenty (20) calendar days from the date of the utility bill; and
5. Notice whether the utility bill is based on an actual or an estimated measurement of the amount of utility service supplied.

B. When due to unexpected circumstances preventing a meter reading, the reading may be estimated based on the usage during the same month of the preceding year. When a reading is estimated, the utility bill shall be adjusted in the following month to reflect actual usage.

C. Total payment of a utility bill must be made at the Town by the close of business on the due date on the utility bill, which due date shall be at least twenty (20) calendar days from the date of the utility bill. Failure to pay a utility bill timely and completely shall result in a late charge of five dollars (\$5.00) per SFE.

D. Payments received on a utility bill shall be applied to amounts due in the following order: late charges; stormwater fees; surcharges imposed pursuant to Chapter 13.15; charges applicable to potable water, sewer and nonpotable irrigation services. (Ord. 2001-59 §3, 2002; Ord. 99-19 §1, 1999; Ord. 97-18 §1(part), 1997; Ord. 96-21 §1(part), 1996; Ord. 93-5 §2(part), 1993)

13.14.050 Customer information.

During the Town's regular business hours, Town staff shall provide information on the following:

- A. The procedure to dispute a utility charge and/or a penalty late charge;
- B. The procedure to avoid termination of utility services due to nonpayment of utility charges and/or penalty late charges;
- C. The procedure for tenants to avoid termination of utility services due to their landlord's nonpayment of utility charges and penalties; and
- D. The procedure to obtain reinstatement of utility services. (Ord. 97-18 §1(part), 1997; Ord. 96-21 §1(part), 1996; Ord. 93-5 §2(part), 1993)

13.14.060 Utility services discontinuance liens.

A. In the event utility charges are not paid in full when due, utility services to the property may be disconnected in conformance with the provisions of this Chapter, and the amount of the delinquent utility charges, together with late charges, collection costs and other assessments or charges imposed pursuant to this Chapter, shall constitute a lien upon the real property benefited by the service.

B. Notice of lien shall be prepared and filed by the Town Clerk with the Clerk and Recorder of the County, at any time after payment of the utility charges is delinquent, provided that notice of lien shall not be recorded until all administrative appeals as provided in this Chapter have concluded. Such notice of lien shall include:

1. Name(s) of the owner(s) of the property;
2. Legal description of the property as tax assessed by the County Assessor and number and street address of the property to which the notice of lien is applicable;
3. Nature of the lien; and
4. That notice of lien is given pursuant to this Section of this Chapter. A copy of such notice shall be mailed to the billing address of the owner.

C. In addition, the Assistant Town Manager or designee may certify the utility charges, assessments and costs to the County Treasurer, to be placed upon the tax list for the current year to be collected in the manner as other taxes are collected, with ten percent (10%) added thereto to defray the cost of collection. All laws of the State for the assessment and collection of general taxes shall apply, including the laws for the sale of property for taxes and redemption of the same. Upon payment or collection of the delinquent account, the Town shall promptly record a release of lien. (Ord. 2006-26 §15, 2006; Ord. 97-18 §1(part), 1997; Ord. 96-21 §1(part), 1996; Ord. 93-5 §2(part), 1993)

13.14.070 Utility service disconnection procedure.

A. The provisions of this Section shall govern all disconnections of utility service for nonpayment of utility charges or for any other cause for which disconnection is authorized under this Code. If payment is not received by the payment due date shown on a utility bill or upon discovery of other cause for disconnection, the Town shall mail to the customer and the occupant at the service address the notice of disconnection. A fifteen-dollar disconnection notice fee shall be imposed on each delinquent account where a disconnect notice has been mailed. Service of such notice shall be deemed made on the date deposited in the mail, postage prepaid.

B. The notice of disconnection shall contain the following:

1. The name and address of the customer.
2. The address of the customer which the owner has designated as the billing address.
3. The service address as furnished by the customer.

4. The amount to be paid or other basis for disconnection.
5. The date of the notice of disconnection.
6. The date of disconnection, which shall be at least ten (10) calendar days from the date of service of the notice of disconnection.
7. Notice that, unless the Town receives complete payment of the amount shown prior to the date of termination, utility service shall be disconnected as provided for in this Section.
8. Notice that, in lieu of paying the entire amount shown, a customer, prior to the date of disconnection, may notify the Town in writing that the customer disputes the correctness of all or part of the amount shown, if all or part of the amount shown was not the subject of a previous dispute, and exercise the right to formally appeal the disconnection in accordance with Section 13.14.080 below.
9. Location and times where payments can be made. (Ord. 2007-11 §1, 2007; Ord. 2001-59 §4, 2002; Ord. 97-18 §1(part), 1997; Ord. 96-21 §1(part), 1996; Ord. 93-5 §2(part), 1993)

13.14.080 Customer dispute and administrative appeal.

A. The Utility Department may informally adjust or correct the utility billing or charges for good cause shown, including incorrect or unsubstantiated meter reading, data input error or erroneous SFE assessment. If the customer makes a request for adjustment prior to the due date and the utility bill is reduced, the due date of the utility bill for the purpose of imposition of the late charge shall be extended to five (5) days after the Utility Department adjusts the billing and mails or delivers notice of such adjustment to the customer.

B. Upon issuance of a notice of disconnection in accordance with Section 13.14.080, a customer shall be entitled to formally appeal the correctness of all or part of the utility bill, provided that the dispute was not the subject of a prior dispute and resolution. The procedure for appeal of a disputed utility bill shall be as follows:

1. Within ten (10) days after the date of the disconnect notice or rejection notice, the customer shall notify the Utility Director or other designated official, in writing, that the customer disputes all or part of the amount(s) shown on the utility bill or a notice of disconnection or the other grounds of disconnection, stating as completely as possible the basis for the dispute.
2. If the Utility Director determines that the present dispute is untimely or that the customer previously disputed the correctness of all or part of the amount(s) shown, the Utility Director shall mail a notice to the customer stating that the present dispute is untimely or invalid. The Town shall then proceed as if the customer had not notified the Town of the present dispute.
3. If the Town determines that the present dispute is not untimely or invalid under this Section, the Town, within five (5) business days after receipt of the customer's notice, shall arrange a formal hearing before the Town Manager or his or her designee (the "official"). The customer is obligated to make known to the Town convenient times for the hearing.

4. The formal hearing before the official shall be held within ten (10) days of the Town's receipt of the customer's written request.

5. At the hearing, the Town and the customer shall be entitled to present all evidence that is, in the hearing official's view, relevant and material to the dispute, and to examine and cross-examine witnesses. The Town may establish rules and procedure governing the hearing. A tape recorded record of the hearing shall be maintained.

6. Based on the record established at the hearing, the official, within five (5) days of completion of the hearing, shall issue a written decision formally resolving the dispute. Such decision shall be final and binding upon the Town and the customer and shall constitute the final administrative action by the Town. Notice of the official's decision shall be mailed or delivered to the owner and occupant.

7. Failure of the customer to meet any submittal deadline or to attend the appeal hearing, except for good cause shown, shall constitute an abandonment of the appeal. The official may extend any deadline or hearing date for up to ten (10) business days, for good cause, upon request of either the customer or the Town's administrative official.

C. Utilization of this dispute procedure shall not relieve a customer of his or her obligation to pay, timely and completely, all other undisputed utility charges and penalty late charges and the undisputed utility charges and penalty late charges and the undisputed portion(s) of the amount(s) which is (are) the subject of the present dispute. Until the date of the official's decision, the Town shall not disconnect the utility services of the customer. (Ord. 97-18 §1(part), 1997; Ord. 96-21 §1, 1996; Ord. 93-5 §2(part), 1993)

13.14.090 Limitations on disconnection and disconnection fees.

A. The Town shall disconnect utility service for nonpayment of utility charges (including delinquent charges) only during the hours of 9:00 a.m. to 3:00 p.m., Monday through Thursday.

B. No disconnections shall be permitted on a legal holiday or on the day before a legal holiday. A twenty-five-dollar disconnect service charge shall be imposed on each delinquent account disconnected from service. Prior to the account reconnection for utility service, all utility service charges, delinquent late fees, disconnect notice fees and disconnection fees shall be paid in full. A disconnection of service shall be when a Town representative has been dispatched and arrives at the service address prior to the customer making full payment of the account at the Town Hall business address.

C. No disconnection shall be permitted on a day when the low temperature within the previous twenty-four (24) hours, as reported by the National Weather Service at the official Denver station, was below zero degrees (0°) Fahrenheit. (Ord. 2007-11 §2, 2007; Ord. 99-19 §2, 1999; Ord. 97-18 §1(part), 1997; Ord. 96-21 §1, 1996; Ord. 93-5 §2(part), 1993)

13.14.100 Unlawful misrepresentation.

It shall be unlawful for any person not a legal or equitable owner of a specific property, receiving or requesting Town utility services for such real property, to represent upon a utility services

application and agreement that such person is a legal or equitable owner of the real property receiving or requesting Town utility services. (Ord. 97-18 §1(part), 1997; Ord. 96-21 §1, 1996; Ord. 93-5 §2(part), 1993)

13.14.110 Regulations.

The Utility Director or other designated official is authorized to develop all written rules and regulations necessary to implement the provisions of this Chapter, subject to the approval of the Town Manager. (Ord. 97-18 §1(part), 1997; Ord. 96-21 §1, 1996; Ord. 93-5 §2(part), 1993)

13.14.120 Computation of time.

In computing any period of time prescribed by this Chapter, the day of the act or event from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, a Sunday or a legal Town holiday, in which event the period runs until the next day which is not a Saturday, a Sunday or a legal Town holiday. When the period of time prescribed is less than seven (7) days, intermediate Saturdays, Sundays and legal Town holidays shall be excluded in the computation. (Ord. 97-18 §1(part), 1997; Ord. 96-21 §1, 1996; Ord. 93-5 §2(part), 1993)

13.14.130 Designated official.

The responsibility or obligation designated to a specific Town official under this Chapter may be reassigned by authority of the Town Manager. (Ord. 97-18 §1(part), 1997; Ord. 96-21 §1, 1996; Ord. 93-5 §2(part), 1993)

13.14.140 Violations and penalties.

A. Any person who violates any of the provisions of this Chapter shall be punished by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment not to exceed one (1) year, or by both such fine and imprisonment.

B. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation is committed, continued or permitted by any such person.

C. The Town may seek to recover all present and future damages, costs and other relief to which the Town is entitled and obtain any available judicial remedies related to any violation of the provisions of this Chapter. (Ord. 97-18 §1(part), 1997; Ord. 96-21 §1, 1996; Ord. 93-5 §2(part), 1993)

Chapter 13.15

Water Restrictions

13.15.010 Definitions

13.15.020 Regulations

13.15.030 Alternative schedules

13.15.040 Surcharges

- 13.15.050 Enforcement**
- 13.15.060 Appeals**
- 13.15.070 Other actions authorized**
- 13.15.080 Restrictive covenants**

13.15.010 Definitions.

The following terms used in this Chapter are defined as follows:

Irrigation season means the period between May 1 and September 30, inclusive, of each year.

Owner means the person or entity who is the owner of the real property receiving utility services, as shown in the public records of the County Assessor; provided, however, that if title is held in representative capacity, or the right to possession, use and control of the property has been judicially vested in another party, such equitable owner(s) shall have the rights and responsibilities afforded and imposed by this Chapter.

Program Administrator means the Town Manager of the Town of Castle Rock, or his or her designee.

Responsible party means the person or group identified by the owner as such, including property manager or homeowner's association representative.

Utility bill means the periodic statement of utility charges issued in accordance with Section 13.14.040. (Ord. 2000-10 §1(part), 2000; Ord. 97-18 §1(part), 1997; Ord. 93-5 §2(part), 1993)

13.15.020 Regulations.

The following regulations shall apply to the time and date for use of water for lawn and landscaping irrigation during the irrigation season:

A. Permissible irrigation hours shall be dictated by the Program Administrator sixty (60) days prior to the onset of restrictions.

B. In order to stagger the demand on the Town's water delivery system during the irrigation season, watering shall be restricted to every third day in accordance with the following procedure:

1. Properties with an assignment address ending in digit zero (0) through three (3) is designated by a square (□), digit four (4) through six (6) by a circle (○) and digit seven (7) through nine (9) by a diamond (◇).

2. Those properties for which several taps, services and/or addresses exist, the appropriate designated schedule shall be determined by Town staff, no later than two (2) weeks prior to the onset of restrictions.

C. Annually, not later than thirty (30) days prior to commencement of the irrigation season, the Program Administrator shall designate in writing the permissible watering days for each circle, square and diamond address, which shall be kept on file with the Town Clerk, posted in a conspicuous place at the Town's administrative offices and published at least twice in a newspaper of general

circulation; provided however, that the failure to make such timely designation shall not impair the enforceability of the ordinance codified in this Chapter for violations occurring after the date such designation is made. (Ord. 2000-10 §1(part), 2000; Ord. 99-10 §1, 1999; Ord. 97-18 §1(part), 1997; Ord. 93-5 §2(part), 1993)

13.15.030 Alternative schedules.

In the event the Program Administrator determines that a hardship/special circumstance exists for any owner, due to an irrigation requirement which cannot be met under the provisions of this Chapter, alternative schedules may be approved by the Program Administrator.

A. The owner shall complete and file with the Town an application for such exemption. Such application shall contain the applicant's name, the address of the premises requiring the exemption, the reason and hardship requiring the exemption, the approximate square footage requiring irrigation and a description of the type and form of material requiring irrigation.

B. If, upon review, the Program Administrator determines that granting of the exemption will not significantly impact the water system, the Program Administrator may issue an exemption certificate, stating appropriate conditions thereon, specifically including the effective date and the expiration date.

C. An administrative fee for issuance of the permit, not to exceed twenty-five dollars (\$25.00), may be imposed. (Ord. 2000-10 §1(part), 2000; Ord. 97-18 §1(part), 1997; Ord. 93-5 §2(part), 1993)

13.15.040 Surcharges.

A. Waste of potable water shall not be permitted. Waste is defined as applications of potable water which do not result in beneficial use of the water. Waste violations shall be those fines set forth in the Town's Water Use Management Plan in effect at the time of the use.

B. Single-family surcharges are intended to reinforce the Town's conservation policies and discourage customers from consuming excessive amounts of water.

C. Beginning January 1, 2011, a single-family customer (as defined in Section 13.12.111) using more than forty thousand (40,000) gallons of water in a billable month, shall be assessed a surcharge as follows:

Single-family Surcharges (Usage in excess of 40,000 gallons per billable month (\$ per 1,000 gallons)

<i>2011</i>	<i>2012</i>	<i>2013</i>	<i>2014</i>	<i>2015 and thereafter</i>
\$7.45	\$7.86	\$8.29	\$8.75	\$9.23

The surcharge shall be in addition to the monthly charges for water set forth in Section 13.12.112. (Ord. 2010-34 §8, 2010; Ord. 2009-32 §3, 2009; Ord. 2009-22 §1, 2009; Ord. 2007-43 §1, 2007; Ord. 2004-37 §1, 2004; Ord. 2000-10 §1(part), 2000; Ord. 97-18 §1(part), 1997; Ord. 93-5 §2(part), 1993)

13.15.050 Enforcement.

A. The owner or responsible party shall be responsible for compliance with the provisions of this Chapter and will be subject to surcharges for noncompliance. Surcharges for violations of Sections 13.15.020 and 13.15.030 shall be those surcharges set forth in the Town's Water Use Management Plan in effect at the time of the violation.

B. The Town reserves the ability to immediately terminate irrigation or other wasting for due cause with the Program Administrator's approval, and not to be reinstated until the system or use comes into compliance with this Chapter. (Ord. 2004-37 §2, 2004; Ord. 2000-10 §1(part), 2000; Ord. 97-18 §1(part), 1997; Ord. 93-5 §2(part), 1993)

13.15.060 Appeals.

Appeals of such penalties may be brought before the Town Manager or such other person designated by the Town Manager to hear such appeals. The appeal process of Section 13.14.080 shall apply to such appeals. (Ord. 2000-10 §1(part), 2000; Ord. 97-18 §1(part), 1997; Ord. 93-5 §2(part), 1993)

13.15.070 Other actions authorized.

Nothing contained herein shall preclude the Town or its officials from pursuing further injunctive relief, requesting the court to issue a restraining order or injunction precluding an offender from further use of the Town's potable water system for outside irrigation, during the balance of the irrigation season. (Ord. 2000-10 §1(part), 2000; Ord. 97-18 §1(part), 1997; Ord. 93-5 §2(part), 1993)

13.15.080 Restrictive covenants.

A. Definitions.

Restrictive covenant means any form of declaration of covenants, design guidelines, policies, conditions, restrictions or similar nongovernmental mechanisms for controlling land use on private property, including rules, regulations or guidelines implemented under the authority of restrictive covenants. Restrictive covenants shall not include any Town code or regulation.

Turf or turf grass means continuous plant coverage consisting of hybridized grasses that, when regularly mowed, form a dense growth of leaf blades and roots.

B. No person shall enforce or seek to enforce any provision contained in any restrictive covenant that has the effect of requiring that an area of any lot, or any minimum percentage of a lot, be landscaped with turf grass. However, this prohibition shall not preclude the enforcement of restrictive covenants requiring the watering and regular maintenance of turf grass.

C. Any person who violates Subsection 13.15.080.B shall be punished by a fine of not more than one thousand dollars (\$1,000.00). Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation is committed, continued or permitted by any such person.

D. Any new restrictive covenant that prohibits or limits the installation or use of drought-tolerant vegetative landscapes is prohibited. (Ord. 2004-57 §1, 2004)

Chapter 13.16

Implied Consent to Groundwater Withdrawal

13.16.010 Implied consent to groundwater withdrawal

13.16.020 Requirement

13.16.010 Implied consent to groundwater withdrawal.

Groundwater from the Dawson, Denver, Arapahoe and Laramie-Fox Hills aquifers underlying the Implied Consent Area is incorporated into the actual municipal service plan of the Town. Upon the effective date hereof, the owners of the land within the Implied Consent Area shall be deemed to have consented to the withdrawal of all such groundwater by the Town, except that no such consent shall be deemed to be given with respect to any portion of the Implied Consent Area if:

A. Water service to such portion of the Implied Consent Area is not reasonably available from the Town to all of the landowners of such land, and no plan has been established by the Town allowing such landowners to obtain an alternative water supply;

B. Said groundwater has been conveyed or reserved, or consent to use such groundwater has been given or reserved in writing to anyone other than the Town, and such conveyance, reservation or consent was properly recorded before the effective date of Ordinance 97-17 codified herein;

C. Consent to use such groundwater has been given to anyone other than the Town by the lawful effect of an ordinance or resolution adopted prior to January 1, 1985;

D. Such groundwater has been decreed or permitted to anyone other than the Town prior to the effective date of Ordinance 97-17 codified herein;

E. Such portion of the Implied Consent Area is not being served with water by the Town as of the effective date of Ordinance 97-17 codified herein, and such groundwater is the subject of an application for determination of a right to use groundwater filed in the water court prior to July 1, 1985. (Ord. 97-18 §1(part), 1997; Ord. 97-17 §1(part), 1997; Ord. 93-5 §2(part), 1993)

13.16.020 Requirement.

By the Town obtaining the consent to withdraw groundwater underlying the Implied Consent Area, and irrespective of the actual water demand from any approved development within the Implied Consent Area, the owners of the properties comprising the Implied Consent Area shall be deemed to have satisfied the requirements under Town ordinances and regulations for the provision of water rights as a condition to development approvals. Conversely, such property owners shall not be entitled to any credit or other compensation or entitlement if the water underlying their respective properties exceeds the water demand for development of their properties. (Ord. 97-17 §1(part), 1997)

Chapter 13.20

Irrigated Public Area Water Conservation

- 13.20.010 Purpose and intent**
- 13.20.020 Applicability**
- 13.20.030 Definitions**
- 13.20.040 Landscape design and management plans**
- 13.20.050 Inventory and composite landscape water use rating**
- 13.20.060 Water use standards for irrigated public areas**
- 13.20.070 Waiver of standards and criteria**
- 13.20.080 Waste prohibited**

13.20.010 Purpose and intent.

It is the intent of the Town to promote the health, safety and welfare of its residents by establishing standards for the design, installation and maintenance of irrigated landscaping in public areas. The purpose of the standards set forth herein is to promote the conservation and efficient use of the Town's water resources. (Ord. 97-18 §1(part), 1997; Ord. 93-5 §2(part), 1993)

13.20.020 Applicability.

The provisions of this Chapter apply to all irrigated public areas within the municipal boundaries of the Town. No department of the Town shall approve, permit or install landscaping or an irrigation system on any property which is to be irrigated and/or maintained by the Town except in accordance with the provisions of this Chapter. (Ord. 97-18 §1(part), 1997; Ord. 93-5 §2(part), 1993)

13.20.030 Definitions.

The following terms used in this Chapter are defined as follows:

Composite landscape water use rating means the area weighted average of the landscape water use ratings for all landscape zones within a project or the Town as a whole. It is defined as the sum of the products of the landscape water use rating and the irrigated area (in square feet) for each landscape zone divided by the total area of all zones. The composite landscape water use rating is expressed by the following formula:

$$\text{Formula 13-01 CLWUR} = \sum_{k=1}^N \text{LWUR}_k * \text{IA}_k / \text{TA}$$

Where CLWUR = Composite landscape water use rating
LWUR_k = Landscape water use rating for each landscape zone
IA_k = Irrigated area (in square feet) for each landscape zone
TA = Total area (in square feet) for all landscape zones included in the composite

The composite landscape water use rating is computed for a project using all landscape zones shown on the landscape design and management plan. The composite rating for the Town is computed using all zones for all irrigated public areas in the Town.

Effective date. The effective date of this Chapter is September 1, 1990.

Establishment water requirement means the amount of water (expressed in inches) in excess of natural precipitation required during the first year from the date of planting to establish vegetative landscaping within a zone.

High water use zone means the high water use zone which is normally associated with bluegrass turf, although it may include any landscaped area that is intensively irrigated. Plant materials in this zone require an average of twenty-five (25) inches of supplemental irrigation water during the growing season. High water use zone landscaping is required to employ water conserving techniques such as the incorporation of soil amendments, mulches and a properly designed irrigation system. The high water use zone is designated by the letter "H" and has a landscape water use (LWU) rating greater than 4.5.

Irrigated public area means a land area that is not native or natural open space and in which healthy vegetative growth is maintained by the application of water through an irrigation system. *Irrigated public areas* include, but are not necessarily limited to, any and all irrigated areas associated with all irrigated public lands and easements owned by the Town and/or any metropolitan district within the Town. *Irrigated public areas* include public street entrances, medians, parking lots and rights-of-way, public parks and recreation areas, and all areas either owned, maintained or irrigated at public expense by the Town or a metropolitan district. An irrigated public area is composed of one (1) or more landscape zone types.

Irrigation system means a permanent, artificial watering system designed to transport and deliver water to plants within a landscaped area.

Irrigation water requirement means the amount of water (expressed in inches) in excess of natural precipitation during a growing season, required to maintain established vegetation within a landscaped area in a healthy condition.

Landscape water use rating means a numeric rating assigned to a landscape zone that represents the irrigation water requirement. The LWU rating is computed by dividing the irrigation water requirement (in inches) for the zone by five (5.0) and is expressed by the following formula:

Formula 16-02 $LWUR = IWR/5.0$

Where LWUR = Landscape water use rating

 IWR = Irrigation water requirement (in inches of water)

The four (4) defined landscape zone types have LWU ratings within the following ranges:

<u>Landscape Zone</u>	<u>LWU Rating Range</u>
Very low water use	0.0 to 1.5
Low water use	+1.5 to 3.0
Moderate water use	+3.0 to 4.5
High water use	+4.5

Landscape zone means a specific area within a landscaped area which contains a group or grouping of plants or landscaped materials with a similar irrigation water requirement. A landscape zone is identified on a landscape design and management plan or inventory by a code consisting of

the first letter of the landscape zone type and a sequential zone number (i.e. V-5 for the fifth very low water use zone).

Landscape zone types are defined as follows:

Low water use zone means the low water use zone which provides moderate water savings as compared to traditional landscaping. Approximately ten (10) inches of supplemental water is required during the growing season. The plant materials that may be used within this zone are typically native species. Some moderate water use species may be used within this zone if they are situated on eastern or northern exposures. The low water use zone is designated by the letter "L" and has a landscaped water use (LWU) rating of greater than 1.5 and less than or equal to 3.0.

Moderate water use zone means the moderate water use zone which requires approximately fifteen (15) inches of supplemental water during the growing season. Landscaping in the moderate water use zones is required to employ water conserving techniques such as the incorporation of soil amendments, mulches and a properly designed irrigation system. The plant materials used in this zone include a variety of native hydrophilic or exotic species. The moderate water use zone is designated by the letter "M" and has a landscape water use (LWU) rating greater than 3.0 and less than or equal to 4.5.

Very low water use zone means the lowest water use zone where approximately five (5) inches of supplemental water are applied during the growing season. Maximum water use efficiency in landscaped areas is attained in this landscaping zone. The plant materials used within this zone are typically drought-tolerant natives. The very low water use zone is designated by the letter "V" and has a landscape water use (LWU) rating of 0 to 1.5.

Pre-existing irrigated public area means any irrigated public area installed prior to the effective date.

Xeriscape means a systematic approach to landscaping for water conservation that incorporates seven (7) principles to promote water-efficient landscaping. Xeriscape principles include: proper landscape planning and design, limiting the extent of high water demand landscaping area, use of water conserving plants and planting zones, soil improvements, the use of mulches, proper irrigation design and landscape maintenance. (Ord. 97-18 §1(part), 1997; Ord. 93-5 §2(part), 1993)

13.20.040 Landscape design and management plans.

A. Plan required. A landscape design and management plan is required for all irrigated public areas installed after the effective date. The plan shall be submitted to, reviewed and approved by the Town Manager or his or her designee. No building permit, development permit or water tap permit shall be issued prior to the approval of the plan.

B. Design concepts. Creative landscape, xeriscape and irrigation system design concepts shall be used in order to promote the conservation of water. Irrigation water requirements and the use of treated domestic water may be reduced by providing for:

1. Preservation of existing plant communities;

2. Reestablishment of native plant communities that do not require irrigation once established;
3. Limited amounts of high water use zone landscaping;
4. Use of shade trees to reduce transpiration rates of understory plants;
5. Utilization of landscape zones by grouping plants with similar water use requirements.
6. Improvement of soil by the addition of organic materials or high quality top soils;
7. Use of mulches to reduce soil temperatures and evaporation;
8. Proper irrigation system designed utilizing a zoned irrigation system;
9. Proper landscape maintenance; and
10. Utilization of treated wastewater effluent.

C. Plan submittal requirements. A landscape design and management plan shall:

1. Be drawn on sheets of twenty-four-inch by thirty-six-inch blue line or black line paper with a two-inch left border and one-inch borders on all other sides;
2. Be prepared at an appropriate scale of one (1) inch = twenty (20) feet or less and include a north arrow, scale both written and graphic, title block indicating the name of the project, its location, the date of preparation of the map, the name of the designer, an approved signature block and page number (if applicable);
3. Include a key or index on the first page if the plan contains more than one (1) page;
4. Show contours at two-foot intervals or less as appropriate;
5. Designate each landscape zone shown on the plan by zone type and a consecutive zone identification number. The first moderate landscape zone type, for instance, shall be designated M-1;
6. Identify existing structural features, including all streets, alleyways, driveways, sidewalks, trails, buried and overhead utilities, fences and walls, and recreation facilities within or adjacent to the landscaped area;
7. Identify for each landscape zone the square footage of the zone, the type and quantity of each plant and landscape material to be installed, the estimated irrigation water requirement and landscape water use rating;
8. Identify the location of each irrigation system zone and all components of the system, including the location and type of all controls, valves, fixed or buried water distribution lines, backflow prevention valves, moisture sensing devices, sprinklers and other water outlets;

9. Include a tabulation reflecting the total area within the plan and indicating each landscape zone designation, the square footage within the zone, the projected establishment water requirement and irrigation water requirement, the landscape water use rating for the zone as computed by Formula 16-02, and the composite landscape water use rating for the project as computed using Formula 16-01;

10. Include a tabulation specifying the maintenance requirements for each landscape zone, including the watering requirement for each month of the growing season in inches per month, any mechanical landscape treatment such as aeration or thatch removal that may be needed, fertilization, pruning, and irrigation system settings and system maintenance requirements.

D. Plan review criteria. Landscape design and maintenance plans shall be evaluated for their general compliance with the principles of xeriscape design and the following criteria:

1. Compliance with the requirements of Section 13.20.040C and compliance with the terms or conditions of any applicable code or ordinance of the Town;

2. Limitation on the amount of high water use zone landscaping to not more than thirty percent (30%) of the total landscaped area or a maximum of two (2) acres.

E. Plan approval. All landscape design and maintenance plans shall be approved by the Town Manager or his or her designee. Such approval shall be evidenced on the approval block of the plan.

F. Minor modifications. Minor modifications to an existing irrigated public area that do not result in a change to the landscape water use rating or management practices for a landscape zone shall not require the preparation of a new landscape design and management plan. All changes shall, however, be noted on the existing approved plan. (Ord. 97-18 §1(part), 1997; Ord. 93-5 §2(part), 1993)

13.20.050 Inventory and composite landscape water use rating.

A. An inventory of all irrigated public areas shall be compiled and maintained by the Town. The inventory shall consist of:

1. A listing of preexisting irrigated public areas and shall at a minimum include: a description of each irrigated public area and its location, its water service account number and service address, a brief description of the type of landscaping present, a general description of the type of irrigation system present, a summary of maintenance requirements, and the irrigation water requirement and irrigation water use rating.

2. A summary listing of the landscape design and management plans prepared for all irrigated public areas installed after the effective date. The summary shall include the project name, a listing of all landscape zones within the project, their land area and irrigation water requirement, and the landscape water use rating computed using Formula 16-02.

3. The composite landscape water use rating computed according to Formula 16-01 for:

a. Preexisting irrigated public areas identified in Section 13.20.050A1;

- b. Irrigated public areas installed after the effective date;
- c. All irrigated public areas within the Town (both a and b above).

B. The inventory is to be updated by April 1 of each year to include all irrigated public areas added during the previous calendar year. Inventory updates are also to include all changes made in the irrigation water requirement for any landscape zone within an irrigated public area. (Ord. 97-18 §1(part), 1997; Ord. 93-5 §2(part), 1993)

13.20.060 Water use standards for irrigated public areas.

A. The composite water use rating for the Town shall not exceed the numeric standards set forth below:

1. By May 1, 1991, the composite landscape water use rating for irrigated public areas existing on October 1, 1989, shall be reduced to a value equal to seventy percent (70%) of the composite landscape water use rating for those irrigated public areas;
2. A value of 2.5 for all irrigated public areas installed after the effective date of utilizing treated domestic water supplies or untreated nontributary or not-nontributary groundwater supplies;
3. A value of 3.5 for all irrigation of public areas installed after the effective date utilizing treated wastewater effluent.

B. The Town Manager shall certify to the Town Council the compliance of the Town with the standards set forth in this Section on or before April 15 of each year. The Town Manager may request a temporary waiver of these standards as provided in Section 13.20.070 if, in his or her opinion, there are special circumstances that merit such a waiver. (Ord. 97-18 §1(part), 1997; Ord. 93-5 §2(part), 1993)

13.20.070 Waiver of standards and criteria.

A. The Town Council may hold in abeyance for a period not to exceed eighteen (18) consecutive months by resolution, the irrigated public area water use standards set forth in Section 13.20.060 if warranted by special circumstances. Any request for a temporary waiver of the standards shall be accompanied by a plan which brings the Town into compliance with standards within the waiver period.

B. The Town Council may at its discretion waive the review criteria set forth in Section 13.20.040D2, provided that the standards set forth in Section 13.20.060 are met or temporarily waived as set forth above in Section 13.20.070A. (Ord. 97-18 §1(part), 1997; Ord. 93-5 §2(part), 1993)

13.20.080 Waste prohibited.

The waste of water as defined in Section 13.15.040 shall not be permitted. Any public or private entity responsible for the operation and maintenance of any irrigation system within an irrigated

public area shall be subject to sanction under Section 13.15.050 for the waste of water. (Ord. 97-18 §1(part), 1997; Ord. 93-5 §2(part), 1993)

Chapter 13.22

Three-Day Programmable Irrigation Timers

13.22.010	Purpose and applicability
13.22.020	Definitions
13.22.030	Three-day programmable irrigation timers
13.22.040	Permit requirements
13.22.050	Penalty for violation

13.22.010 Purpose and applicability.

These regulations are enacted for the purpose of promoting the health, safety and general welfare of the residents of the Town by conserving the Town's water supply. (Ord. 2001-24 §1, 2001)

13.22.020 Definitions.

For the purposes of this Chapter, the words set out in this Section shall have the following meanings:

A. *Irrigation system* means a permanent, artificial watering system designed to transport and deliver water to plants within a landscaped area.

B. *Three-day programmable irrigation timer* means an electromechanical or computerized clock that is used with an automatic sprinkling system that opens and closes electrically operated valves for every third day preset time periods and has a battery back-up system that allows for program retention following power interruptions or outages and meets the following criteria:

1. Able to be set for irrigation based on a rotating every-third-day schedule (i.e., in circle/diamond/square format based on the last digit of the property address on an annual basis) without continual adjustment once set for each irrigation season by the property owner. Must not require programming to be reset weekly in order to maintain compliance with mandatory schedule.
2. Allows for programmable time duration to be preset in compliance with annually approved times for irrigation once per irrigation season by the property owner.
 - a. Must not require daily or weekly adjustment to be operable to meet Water Use Management Plan requirements.
 - b. Must be able to be programmed to run between the hours of 5:00 a.m. – 10:00 a.m. and 5:00 p.m. – 10:00 p.m.; or 11:00 p.m. – 4:00 a.m., on the prescribed days, which are defined by the type of water account, as determined through the Water Use Management Program.
3. Battery system allows the clock/controller to maintain all defined program parameters and automatically resume proper function following a loss of power.

a. Owner must not have to reprogram the clock/controller following a power interruption or outage.

b. Must automatically resume correct programmed setting following a loss of power. (Ord. 2001-24 §1, 2001)

13.22.030 Three-day programmable irrigation timers.

No person shall install a new irrigation system unless it includes a three-day programmable irrigation timer. This prohibition applies to existing dwellings and nonresidential structures or buildings as well as new construction. (Ord. 2001-24 §1, 2001)

13.22.040 Permit requirements.

A. An irrigation permit shall be required for the installation of any irrigation system installation governed by this Chapter.

B. All permit applications must be accompanied by irrigation system plans that must be reviewed and approved by the Public Works Department prior to the issuance of the permit. Installations must be inspected prior to closeout of the permit, and/or issuance of a certificate of occupancy, whichever is appropriate. (Ord. 2001-24 §1, 2001)

13.22.050 Penalty for violation.

A. Any person who violates any of the provisions of this Chapter shall be punished by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment not to exceed one (1) year, or by both such fine and imprisonment.

B. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation is committed, continued or permitted by such person. (Ord. 2001-24 §1, 2001)

Chapter 13.25

Damage to or Unauthorized Use of Town Property

13.25.010 Purpose and intent

13.25.020 Applicability

13.25.030 Definitions

13.25.040 Damage to Town property

13.25.050 Unauthorized use

13.25.100 Violation and penalties

13.25.010 Purpose and intent.

It is the intent of the Town to establish a process to recover costs due to theft of, or injury to, Castle Rock's water and wastewater facilities or services. (Ord. 97-18 §1(part), 1997)

13.25.020 Applicability.

The provisions of this Chapter shall apply to all Town water and wastewater facilities and the use of such facilities. (Ord. 97-18 §1(part), 1997)

13.25.030 Definitions.

As used in this Chapter, certain terms are defined as follows:

A. *Connector* means a person or entity connected to the municipal water or wastewater system.

B. *Facility* means any structure, building, pipe, fire hydrant, manhole, valve or valve box, vehicle, tool or landscaping appurtenant to the operation, maintenance or appearance of Castle Rock's water or sewer system.

C. *Person* means any person, employee, agent, employer, principal, supervisor, foreman, sole-proprietorship, partnership, corporation or other business entity.

D. *Unauthorized user* means any person who connects to Town water and/or wastewater facilities without receipt of a permit or authorization from the Town. (Ord. 97-18 §1(part), 1997)

13.25.040 Damage to water and wastewater facilities.

Any person who damages or destroys Town water and/or wastewater facilities, or who employs, supervises, controls or otherwise participates with another person in the damaging or destruction of Town water and/or wastewater facilities within the Town without express permission of the Town may, upon conviction, be punished as provided in Section 13.25.100. (Ord. 97-18 §1(part), 1997)

13.25.050 Unauthorized use.

Any use of Town water and/or wastewater facilities or services requires proper Town authorization prior to any such use. Any unauthorized connection to Town facilities may be immediately disconnected or otherwise terminated by the Town. The Town shall take reasonably available precautions to avoid damage to private property, but in no event shall the Town be liable for damages caused by the disconnection or termination of unauthorized use of Town water and/or wastewater facilities or services. Any person who violates this Section may, upon conviction, be punished as provided in Section 13.25.100. (Ord. 97-18 §1(part), 1997)

13.25.100 Violation and penalties.

A. Any person who violates any of the provisions of this Chapter shall be punished by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment not to exceed one (1) year, or by both such fine and imprisonment.

B. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation is committed, continued or permitted by any such person.

C. The Town may seek enforcement of any requirements enumerated in Title 13, recover all present and future damages, costs and other relief to which the Town is entitled and obtain any

available judicial remedies related to any violation of the provisions of this Chapter or failure to meet requirements enumerated in Title 13. (Ord. 97-18 §1(part), 1997)

Chapter 13.30

Storm Water Management Program

- 13.30.010 Purpose**
- 13.30.020 Definitions**
- 13.30.030 Storm water utility**
- 13.30.040 Use of fee**
- 13.30.050 Billing and payment of fees**
- 13.30.060 Storm water utility fee schedule**
- 13.30.070 Certain properties exempt from fee**
- 13.30.080 Responsibility for accepted public facilities**
- 13.30.090 Delinquency and collection**
- 13.30.100 Review by Town Council**
- 13.30.010 Purpose.**

A. The purpose of this Chapter is to maintain water quality and to promote the protection of the public health, safety and welfare from damage from storm water runoff by requiring that property owners in the Town pay for a share of the cost of the facilities reasonably necessary to manage such storm water. Water from storm water runoff may occur which exceeds the capacity of public facilities constructed and maintained by funds made available under this Chapter. This Chapter does not imply that real property liable for the storm water utility fee established herein will always be free from storm water flooding or flood damage. This Chapter does not purport to reduce the need or the necessity for any property owner to obtain flood insurance.

B. It is the intent of the Town Council in enacting this Chapter:

1. To establish a storm water management utility to finance, coordinate, design, construct, manage, operate and maintain the public facilities described herein; and
2. To establish a reasonable storm water management fee based on the use of the land located within the Town.

C. The Town Council further finds, determines and declares that the owners of real property within the Town are the ultimate beneficiaries, and users of the public facilities contemplated by this Chapter should fund and thereby provide the facilities and maintenance capability necessary for the reasonable control of storm water management of storm water quality and also fund, and thereby provide the public facilities required to convey such storm water from the various drainage basins to the Town's major drainageways. (Ord. 2001-59 §5, 2002)

13.30.020 Definitions.

As used in this Chapter, the following terms shall have the indicated meanings:

Apartment building means a building containing two (2) or more suites of rooms, with toilet and culinary accommodations, used or designed for use as a residence by a family or individual.

Condominium building means a building containing two (2) or more suites of rooms, with toilet and culinary accommodations, used or designed for use as a residence by a family or individual, with individually owned dwelling units and jointly owned and shared areas and facilities.

Customer means the owner of the property receiving utility service, as well as a person who has been designated to receive utility billings for that specific property.

Duplex means a structure containing two (2) dwelling units attached horizontally in a linear arrangement, and having a totally exposed front and rear wall to be used for access, light and ventilation.

Facilities means all structures, equipment and all uses of land that are made in conjunction with, or that are related or incidental to the construction, installation or use of, the structures and equipment necessary to maintain water quality and to contain and control stormwater, including but not limited to curbs, gutters, cross pans, pipes, inlets, conduits, channels, bridges and detention/retention ponds.

Impervious areas are those areas with impervious surfaces that prevent or impede the infiltration of stormwater into the soil as it entered in natural conditions prior to development. Common impervious surfaces include, but are not limited to, roof tops, sidewalks, walkways, patio areas, driveways, parking lots, storage areas, compacted gravel and soil surfaces, awnings and other fabric or plastic coverings, and other surfaces that prevent or impede the natural infiltration of the stormwater runoff which existed prior to development.

Mobile home means a transportable structure suitable for year-round single-family occupancy and having water, electrical and sewage connections similar to those of conventional single-family dwellings.

Mobile home park means a development consisting of two (2) or more transportable structures suitable for year-round single-family occupancy and having water, electrical and sewage connections similar to those of conventional single-family dwellings.

Multi-family residential shall include apartment buildings, condominium buildings, mobile home parks and single-family attached homes of three (3) units or more.

Nonresidential property shall include commercial, industrial, office and any other property not used for residential purposes.

Public facilities means stormwater infrastructure accepted by the Town as provided in Section 13.30.080 of this Chapter.

Single-family residence shall include a detached structure designed for occupancy by one (1) family, mobile homes not in a mobile home park and individual units in duplexes.

SWSFE means a relative measure of demand placed on the stormwater infrastructure of the Town by an average single-family residential unit. The infrastructure demand for a single-family residential

unit is based on an average three thousand two hundred fifty-five (3,255) square feet of impervious surface.

Stormwater utility fee means the fee created in this Chapter for the funding of the utility.

Townhomes means attached one-family dwelling units with private entrances which are part of a structure whose dwelling units are attached horizontally in a linear arrangement, and having a totally exposed front and rear wall to be used for access, light and ventilation. Townhomes shall consist of at least three (3) one-family attached dwellings.

Utility means the stormwater utility that is created in this Chapter. (Ord. 2010-34 §9, 2010; Ord. 2001-59 §5, 2002)

13.30.030 Stormwater utility.

The charges imposed under this Chapter 13.30 are to defray the cost for the coordination and management, and the design, construction, management, operation, maintenance and replacement of the stormwater utility facilities. (Ord. 2010-34 §10, 2010; Ord. 2001-59 §5, 2002)

13.30.040 Use of fee.

A. The utility shall hold all funds received by the Town under this Section in a separate account to be established as the Storm Water Utility Fund and make expenditures thereof only for the purpose of:

1. Administration, coordination, engineering, planning, professional services, design, construction, installation, repair, maintenance, operation, management, improvement, replacement and reconstruction of facilities in the Town necessary for the utility to maintain water quality and reasonably handle storm waters in the Town; and

2. The purchase of interests in real property, including without limitation, fee simple ownership and easements that may be necessary for the utility to construct and maintain facilities and otherwise implement the purposes of this Section.

B. The Town may pledge storm water utility fees collected under this Section and those anticipated to be collected to the retirement of the principal and interest of revenue or general obligation bonds issued by the Town for financing any of the activities and improvements set forth in subsection A of this Section.

C. The Town may pledge storm water utility fees collected under this Section and those anticipated to be collected to participate with other public entities or private parties having a common interest in storm drainage and water quality projects or facilities that benefit the utility. (Ord. 2001-59 §5, 2002)

13.30.050 Billing and payment of fees.

A. The stormwater utility fee shall be included on each customer's utility bill pursuant to Chapter 13.14.

B. The storm water utility fee charged in each billing period and any notices relating to the utility shall be effective upon mailing said billing or notice to the address of the property that is being served by the utility or to the last known address of the property owner of the property being served by the utility as shown in the records of the County Assessor. Failure to receive a bill is not a defense to nonpayment. Regardless of the person to whom the bill is initially directed, the owner of the property is ultimately responsible for payment of such bill. The Town, without penalty, may correct any mistakes in a bill, including sending bills that the Town failed to send, so long as the corrected bill is sent within one (1) year of the date that the bill or the corrected bill should have been sent.

C. All charges for use of the utility prescribed by this Section are due upon receipt of the bill and in no case later than the date specified in Section 13.14.040.C. (Ord. 2010-34 §11, 2010; Ord. 2001-59 §5, 2002)

13.30.060. Storm water utility fee schedule.

A. Effective with utility bills issued on or after January 1, 2011, the monthly fee for each stormwater single-family equivalent shall be as follows:

Stormwater Fee (\$ per SWSFE*)

<i>2011</i>	<i>2012</i>	<i>2013</i>	<i>2014</i>	<i>2015 and thereafter</i>
\$6.08	\$6.27	\$6.46	\$6.65	\$6.85

***SFE Assignment**

<i>Customer Class</i>	<i>SWSFE</i>
Single-family residence	1
Multi-family and nonresidential	Parcel size times 80% imperviousness divided by 3,255 impervious square feet per SWSFE = number of SWSFEs for non-single-family

B. Customers receiving non-single-family utility charges may appeal for an adjustment of the stormwater utility fee if they can demonstrate that less than eighty percent (80%) of their property area is impervious. (Ord. 2010-34 §12, 2010; Ord. 2009-32 §4, 2009; Ord. 2004-06 §1, 2004; Ord. 2001-59 §5, 2002)

13.30.070 Certain properties exempt from fee.

The following land uses are exempt from the storm water utility fee:

- A. All public park land and open space;
- B. All public or private ponds, lakes, reservoirs, rivers, creeks, natural water courses or irrigation ditch/canal rights-of-way;
- C. All public or private streets, highways, rights-of-way and alleys;
- D. All railroad rights-of-way;

- E. All cemeteries;
- F. Golf courses; and
- G. Undeveloped properties. (Ord. 2001-59 §5, 2002)

13.30.080 Responsibility for accepted public facilities.

A. All public facilities constructed, installed or provided hereunder shall, upon acceptance of the same by the Town in writing, become the property of the Town, and the Town thereafter shall be responsible for the operation and maintenance of the same.

B. The Town shall maintain all accepted public facilities located within public lands, rights-of-way and easements and may maintain other accepted public facilities located within or adjacent to the Town. Such public facilities do not include facilities not accepted by the Town in writing for maintenance, or privately owned and/or maintained drainage facilities. (Ord. 2001-59 §5, 2002)

13.30.090 Delinquency and collection.

A. The storm water utility fee levied in accordance with this Chapter shall be paid upon receipt of the bill as provided in Section 13.14.040. In case the tenant in possession of any premises pays the fee, it shall relieve the property owner from such obligation. The owner of every structure or premises shall also be liable for the fee, which liability may be enforced, but the Town shall not be required to seek payment from any person whomsoever other than the property owner. No change of ownership shall affect the application of this Section, and the failure of any owner to discover that he or she purchased property against which a fee or surcharge exists shall in no way discharge his or her liability for such payment in full.

B. Nonpayment. All delinquent storm water utility fees and any accrued surcharges shall be certified by the Assistant Town Manager or designee to the County Treasurer, pursuant to Section 31-20-105, C.R.S., as amended, and collected and paid over to the County Treasurer in the same manner as taxes. (Ord. 2006-26 §16, 2006; Ord. 2001-59 §5, 2002)

13.30.100 Review by Town Council.

The Town Council shall review the amount of the fees described in this Chapter at least every three (3) years. (Ord. 2001-59 §5, 2002)