

CHAPTER 13

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ARTICLE 1

Administration

Sec. 13-1-10. Creation of Water Department.

There is hereby created and established a Water Department of the City, for the purpose of the management, maintenance, care and operation of the water works of the City. (Ord. 1986-6 §1.1)

Sec. 13-1-20. Water Commissioner.

The City Council shall have the authority to appoint a Water Commissioner who shall have the immediate control and management of all things pertaining to the water works system, and the Water Commissioner shall perform all acts that may be necessary for the prudent, efficient and economical management and protection of said water works, subject to the approval and confirmation of the City Council. (Ord. 1986-6 §1.2; Ord. 2007-04 §1)

Sec. 13-1-30. Meter required.

Water meters shall be required to be installed in all new residential and commercial construction within the City. Modifications to existing structures shall be exempt from this metering requirement; however, the City Council reserves the right to require metering by all current water users in the City in the future. One (1) meter shall be installed per structure, and multiple users of a single meter shall be a violation of this Chapter. (Ord. 1986-6 §2.1)

Sec. 13-1-40. Ownership and installation of meters.

Meters shall be purchased by the property owner from the Water Department at the current fee, and shall be installed by a licensed plumber. Metering shall be installed in the interior of the new structure in a manner so as to ensure protection of the meter from freezing. Remote readers shall be installed by the property owner unless application for exemption from this remote reader requirement is presented to the City Council at the time of application for the building permit. A remote reader exemption may be granted by the City Council if a remote reader is unfeasible. The building permit application and related documents shall specify the location of the remote reader. (Ord. 1986-6 §2.2)

Sec. 13-1-50. Accuracy and maintenance of meters.

Upon installation, the water meters shall be owned by the City and, within the limitations of this Chapter, the City shall be responsible for the accuracy of all meters. It is the property owner's responsibility to protect a meter from damage. In the event of a malfunction of the meter, which is not the result of tampering, freezing or the negligence or fault of the property owner, then said meter shall be exchanged by the Water Department at the expense of City. (Ord. 1986-6 §2.3)

Sec. 13-1-60. Inspection.

There shall be charged a fee of ten dollars (\$10.00) plus costs for inspection of a water meter at the request of a property owner. If the water meter is found to be accurate within five percent (5%) plus or minus, the City shall retain the ten-dollar fee to cover the expense of testing. If the meter is inaccurate by more than five percent (5%) plus or minus, the ten-dollar fee shall be refunded to the

property owner, and the meter shall be repaired or replaced by the Water Department. (Ord. 1986-6 §2.3)

Sec. 13-1-70. Tampering prohibited.

(a) It is unlawful for any person not authorized by the Water Department to tamper with, alter or injure any part of the water works or supply system or to tamper with, alter or injure any water meter. This specifically includes seals on water meters and readers.

(b) Any person convicted of a violation of the provisions of this Section shall be guilty of a misdemeanor and shall be punished in accordance with the provisions of Section 1-4-20 of this Code. In addition, said person shall reimburse the City the full costs of corrective action. (Ord. 1986-6 §3.1; Ord. 2007-04 §1)

Sec. 13-1-80. Service line installation and maintenance.

All water mains located within the City are owned by the City and are the responsibility of the City. All service pipes from the mains to the structure served shall be installed by and at the cost of, and shall remain the responsibility of, the owner of the property being served. The minimum size of a service line shall be three-quarters ($\frac{3}{4}$) inch, type K soft copper, and shall be installed at a minimum depth of not less than six (6) feet below normal ground level. Any necessary changes in service lines or service valves will be done at the property owner's expense, in accordance with the provisions of this Chapter and the plumbing code adopted by the City. The City may, in case of emergency, repair any service pipes. The cost of such work shall be repaid to the City by the property owner. (Ord. 1986-6 §4.1)

Sec. 13-1-90. Shutting off water.

The City reserves the right to shut off water from the mains when it shall deem it necessary to repair any portion of the water works system, to make connections or extensions of the system or to clean the system, and the City shall not be liable to any person for failure to supply water for these or other causes beyond its control. In addition, the City shall not make any refund or deduction in the water bills for that account. When possible, customers affected by a water outage will be notified in advance. (Ord. 1986-6 §1.1; Ord. 2007-04 §1)

Sec. 13-1-100. Water conservation regulations.

(a) In the event of a drought emergency, as declared by the City Council by resolution, the City Administrator shall have the authority to promulgate rules and regulations governing water usage by all customers of the water system.

(b) Rules and regulations promulgated by the City Administrator pursuant to the authority of this Section shall include but not be limited to:

- (1) Limiting lawn watering to certain times of the day, days of the week or times of the month.
- (2) Prohibiting the waste of water.

(3) Prohibiting or limiting the times of day or days per week for washing of cars and other vehicles at residential properties.

(4) Prohibiting the use of water for the washing of sidewalks, driveways, patios or similar impervious surfaces.

(5) Prohibiting power-washing of housing, fences, windows, decks or other similar impervious surfaces.

(6) Prohibiting new lawns from being planted or installed.

(7) Rationing the amount of water that can be used by each customer, household and/or business.

(8) Prohibiting or limiting any outside irrigation use of water.

(9) Prohibiting serving water at restaurants prior to a request for the service of water.

(10) Prohibiting the transportation of water from the City water system beyond the boundaries of the City without City permission.

(11) Implementing a major public education program on the need to conserve water.

(12) Other similar restrictions designed to conserve water and reduce excess water usage within the boundaries of the City.

(c) Upon the promulgation of such rules and regulations pursuant to this Section, the City Administrator shall publish, post or otherwise make available copies of the rules and regulations in the manner determined by the City Administrator as best calculated to reach the largest number of water consumers.

(d) Any person violating any provision of this Section, or of the rules and regulations promulgated by the City Administrator pursuant to this Section, shall, upon conviction, be punished in accordance with the provisions of Section 1-4-20 of this Code. The assessment of fines for violations of this Section or the rules and regulations promulgated hereunder will be through the City utility bill for the responsible party's billing account. The *responsible party* is defined as the owner, manager, supervisor or person who received the water utility bill, or person in charge of property, facility or operation during the period of time the violation is observed. All fines must be paid within the normal payment period allowed by the City utility billing system. The City Administrator may, as part of the rules and regulations promulgated pursuant to this Section, establish a progressive schedule of warnings and/or fines subject to approval of such schedule by the City Council by resolution or motion. (Ord. 2003-15 §§2—6; Ord. 2007-04 §1)

ARTICLE 2

Watershed District

Division 1

General Provisions

Sec. 13-2-10. Intent.

The purpose for which the Watershed District is established is the full exercise of the powers of the City in maintaining and protecting the City's waterworks from injury and water supply from pollution or from activities that will create a hazard to health and water quality or a danger of pollution to the water supply of the City. This District is created under the authority granted in Title 31, Article 15, C.R.S., specifically Sections 31-15-103 and 31-15-707(1)(b), C.R.S., and other state statutes. Further, this District and the regulations contained in this Article are created for the purpose of protecting the City's water and waterworks only, and not for the purpose of regulating land use activities. The regulation of land use activities within the Watershed District shall be and remain the responsibility of El Paso and Teller Counties, and nothing herein shall restrict or supersede said Counties' land use approval authority. The City's authority herein shall be for the purpose of reviewing and restricting any activity within the District which creates a foreseeable risk of damage or injury to the City's water supply. The City's review authority within the District shall therefore be concurrent to the authority of said Counties or any other government entity, and/or require permits for the same activity as the City may regulate. (Ord. 1992-8 §1; Ord. 2007-04 §1)

Sec. 13-2-20. Jurisdiction and map.

The jurisdiction of the Watershed District shall extend over the territory occupied by the City waterworks and all reservoirs, streams, trenches, pipes and drains used in and necessary for the construction, maintenance and operation of the same and over West Beaver Creek, Cripple Creek Reservoir #2, Cripple Creek Reservoir #3, Gillett Wells 1, 2 and 3, and the City waterworks and all water sources tributary thereto in the area described on Appendix 13-A to this Chapter. The Watershed District map accompanies this Article and, with all notations, references and other information shown thereon, is incorporated herein as part of this Article. The official Watershed District Map is located in the office of the City Clerk. (Ord. 1992-8 §2)

Sec. 13-2-30. Definitions.

Whenever the following words or phrases are used in this Article, they shall have the following meanings:

Best management practice means the most effective means of preventing or reducing harmful effects of certain activities to a level compatible with the City's standards.

Excavating means the artificial movement of earth leaving any cut bank over three (3) feet in vertical height or a movement of material in excess of ten (10) cubic yards.

Filling means the artificial movement of earth leaving a fill earth bank over two (2) feet in vertical height, filled earth over two (2) feet deep or artificial addition of earth above a line sloping up at a grade of one (1) vertical to five (5) horizontal from the ground.

Foreseeable risk means the reasonable anticipation that harm or injury may result from acts or omissions.

Grading means the artificial movement of over five (5) cubic yards of material; the movement of any earth or material affecting or creating a drainage channel; the pioneering of roads, meaning the artificial movement of trees and shrubbery creating a roadway or driveway in excess of twenty-five (25) feet in length; or the use of vehicles or keeping of any animals upon any land that would lead to a movement of five (5) cubic yards of material within five (5) years of the commencement of such use or which use, if continued, would result in the movement of any earth or material affecting or creating a drainage channel.

Person means any individual, corporation, business trust, estate, trust, partnership, association or any other legal entity.

Pollution means the man-made, man-induced or natural alteration of the physical, chemical, biological and radiological integrity of water.

Removing vegetation means the artificial cutting, chemical killing or any other manner of removing any tree greater than fifteen (15) feet in height, any shrubs or trees covering an area of more than one hundred (100) square feet or any grasses covering an area of more than one thousand (1,000) square feet.

Sewage disposal system means a septic tank or other facility designed and constructed for the purpose of receiving and disposing of sewage.

Surfacing means any action resulting in the hardening or covering of the preexisting ground in an area greater than one hundred (100) square feet such that rain striking the area will accumulate or run off the surface to a greater extent than prior to the hardening or covering of said preexisting ground. *Surfacing* includes, but is not limited to, such things as compacting the surface of the earth, placing gravel, concrete or like substances on the surface of the earth, or placing structures upon the ground.

Waterworks means any and all man-made or designed components of the City's water system, including but not limited to all transmission, storage and filtration facilities; and all reservoirs, streams, trenches, pipes and drains used in and necessary for the construction, maintenance and operation of the City's water system. (Ord. 1992-8 §3; Ord. 2007-04 §1)

Sec. 13-2-40. Prohibited and permitted activities; notice of other activities.

(a) It is unlawful for any person to engage in any of the following activities within the Watershed District, which activities the City Council finds pose a potential or threat of pollution to the City's water supply, unless such person shall, prior to undertaking such activity, obtain a permit for such activity under the provisions of this Article:

- (1) Constructing a sewage disposal system.
- (2) Excavating, grading, filling or surfacing.
- (3) Removing vegetation.
- (4) Timber harvesting, excluding the removal of dead trees for firewood or domestic purposes.
- (5) Drilling operations.
- (6) Altering water drainage courses.
- (7) Surface and subsurface mining operations.
- (8) Spraying or using herbicides.
- (9) Using, handling, storing or transmitting toxic or hazardous substances, including but not limited to radioactive materials.
- (10) Using, handling, storing, or transmitting flammable or explosive materials except for domestic purposes or within vehicular fuel storage tanks.

(b) It is unlawful for any person to cause injury or damage to the City waterworks.

(c) Activities within the Watershed District which are allowed hereunder but which require written notification to the City prior to undertaking such activity are:

- (1) Stock grazing; and
- (2) Road maintenance and improvement by governmental entities.

Written notification shall include the name and address of the person undertaking the activity, a description of the proposed activity and its site and such other information as the City may require. The purpose of this notification requirement is to allow the City an opportunity to protect the waters of the Watershed District by suggesting a best management practice for such activity prior to its undertaking.

(d) In the event that any activity not set forth in Subsection (a) above is being conducted in such a manner that the City Council finds that foreseeable risk of pollution to the City's water supply exists from such activity, the person responsible for such activity shall be notified by the City of such finding, and the City may require that such activity cease and desist until such person obtains a permit for such activity under the provisions of this Article. (Ord. 1992-8 §4; Ord. 2007-04 §1)

Division 2
Permits and Hearings

Sec. 13-2-110. Application and fees.

An applicant for a Watershed District permit shall submit the following to the City:

(1) A completed application form as prescribed by the City. If the applicant is not the owner of the subject property, the owner shall also sign the application and the applicant shall set forth its interest in the proposed activity. An application will not be deemed to be complete until all information required by the City has been submitted to the City.

(2) A full and complete description of the proposed activity for which a permit is sought, including, if applicable, a discussion of any future activity anticipated by the applicant with respect to the subject property for which a permit may be required hereunder.

(3) Two (2) sets of plans and specifications which shall contain the following information:

a. A vicinity sketch or other data indicating the site location and legal description of the subject property.

b. Boundary lines of the property for which the permit is sought, if applicable.

c. Location of any buildings or structures within fifty (50) feet of the proposed activity.

d. Accurate contours establishing the topography of the existing ground.

e. Elevations, dimensions, location, extension and slopes of all proposed excavating, grading, filling or surfacing, shown by contours and/or other means.

f. A statement of the amount and location of any matter proposed to be deposited in areas other than those shown on the plans.

g. Nature and location of the existing vegetation and a statement as to the effect of the proposed activity on such vegetation.

(4) Identification of any activity that may present or create a foreseeable risk of pollution to the City's water supply, along with a specific description of the measures, including best management practices, that will be employed by the applicant to obviate such risks.

(5) Any and all additional information that may be specifically requested by the City, including, but not limited to the following:

a. A map showing the drainage pattern and estimated runoff of the area of the proposed activity.

b. Revegetation and reclamation plans and specifications.

c. A soils analysis, including the nature, distribution and strength of existing soils, and recommendations for earth-moving procedures and other design criteria.

d. A geologic analysis of the site and adjacent areas and its impact on the proposed activity.

e. An operational and maintenance analysis of the proposed activity.

(6) The applicant shall submit a Watershed District permit application fee to the City at the time of filing such application. The application shall be assessed a fee sufficient to cover the costs of publication, hearing, processing, administration, inspection and enforcement of such requested permit. The minimum fee hereunder shall be twenty dollars (\$20.00). In the event the fee charged by the City at the time of application is determined to be insufficient to cover the City's costs, the City shall have the right to charge the additional fee prior to the issuance or denial of any permit. No Watershed District permit shall be issued until all such assessed fees have been paid. (Ord. 1992-8 §5; Ord. 2007-04 §1)

Sec. 13-2-120. Review, analysis and risks.

(a) Within thirty (30) days following receipt of a completed application and site inspection, if necessary, as determined by the City, as weather conditions permit, the Water Commissioner shall review the same and prepare an analysis of the proposed activity, including a discussion of any factor that may present or create a foreseeable risk of pollution to the water supply of the City, along with an analysis of the measures, including best management practices, if any, that are proposed by the applicant to obviate such risks, and shall submit such analysis to the City Council.

(b) In undertaking the analysis of any proposed activity, the following factors, among any others that may be deemed relevant, shall be considered:

(1) Nature and extent of the proposed activity.

(2) Proximity to existing water courses.

(3) Drainage patterns and control measures.

(4) Soil criteria.

(5) Slope steepness and stability.

(6) Effect of denudation.

(7) Geologic hazards, including but not limited to avalanche paths, floodplains, high water table, fault zones and similar factors.

(8) Point source effluent and emissions into air or water.

(9) Ambient and nonpoint source emissions into air or water.

(10) Vehicular and motorized activity.

(11) Fire hazard.

(c) The Water Commissioner may classify in writing an application as minor impact based upon the analysis set forth above if the proposed activity clearly does not present or create a foreseeable risk of pollution to the water supply of the City. Within thirty (30) days after such minor impact classification, the City Council shall conduct the hearing required hereunder and render a decision regarding the issuance or denial of a Watershed District permit to such applicant. The failure of the City Council to render such decision within the time limits herein set forth shall be deemed and considered affirmative action on the issuance of the requested permit for any application as minor impact.

(d) The Water Commissioner may classify a proposed activity as "no impact" in the following fashion. A potential applicant for a Watershed District permit may apply for a "no impact" finding relative to the proposed activity. Such application shall be accompanied by such information, in writing, as the Water Commissioner needs to determine whether a "no impact" finding is warranted. Such information may be less than is required under Subsection (a) above, and the required permit fees may be waived. Upon such application, the Water Commissioner shall determine whether the proposed activity is of a type or location that no negative impact on the City's water sources is reasonably foreseeable. If such a "no impact" finding is made, the Water Commissioner shall immediately issue a Watershed District permit for the proposed activity. After issuance of said permit, the Water Commissioner shall report the same to the City Council at its next regular or special meeting, and shall also keep a record of such "no impact" permits for the purpose of assessing the cumulative impact of "no impact" activities. If the Water Commissioner does not make a "no impact" determination, that decision may be appealed to the City Council at its next regularly scheduled meeting. At said meeting, the City Council may, based upon the same standards as set forth above, grant a "no impact" permit for the proposed activity. (Ord. 1992-8 §5; Ord. 2007-04 §1)

Sec. 13-2-130. Hearing.

Upon receipt of the analysis from the Water Commissioner, the City Council shall conduct a public hearing to review the application and analysis and shall render a decision regarding the issuance or denial of a Watershed District permit to such applicant within three (3) months unless the activity requires approval of a permit from any agency of the county, state or federal government, and which approval or permit procedure exceeds the time requirements of this Article. In such event, the City shall have an additional sixty (60) days following the final decision of such county, state or federal government approval or permit procedure to conduct the public hearing required hereunder and render a decision regarding the issuance or denial of the Watershed District permit to such applicant. The City Council may require additional information from the applicant, in which event the public hearing and decision may be delayed or continued until receipt of such additional information. (Ord. 1992-8 §5; Ord. 2007-04 §1)

Sec. 13-2-140. Standards for issuance of a permit.

A Watershed District permit shall be issued when the City Council finds that the applicant has sustained the burden of proof that the proposed activity, including best management practices, if any, does not present or create a foreseeable risk of pollution to West Beaver Creek, Cripple Creek Reservoir #2, Cripple Creek Reservoir #3, Gillett Wells 1, 2 and 3 and the City waterworks, or any water sources tributary thereto in the area described on Appendix 13-A to this Chapter. A Watershed

District permit shall be denied when the City Council finds that the applicant has not sustained such burden of proof. (Ord. 1992-8 §5)

Sec. 13-2-150. Permit conditions.

The City Council, in issuing any Watershed District permit, may prescribe any conditions it may deem necessary to effect the intent of this Watershed District. The City Council may require any applicant to post a surety bond or cash in an amount sufficient to ensure compliance with the Watershed District permit, including but not limited to the cost of maintenance, operation, revegetation, reclamation and other requirements of proposed activities. The City Council may release to the applicant portions of any such bond or cash from time to time when no longer necessary to ensure compliance with the Watershed District permit. (Ord. 1992-8 §5)

Sec. 13-2-160. Duration of permit.

If any proposed activity for which a Watershed District permit is issued is not commenced within nine (9) months from the date of issuance of such permit, the permit shall expire and become void. (Ord. 1992-8 §5)

Sec. 13-2-170. Notice of hearing.

Notice of any public hearing hereunder shall be given at least ten (10) days in advance of the public hearing by publication in the official newspaper of the City. (Ord. 1992-8 §5)

Sec. 13-2-180. Joint review processes.

Any permit required hereunder can be reviewed and issued pursuant to a joint review process with any other government entity or agency charged with the review and approval of the same activity or activities. (Ord. 1992-8 §5)

Sec. 13-2-190. Enforcement.

(a) Right of entry. Whenever necessary to make an inspection to enforce any provision of this Article, the Water Commissioner may go upon any land at any reasonable time to inspect the same or to perform any duty imposed hereunder; provided that he or she identifies himself or herself and, if such land is unoccupied, that he or she makes a reasonable effort to locate the applicant or other persons having control of such land to notify them of such entry.

(b) Stop work order. Whenever any work or activity is being done contrary to the provisions of this Article or in violation of the terms of any Watershed District permit issued hereunder, the Water Commissioner may order the work stopped by notice in writing served on the applicant or any person engaged in or causing such activity to be done, and any such person shall cease such activity until authorized by the Water Commissioner to proceed. The City shall reserve the right to revoke or suspend any permit issued hereunder if work is not done in accordance therewith. (Ord. 1992-8 §6; Ord. 2007-04 §1)

Sec. 13-2-200. Repairs and expansion of use.

The lawful use of any building, structure or land existing at the time of the enactment of the initial ordinance codified herein may be continued even though it does not conform to the requirements of this Article. Ordinary repairs and maintenance of any nonconforming existing building, structure or land shall be allowed. Any change, expansion, alteration or enlargement of such nonconforming existing building, structure or land shall be subject to all requirements of this Article. (Ord. 1992-8 §8; Ord. 2007-04 §1)

Sec. 13-2-210. Violation and penalty.

(a) Offense. Any person who violates any of the provisions of this Article shall be punished in accordance with provisions of Section 1-4-20 of this Code. Each day shall be deemed a separate offense.

(b) Actions. Any activity or use which is continued, operated or maintained contrary to any provision of this Article is unlawful. The City may institute injunction, abatement or any other appropriate action to prevent, enjoin, abate or remove such violation in which the City shall be entitled to recover court costs and attorney's fees.

(c) Remedies. The remedies herein provided shall be cumulative and not exclusive and shall be in addition to any other remedies provided by law. (Ord. 1992-8 §9; Ord. 2007-04 §1)

Sec. 13-2-220. Appeal.

Any person desiring to appeal any decision of determination by the City Council hereunder must file such appeal within thirty (30) days following such decision or determination with the District Court. (Ord. 1992-8 §10; Ord. 2007-04 §1)

ARTICLE 3

Water and Sewer Mains

Sec. 13-3-10. Connection required.

Whenever a City water main, City water service line, City sewer main or City sewer line is replaced or upgraded, any and all property owners or businesses receiving water or sewer service from the water or sewer main or line shall be required to connect their residence or business to the water and/or sewer line or main that is being replaced or upgraded. (Ord. 1995-07 §1)

Sec. 13-3-20. Notice to owner.

The City shall provide a minimum of one (1) week's notice to the property owner, mailed via certified mail, return receipt requested, to the last known address of the owner of the property or properties involved. The owner, if payment is made to the City within thirty (30) days for the cost of connecting the water or sewer service line to the main, shall receive a credit of ten percent (10%), which the City shall bear, towards making the connection. (Ord. 1995-07 §2; Ord. 2007-04 §1)

Sec. 13-3-30. Repayment extension.

In the event that a financial hardship exists, upon application by the property owner and proof of the financial hardship involved, the City may enter into a written payment agreement with said property owner. The terms of said agreement shall not exceed interest in the amount of eight percent (8%), and a five-year repayment schedule, whereby the property owner's water and sewer bill will be increased by an amount necessary to fully amortize the cost of making the connection to the water and/or sewer line, with interest, over a period not to exceed five (5) years. The exact terms and conditions of the repayment agreement shall take into account the individual property owner's financial condition in reaching a decision as to the amount of monthly payments that the property owner could reasonably bear, based on the information supplied by the property owner. (Ord. 1995-07 §3; Ord. 2007-04 §1)

Sec. 13-3-40. Procedure.

The property owner claiming economic hardship shall be free to supply any and all information to the City Council necessary for the City Council to make a determination of economic hardship. All such information shall be in writing and shall be submitted at least ten (10) business days before the City Council meeting at which the request will be heard. Such property owner shall be responsible for placing the item on the City Council agenda and presenting any oral argument he or she deems necessary at the scheduled City Council meeting. Any and all information supplied to the City shall not be deemed confidential and it shall be given to the City with the understanding that it may be divulged to the public based open a valid request under the Colorado Open Records laws and/or any other applicable laws. (Ord. 1995-07 §4; Ord. 2007-04 §1)

Sec. 13-3-50. Lien for nonpayment.

In the event that a property owner does not prove financial hardship and enter into a written repayment arrangement with the City and/or does not pay the charges for making the water and/or sewer connections when due, the amount due may be certified as taxes to the County Treasurer and may be collected as taxes, may be certified as a special assessment and may be collected as a special assessment under state law, and/or a suit may be filed against the property owner-to collect the amount due. The amount due may be filed as a lien against the property, which lien shall enjoy a priority position, superior to any lien of any deed of trust or other encumbrance of record. The City may employ any and all legal means to collect said debt, and the institution of one (1) remedy shall not be deemed to be an election of remedies, nor shall it preclude the City from availing itself of all legal remedies available to it. (Ord. 1995-07 §5)

Sec. 13-3-60. Costs of collection.

In the event it is necessary for the City to take any act in collecting the debt, the property owner shall be liable for interest at the statutory rate, as well as all costs of collection, including but not limited to reasonable attorneys' fees. These additional fees and costs shall likewise be collected in accordance with Section 13-2-110 of this Chapter. (Ord. 1995-07 §6)

ARTICLE 4

Water and Sewer Taps

Sec. 13-4-10. Purpose.

The purpose of this Article is to establish the fees charged for connection to the City's water and sewer system. (Ord. 1991-1 §1; Ord. 2007-04 §1)

Sec. 13-4-20. Definitions.

Whenever the following words or phrases are used in this Article, they shall have the following meanings:

Fixture unit means the measure of consumption of various fixtures within buildings as defined in the as adopted by the City.

Tap fees means the connection fees charged by the City for the connection by its residents to its water and sewer service system. (Ord. 1991-1 §2; Ord. 2007-04 §1)

Sec. 13-4-30. Imposition of fees.

(a) Tap fees for all construction, renovations and/or additions requiring new water connection will be in accordance with the following schedule:

Water Tap Fees

<i>Meter Size</i>	<i>Fee</i>
¾ inch	\$ 3,000.00
1 inch	3,500.00
1½ inch	5,200.00
2 inch	7,000.00
3 inch	14,000.00

Water tap fees for large meters will be set by the City Council, if necessary. Water tap fees for multi-family units shall be as above or one thousand seven hundred dollars (\$1,700.00) per residential unit, whichever is greater. Tap fees for nonresidential users shall be either as listed above or one hundred dollars (\$100.00) per fixture unit, whichever is greater.

(b) Tap fees for all construction, renovations and/or additions requiring new sewer connection will be in accordance with the following schedule:

Sewer Tap Fees

<i>Unit or Use</i>	<i>Fee</i>
Single-family detached units	\$3,000.00 per unit
Multi-family units	\$1,700.00 per unit

Nonresidential uses	\$3,000.00 for up to 15 fixture units, plus \$100.00 for each fixture unit above 15 fixture units
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(Ord. 1991-1 §3.1; Ord. 2007-04 §1)

Sec. 13-4-40. Outside user fees.

The tap fees charged for water or sewer connections outside of the City will be two hundred percent (200%) of the applicable water tap fee or sewer tap fee. The City does not guarantee availability of service outside of the City limits. Any application for a water or sewer tap outside of the City limits is subject to City Council approval. (Ord. 1991-1 §3.2)

Sec. 13-4-50. Connections for construction or renovation.

(a) For any nonresidential construction, renovation and/or addition within the City that requires an increased size connection rather than a new connection, any such construction, renovation and/or addition shall be charged a tap fee for each water tap and each sewer tap, which tap fee shall be the difference between the tap fee charged for the existing tap and the tap fee charged for the increased size tap, or two hundred dollars (\$200.00) per fixture unit added by the construction, renovation and/or addition, whichever is greater.

(b) If no new connection or upgraded connection is required for any nonresidential construction within the City, then any construction, renovation and/or addition shall be charged a tap fee for each water tap and each sewer tap of two hundred dollars (\$200.00) per fixture unit added by said renovation and/or addition, whether or not a new line is required. (Ord. 1991-1 §3.4)

Sec. 13-4-60. Septic tank conversion.

(a) For all currently existing residences that have septic tanks rather than being connected to the City's wastewater treatment facilities, the tap fee for tapping into the wastewater treatment plant is waived, provided that the following conditions are met:

(1) The septic tank was installed as of September 2, 1998.

(2) The resident pays the City's actual cost of making the connection; i.e., the resident shall be responsible for the cost of running the line from the residence to the City's wastewater treatment line.

(b) All connections shall be in accordance with plans or specifications approved by the City. (Ord. 1998-05 §1; Ord. 2007-04 §1)

Sec. 13-4-70. Start of charges.

Charges for water and sewer usage shall commence upon installation of the water and sewer taps to the residential unit. This Section applies only to residential development in any R-1, R-2, R-3, R-4 and/or PUD Zone. (Ord. 1995-22 §5; Ord. 2004-17 §1; Ord. 2007-04 §1)

Sec. 13-4-80. Waiver of water and sewer tap fees.

(a) The water and sewer tap fees for construction of residential properties and commercial projects used for residential purposes shall be waived, provided that the balance of the requirements of this Section are met, and further provided that, as to structures containing four (4) or fewer residential dwelling units, this waiver shall continue until specifically repealed by ordinance adopted by the City Council.

(b) In order to take advantage of the waiver of the water and sewer tap fees, the following requirements of this Section must be met:

(1) A building permit for the proposed construction shall be approved and issued by the Building Department on or before the close of business on March 31, 2006.

(2) Construction shall be completed and a final certificate of occupancy shall be issued by the Building Department by March 31, 2007.

(3) The waiver may not have a material negative impact on the City's finances, infrastructure and/or costs of providing services to the proposed project because of the nature of the use, lack of infrastructure, inadequate water or sanitary sewer capacity or other factors as decided by the City Council.

(c) If any one (1) of the three (3) conditions set forth in Subsection (b) above is not met, the waiver of the tap fees shall be null and void, the tap fees shall be due and payable in full immediately upon the failure of such condition, and no certificate of occupancy shall be issued until said tap fees are paid in full.

(d) This waiver of water and sewer tap fees shall not include a waiver of the cost of the design and/or construction of any necessary extension or addition of any water or sewer transmission line or distribution systems required to provide water or sewer service to the site, which cost shall be borne solely by the developer of the site. This does not preclude the possibility of the benefits of a cost recovery agreement, in accordance with the City's policy, which may be possible between the developer and the City to recover a portion of such cost.

(e) Nothing herein contained shall in any way be construed as granting or creating a vested property right, other property right, entitlement or any other right to the developer. The City Council expressly reserves the right to amend, repeal or otherwise alter the terms and conditions of this Section. (Ord. 1995-01; Ord. 1997-08 §1; Ord. 2000-02 §§1—5; Ord. 2004-03 §§1—5; Ord. 2004-17 §1; Ord. 2005-04 §§1—5; Ord. 2007-04 §1)

ARTICLE 5

Water and Sewer Rates

Division 1 Rates Established

Sec. 13-5-10. Purpose.

The purpose of this Article is to raise revenue and to offset the continually rising costs incurred by the City for the provision of water and sewer services to its residents. The reason for the increase is that, after a study done by the City Council and City Clerk, it has been determined that the rates currently existing for water and sewer services is insufficient to cover the costs of those services. Therefore, the City Council has elected to raise the rates in order to cover the increase costs of providing the services (Ord. 1985-2 §1; Ord. 1990-2 §1; Ord. 1993-3 §1)

Sec. 13-5-20. Definitions.

Whenever the following words or phrases are used in this Article, they shall have the following meanings:

Commercial rate means the rate applied to all businesses within the City to which the City's water and sewer services are provided.

Human services or governmental entity rate means the rate applied to all human services organizations or governmental or quasi-governmental entities, limited to hospitals, schools, nursing homes and facilities owned or operated by state, county and/or quasi-governmental entities.

Metered rate means the rate applied to all businesses and/or residences that are currently on a meter or metered in the future.

Residential rate means the rate applied to all houses to which the City's sewer and water services are provided and which are not classified as commercial. (Ord. 1985-2 §2; Ord. 1990-2 §2; Ord. 1993-3 §2; Ord. 2007-04 §1)

Sec. 13-5-30. Water rates.

(a) Unmetered residential rates.

(1) The monthly residential rate for water shall be fifteen dollars (\$15.00) per month.

(2) In addition to the above monthly rate, the amount of five dollars (\$5.00) shall be charged each month, such amount to be deposited into the Water and Sewer Capital Improvement Fund, to be used in the construction and rehabilitation of the City's water and sewer systems.

(b) Metered residential rates. The monthly metered rate for water shall be as follows:

(1) The monthly rate for the first ten thousand (10,000) gallons of usage shall be thirty dollars (\$30.00).

(2) The monthly rate for each additional one thousand (1,000) gallons used thereafter shall be two dollars and eighty-five cents (\$2.85).

(3) All metered water consumers shall pay an additional charge of fifteen dollars (\$15.00) per month, which amount shall be deposited into the City's Water and Sewer Capital Improvement Fund. This additional fifteen-dollar charge shall be paid by the consumer at the time of payment of his or her regular monthly water bill.

(c) Commercial rates.

(1) The monthly commercial rate for water shall be fifteen dollars (\$15.00) per month.

(2) In addition to the above monthly rate, the amount of five dollars (\$5.00) shall be charged each month, such amount to be deposited into the Water and Sewer Capital Improvement Fund, to be used in the construction and rehabilitation of the City's water and sewer systems.

(d) Human services organizations and governmental agencies rates. The monthly metered rate for human services organizations and governmental entities for water shall be set in accordance with the following schedule:

(1) The rate for the first ten thousand (10,000) gallons of usage shall be twenty-eight dollars and fifty cents (\$28.50) per month.

(2) For each one thousand (1,000) gallons thereafter, an additional amount of one dollar and sixty cents (\$1.60) per month will be charged.

(3) In addition to the above charges, a capital improvement fee of fifteen dollars (\$15.00) per month will be charged.

(e) Tap fees. The tap fees charged by the City for connection by a resident to the City's water system are set out in Article 4 of this Chapter.

(f) Disbursements and appropriations from the Water and Sewer Capital Improvement Fund shall be at the sole discretion of the City Council. (Ord. 1985-2 §3; Ord. 1986-2 §1; Ord. 1986-5 §§1—3; Ord. 1990-2 §4; Ord. 1993-3 §4; Ord. 2007-04 §1)

Sec. 13-5-40. Sewer rates.

(a) Unmetered residential rate. The monthly residential rate for sewer services shall be ten dollars (\$10.00) per month.

(b) Metered residential rate. The monthly metered rate for sewer services rates shall be thirteen dollars (\$13.00) per month for the first ten thousand (10,000) gallons, plus an additional amount of eighty cents (\$0.80) for each one thousand (1,000) gallons used thereafter.

(c) Commercial rate. The monthly commercial rate for sewer services shall be fourteen dollars (\$14.00) per month.

(d) Human services organizations and governmental entities. The monthly metered rate for human services organizations and governmental entities for sewer services shall be set in accordance with the following schedule:

(1) The rate for the first ten thousand (10,000) gallons shall be thirteen dollars (\$13.00) per month.

(2) For each one thousand (1,000) gallons thereafter, an additional amount of forty cents (\$0.40) per month shall be charged.

(e) Tap fees. The tap fees charged by the City for connection by a resident to the City's are set out in Article 4 of this Chapter. (Ord. 1985-2 §3; Ord. 1990-2 §4; Ord. 1993-3 §4; Ord. 2007-04 §1)

Sec. 13-5-50. Senior citizen reduction.

(a) Reduction granted. For those senior citizens qualifying under the terms of this Section, the residential rate for unmetered water service provided to the private residences of said individuals shall be ten dollars (\$10.00) per month. This reduced rate for senior citizens shall be in effect until this Section is specifically amended or repealed, and any subsequent raises in the residential water rates charged to the remainder of the general populace of the City shall not change the rate charged to qualifying senior citizens pursuant to this Section.

(b) Eligibility requirements. In order to be eligible for the water rate reduction specified above, the water consumer must meet the following qualifications:

(1) The water consumer applying for the rate reduction specified in this Section must be the head of the household, and must actually be occupying the residence for which the rate reduction is sought. For the purposes of this Section, *household* shall mean a single dwelling unit, which is a water consumer, and which would otherwise be required to pay the normal unmetered residential water rate.

(2) The eligible consumer must be sixty-two (62) years of age or older.

(3) The consumer's total gross income from all sources shall not exceed the sum of seven hundred seventy-six dollars (\$776.00) per month for a single individual, increasing by two hundred sixty-five dollars (\$265.00) for each additional resident of the household. For purposes of this provision, *gross income* shall mean income from all sources, including but not limited to alimony, support money, cash public assistance, relief, pensions, annuities, Social Security, interest on securities (including tax-free interest on governmental security), realized capital gains, workers' compensation (not including medical benefits), unemployment insurance income, and insurance benefits of all kinds (other than medical), except that *gross income* shall not include Medicare benefits, Medicaid benefits, gifts of food, gifts between members of the household, the receipt of surplus food or other relief in kind supplied by a governmental agency.

(4) The eligible consumer must not have experienced any change in his or her financial situation during the period of time for which the water rate reduction is granted, and if there has been any change, the consumer shall immediately report the change to the City Clerk.

(5) To be eligible, the consumer must file a written application and affidavit with the City Clerk, on a form supplied by the City Clerk, together with copies of such supporting documents as may be necessary to establish the consumer's eligibility pursuant to this Section. For purposes of this Paragraph, *supporting documents* shall mean federal and state income tax returns for the last preceding tax year, copies of wage statements, Social Security statements, check receipts or any other evidence of *the* consumer's monthly income.

(c) The City Clerk shall make periodic reports to the City Council of the number of citizens who have applied for and received the rate reduction granted herein, as well as the total amount of reduction granted as a result of this Section. (Ord. 1986-3 §§1—3; Ord. 2004-18 §1; Ord. 2007-04 §1)

Division 2
Collection of Charges

Sec. 13-5-110. Definitions.

Whenever the following words or phrases are used in this Article, they shall have the following meanings:

Customer means the owner of the real property to which water and sewer services are supplied by the City.

Utility service means water and sewer service provided to customers by the City. (Ord. 2002-02 §2; Ord. 2007-04 §1)

Sec. 13-5-120. Customer charges.

Each customer receiving utility service supplied by the City shall pay the monthly charge by thirty (30) days after the statement date for the services provided by the City, which charges are payable in the manner and at the rate specified by the City Council. (Ord. 2002-02 §3)

Sec. 13-5-130. Duty of property owner.

The owner of real property served by the City shall be responsible for payment of all charges for water service or sewage service. Any agreement made between such property owner and a tenant shall not be binding upon the City and shall not relieve the property owner of this responsibility. (Ord. 1986-6 §7.1)

Sec. 13-5-140. Remedies for nonpayment.

A bill for utility service shall become delinquent on the date of the next statement. A late fee of five dollars (\$5.00) shall be applied to all delinquent water and sewer balances. If the account is delinquent on two (2) monthly bills and the customer has failed to establish payment terms with the

City, utility service is subject to disconnection. Prior to disconnection of utility service for any customer, the City shall do the following:

(1) Provide a written notice of discontinuance of utility service, at least ten (10) days prior to disconnection of service. Such notice shall be mailed to the customer by certified mail, and posted on the premises for which the charge reflected on the bill is due. The ten-day period shall commence after posting of the notice. The written notice shall advise the customer of the exact amount of all unpaid charges and the amount required to bring the delinquent account current.

(2) Include a provision in the written notice, advising the customer whose account is delinquent of the right to have an administrative hearing before the City Council during the ten-day period, the only issue at such hearing being whether a delinquency exists and the accuracy of the delinquent bills. To have a hearing, the customer must make a request for the same by contacting the City Clerk by telephone, in person or by letter. In the event the customer fails to pay the delinquent account after written notice is sent in accordance with this Division, and the customer has failed to request a hearing for the same, then the City may discontinue utility service. (Ord. 2002-02 §4; Ord. 2007-04 §1)

Sec. 13-5-150. Late charges.

In the event any user of the City's system neglects, fails or refuses to pay the rates and charges fixed by this Article for the use of said water and sewer systems, the rates and charges due therefrom shall be certified by the City Clerk to the County Treasurer, and shall become a lien upon the real property so served by said water and sewer connection. The amount due shall be collected in the manner as though they were part of the taxes. In addition, a late charge of five dollars (\$5.00) for each delinquent month shall be assessed against any individual who has not paid his or her sewer and water bill within thirty (30) days of the due date of the bill. The lien shall become effective upon supplying utility service, and will not be discharged until payment of all charges. Until paid, the past-due account shall constitute a perpetual lien on and against the properties served. Such lien shall be enforceable against any person acquiring an interest in such real property. (Ord. 1985-2 §4; Ord. 1990-2 §5; Ord. 1993-3 §5; Ord. 1993-16; Ord. 2002-02 §7; Ord. 2007-04 §1)

Sec. 13-5-160. Restoration of service.

The City shall restore all discontinued utility service within twenty-four (24) hours, after the customer does one (1) of the following:

(1) Pays the amount due on the notice of discontinuance and any other applicable charges for reconnection of service.

(2) Makes acceptable payment arrangements with the City. (Ord. 2002-02 §5)

Sec. 13-5-170. Reconnection of utility service.

A charge of seventy-five dollars (\$75.00) will be made for reconnection of utility service where the service has been discontinued for nonpayment. (Ord. 2002-02 §6)

ARTICLE 6

Cross-Connection Control Program

Sec. 13-6-10. Established.

There is hereby established a cross-connection control program. The purpose of the cross-connection control program is to protect the City's public potable water system and its customers from contamination by backflow from private water plumbing and water use facilities. (Ord. 2007-03 §1)

Sec. 13-6-20. Definitions.

Whenever the following words or phrases are used in this Article, they shall have the following meanings:

Cross-connection means any point in a water distribution system where chemical, biological or radiological contaminants may come into contact with potable water.

Cross-Connection Control Manual means the Colorado Cross-Connection Control Manual, Colorado Department of Public Health and Environment, latest edition.

Water customer means every owner of property served by the City and every user of water at a premises served by the City, regardless of whether such owner or user is the customer of record.

Other definitions. Terms and phrases, as used in this Article, shall have the same meaning as given to such terms and phrases in the Cross-Connection Control Manual, as the same has been adopted by ordinance, except that in the event of any conflict, the Cross-Connection Control Manual shall control. (Ord. 2007-03 §2)

Sec. 13-6-30. Applicable to all water customers.

The provisions of this Article apply to all water customers whether they are the same or different persons or entities and regardless of whether the property or premises served is located within or outside of the City's municipal boundaries. Every such water customer shall comply with all provisions of this Article as a condition of the City providing potable water service to such water customer. (Ord. 2007-03 §3)

Sec. 13-6-40. Time period for coming into compliance.

(a) Upon and after the effective date of the ordinance codified herein, every water customer for new water service for which a water meter has not yet been installed shall install the appropriate backflow device with the water meter.

(b) The City will notify all owners of construction projects, which have been initiated by obtaining City zoning, development or building approval prior to the effective date of the ordinance codified herein but who have not yet had a water meter installed, of the passage of said ordinance. Every such owner shall be responsible for complying with this Article immediately upon its passage.

(c) Except as otherwise required herein, water customers with backflow devices that are in place as of the effective date of the ordinance codified herein but which do not comply with said ordinance shall be replaced within three (3) years of the effective date of this Article. After the effective date of this Article:

(1) Any backflow device which fails an annual test or otherwise fails to perform its backflow prevention function shall be replaced with an approved device immediately; and

(2) Any backflow device which the City deems to pose a significant potential threat to the potable water system by nature of its application, installation or physical condition shall be replaced with an approved device immediately.

(d) Water customers owning or occupying any property or premises served with water from the City's water system which undergoes a change of use shall install a backflow device for the new use as a condition of initiating the new use.

(e) Where notified by the City in writing, any customer whose water uses and/or plumbing present a significant potential threat to the City's potable water system as deemed by the City shall come into compliance within a time period commensurate with the degree of hazard.

(f) Commercial water services that serve only domestic uses are eligible for a low-level hazard designation and, upon approval by the City, shall be permitted to use a residential style, dual-check valve backflow device. (Ord. 2007-03 §4)

Sec. 13-6-50. Monitoring for potential hazards.

(a) The City shall monitor its water customers to identify potential hazards and backflow prevention needs. As potential hazards are identified, the City shall investigate on-site activities, processes, chemicals, water uses and plumbing arrangements as necessary to determine the degree of hazard, the adequacy of existing backflow prevention and the appropriate enforcement actions to achieve appropriate backflow prevention. This monitoring role by the City shall not relieve water customers of their responsibility to provide appropriate cross-connection control and comply in all other ways with this Article.

(b) Entry and inspection by the City are conditions of service.

(1) An authorized representative of the City shall have the right to enter and inspect, at any reasonable time and in any reasonable manner, any property, premises or place for the purpose of investigating any actual, suspected or potential cross-connection or ascertaining compliance or noncompliance with this Article, or to assure proper installation and operation of any backflow prevention device.

(2) This right of entry shall be a condition of water service in order to provide assurance that the continuation of service to the premises will not constitute a threat to the health, safety and welfare of the City's water customers.

(3) The City shall schedule inspections during times of mutual convenience, whenever reasonable.

(4) The City may turn off a water service when: a) repeated efforts to arrange an inspection are ignored by the water customer; or b) access for inspection is denied by the water customer.

(5) The City's authorized representative shall present proper credentials upon request by the water customer.

(c) The City's official contact for notices shall be the customer of record. The customer of record shall transmit notices to the water customer. (Ord. 2007-03 §5)

Sec. 13-6-60. Water customer responsible for compliance and costs of compliance.

(a) The water customer is responsible for complying with all of the provisions of this Article. The water customer shall install and maintain the backflow devices which comply with this Article and are appropriate for the uses on the water customer's property. The water customer is responsible for knowing the uses on his or her property and for identifying and preventing cross-connections.

(b) This Article does not exempt the water customer from the cross-connection control provisions for internal water distribution systems (isolation) as contained in the City's Plumbing Code, or state or federal regulations regarding cross-connections.

(c) The water customer shall be responsible for the costs to install, maintain, replace and test backflow prevention devices in accordance with this Article, except that the water customer shall not be responsible for the costs associated with any retesting conducted by the City to check the work of a private certified cross-connection control technician who completes required testing for the water customer.

(d) The water customer is responsible for isolation, or the internal protection from cross-connections within a water customer's private plumbing. As such, the water customer shall be responsible for the identification of needs, installation of backflow prevention devices, maintenance, replacement and testing of devices without prompting or notification by the City. (Ord. 2007-03 §6)

Sec. 13-6-70. Installation.

(a) Required installation plan. A plan for installation of any backflow device must be submitted to the City by or on behalf of any water user. Approval by the City to proceed with the installation must be obtained prior to installation. Plans must be submitted in time to allow five (5) work days for City review, research and response.

(1) The type of backflow prevention devices installed for containment on premises served by the City shall be approved by the City prior to installation. To be approved, the type of backflow device must be appropriate, as determined by the City, for the potential hazard associated with the premises served. The City will consider cross-connection control industry standards and site specific conditions in each specific application and approval. The City may approve the device in accordance with this Article, or in the case of uses and hazards that may not be addressed by a categorical standard, after evaluation on a case-by-case basis.

(2) Minimum requirements of the plan. All submitted plans must contain, at a minimum, the following:

- a. One-page City information sheet.
- b. Piping schematic showing general location of device and orientation to piping, valves, tees, water-meter and other appurtenances, as well as clearances provided for testing maintenance and re-placement.
- c. Sizes of water line and meter.
- d. Backflow device size, type, manufacturer and model.
- e. Manufacturer's special installation requirements.
- f. Installing company's name, address and phone number. Installing certified cross-connection control technician's name, phone number and Colorado Certification Number.

(b) Residential exemption. Water services for residences which do not include direct water piping connections to solar systems, irrigation systems, hot tubs, swimming pools or boiler makeup tanks shall be exempt from: the installation plan required by this Section; and the requirement to have a certified cross-control technician certify the installation.

(c) Installation standards.

(1) All backflow prevention devices shall be installed strictly in conformance with the manufacturer's recommendations, and in conformance with the City's standards and the cross-connection control manual.

(2) All backflow device installations shall be inspected to verify general compliance with this Article by a representative of the City prior to use. When possible, the owner of a commercial service shall schedule the City representative to make a verification inspection at the time the certified cross-connection control technician completes installation tests and certification. The City verification for residential services shall generally be made with the installation of the water meter into the City-provided meter setter into the City-provided meter setter previously installed by the builder's plumber. Except as otherwise provided in this Article, each water customer shall cause a certified cross-connection control technician to inspect, test and certify to the water customer and the City that the device was installed properly. The City and its representatives shall not be subject to any liability for any deficiency or defect in the device installed or the installation which is not discovered by its inspection, nor shall the water customer of such premises be absolved from any liability for such deficiency or defect and any responsibility to correct such deficiency or defect.

(3) All backflow devices must be installed in an accessible location to facilitate access, maintenance, testing and repair.

(4) All backflow prevention devices installed for service line containment shall be installed immediately downstream of the water meter, before any tees or branches.

(5) Where special building security is required, the backflow prevention device should be located in an area not subject to special security in order to facilitate routine inspection and testing.

(6) Before installing the backflow prevention device, pipelines should be thoroughly flushed to remove foreign material.

(7) In no case is it permissible to hard pipe the relief valve discharge on reduced pressure devices into a sump, sewer, drainage ditch, etc.

(8) Backflow prevention valves are not to be used as the inlet or outlet of the water meter. Backflow prevention test cocks may not be used as supply connections and must be plugged except when testing.

(9) All backflow devices shall be installed in the horizontal position, unless specifically justified otherwise by manufacturer's instructions. (Ord. 2007-03 §7)

Sec. 13-6-80. Maintenance.

(a) The water customer shall repair or replace the water customer's backflow prevention device where the device is found to be defective by the water customer, a certified cross-connection control technician or the City. Any such repair or replacement shall be made by, or under the direction of, a certified cross-connection control technician.

(b) The water customer shall keep copies of reports of all such repairs or replacements and associated test results and shall send a copy by U.S. Mail or via facsimile to the City. (Ord. 2007-03 §8)

Sec. 13-6-90. Testing.

(a) The water customer is responsible for and shall cause all testing of the water customer's backflow devices as required herein to be performed. In order to ensure that backflow prevention devices continue to operate satisfactorily, all backflow prevention devices, except residential dual-check valves which are built into residential meter setters, shall be tested at the time of installation and on an annual schedule thereafter. Such tests shall be conducted in accordance with ASSE and/or USC-CCC & HR performance standards and field test procedures included in the cross-connection control manual.

(b) Initial and annual tests shall be conducted by cross-connection control technicians currently certified as required by this Article and having the required copies of certification filed with the City. All backflow prevention devices shall be tested and certified to be installed properly and operable by a certified cross-connection control technician prior to use. Such certification shall be provided to the City within three (3) work days of testing.

(c) For cause, on a case-by-case basis, the City may require more frequent testing than annually. Examples of cause may be past failures, unusually high potential risk and construction on the premises served.

(d) The technician who performs such tests shall mail or fax signed copies of certified test reports to the City within three (3) work days of test completion. Any corrective repairs or modifications completed at the time of testing or needed subsequent to the test shall be described on the report, and any retest report shall be mailed or faxed to the City within three (3) work days of retest.

(e) The City shall have the right to test or have tested, at its expense, any backflow devices of its customers upon reasonable coordination with the customer. Such test may be for the purpose of spot-checking contract testers.

(f) Notice by mail will be provided to each water customer in the City's database of that customer's impending due date for annual testing of backflow devices. Any water customer from which a test report is not received by the due date, or from which is received a deficient test report, shall be given thirty (30) days to comply after being notified by certified mail of the violation. (Ord. 2007-03 §9)

Sec. 13-6-100. Standards for backflow prevention devices.

(a) Only approved backflow prevention devices shall be used. The following testing laboratories are qualified to test and certify backflow prevention assemblies and being listed on one (1) of their currently approved lists shall meet this approval requirement.

(1) American Society of Sanitary Engineering (ASSE), 901 Canterbury, Suite A, Westlake, OH 44145.

(2) USC Foundation for Cross-Connection Control and Hydraulic Research (USC Foundation), University of Southern California, KAP-200 University Park MC-2531, Los Angeles, CA 90089-2531.

Exception: Residential containment may be accomplished with a device approved by the American Society of Sanitary and Mechanical Engineers.

(b) The single check valve is not an approved backflow prevention device.

(c) A pressure vacuum breaker may be used only where the assembly is never subjected to backpressure and installed a minimum of twelve (12) inches above the highest piping or outlet downstream of the assembly in a manner to preclude backpressure.

(d) An atmospheric vacuum breaker may be used only where the assembly is:

(1) Installed as an isolation assembly.

(2) Never subjected to continuous pressure (more than twelve [12] hours continuous).

(3) Installed with the air inlet in a level position and a minimum of six (6) inches above the highest piping or outlet it is protecting.

(e) Reduced pressure backflow preventers may be used when installation above ground is available. The unit must be placed at least twelve (12) inches above the finish grade to allow clearance for repair work. A concrete slab at finish grade is recommended. Proper drainage is required for the relief valve and drainage may be piped away from the location, provided that it is readily visible from above grade and provided the relief valve is separated from the drain line by a minimum of double the diameter of the supply line. Precautions must be taken to protect above-ground installations from freezing. Reduced pressure backflow preventers may be used in below-

grade vaults when the vault is properly constructed in accordance with the cross-connection control manual.

(f) A reduced pressure backflow preventer may be used in a basement provided with an adequate drain with an effective opening of twice the diameter of the device.

(g) Double-check valve assemblies may be used in below-grade vaults when these vaults are properly constructed in accordance with the cross-connection control manual.

(h) The City is hereby authorized to establish a list of water customer site uses and the associated backflow prevention devices acceptable for containment on the water service for each use listed. The type of backflow device for any water service serving multiple uses shall be based on the most restrictive use. Such list shall contain, but not be limited to:

- (1) Apartment houses.
- (2) Auto repair.
- (3) Car washes.
- (4) Department stores.
- (5) Fire sprinklers with chemicals.
- (6) Fire sprinklers without chemicals.
- (7) Food processing plants.
- (8) Hospitals, medical and dental offices.
- (9) Laundries.
- (10) Leased spaces.
- (11) Plating operations.
- (12) Photo developing.
- (13) Schools with laboratories.
- (14) Swimming pools.

(i) Residential services: All residential water services, whether single-family or multi-family services, shall be equipped with a minimum of a dual-check valve. The water meter setter, paid for with the utilities tap fees and provided by the City for builder's plumbing into the house plumbing, shall contain such dual-check valves.

(j) Commercial services: All commercial water services, which include industrial and institutional uses which are not listed by resolution, shall be equipped with a reduced pressure zone

backflow prevention device or shall be individually evaluated by the owner's certified cross-connection control technician to assess their potential backflow hazards and to determine the appropriate backflow prevention devices in accordance with the City's adopted guidance.

(k) Fire sprinkler systems: All fire sprinkling feed lines shall have the protection of an approved double-check valve for containment of the system.

(1) Dry fire systems shall have an approved double-check valve installed upstream of the air pressure valve.

(2) Backflow assemblies used on fire lines shall have O.S.&Y. (outside stem and yoke) valves and be listed by the National Fire Protection Association.

(l) Solar heating systems: All glycol or other antifreeze solar heating systems shall have an approved double-check valve, reduced pressure zone backflow prevention device or air gap. (Ord. 2007-03 §10)

Sec. 13-6-110. Certified cross-connection control technician.

(a) Backflow prevention devices shall be installed tested and repaired by or under the direct supervision of a cross-connection control technician currently certified by a certifying agency recognized by the State. Currently, the State recognizes the following certifying agencies for cross-connection control technicians:

- (1) American Society of Sanitary Engineering (ASSE);
- (2) American Backflow Prevention Association (ABPA); and
- (3) Association of Boards of Certification (ABC).

Dual-check valves integral to the City's water meter setters are exempt from the requirement of A.1.

(b) All gauges and equipment used by a cross-connection control technician shall be kept in good repair and working order. Gauges shall be tested and certified to be accurate on a yearly basis. Each certified cross-connection control technician shall provide the City with current certifications of all test gauges used in the City's service area.

(c) Required notifications.

(1) Whenever an owner/customer's water system will be shut down by a certified cross-connection control technician to install, test, repair or replace a backflow protection device, the technician shall first notify the occupants of the premises of the proposed shutdown.

(2) Whenever an owner/customer's fire sprinkler system will be shut down by a certified cross-connection control technician, the alarm monitoring company and the Northeast Teller County Fire Protection District, as well as the occupants of the premises, shall be notified by the technician.

(d) Record submittals and retention.

(1) The certified cross-connection control technician shall submit copies of all installation, test and repair reports to the water customer and to the City within three (3) working days of completing the work. Such reports shall conform to generally accepted standards of the industry and shall include the storefront name of the premises when different from the water customer.

(2) The certified cross-connection control technician shall keep copies of all such reports for a minimum of three (3) years.

(e) Each cross-connection control technician working within the City's service area shall deliver to the City and keep current copies of the technician's certification and the technician's test gauge certification. (Ord. 2007-03 §11)

Sec. 13-6-120. Violations and enforcement.

(a) The following are violations of this Article:

(1) Failure to install the appropriate cross-connection control device in a new water customer premises.

(2) Any owner or user of any property connected to the water system, or any person working on a water line connected to the water system, to allow any cross-connection to the water system, unless there is provided an approved and functional backflow prevention assembly commensurate to the potential hazard.

(3) Allowing unprotected cross-connections, in violation of the provisions of this Article, to exist on premises owned, leased, rented or otherwise controlled.

(4) Bypassing, removing, tampering with or otherwise rendering nonfunctional or defective any cross-connection control device, except for replacing, repairing or upgrading the installation.

(5) Failure to submit test reports to the City as required for initial installation or annual tests.

(6) Falsifying test reports or results of device testing.

(7) Failure to correct in a timely manner defective or nonfunctional backflow prevention devices or their installation.

(8) Denial of access to the City for cross-connection-related inspections.

(9) Testing or repair of backflow devices for containment by a person other than a certified cross-control connection technician.

(10) Causing the pollution or contamination of any service line, user's potable water system or the City's potable water system with any water or other liquids, fluids, mixtures, gases or any substance other than those allowed by the Colorado Primary Drinking Water Regulations.

(b) Enforcement.

(1) When no immediate threat of contamination is identified, the City and its representatives shall provide oral or written notices of violations to the responsible customers and provide a reasonable time period for correction based on the degree of potential hazard, complexity of the solution and anticipated cost.

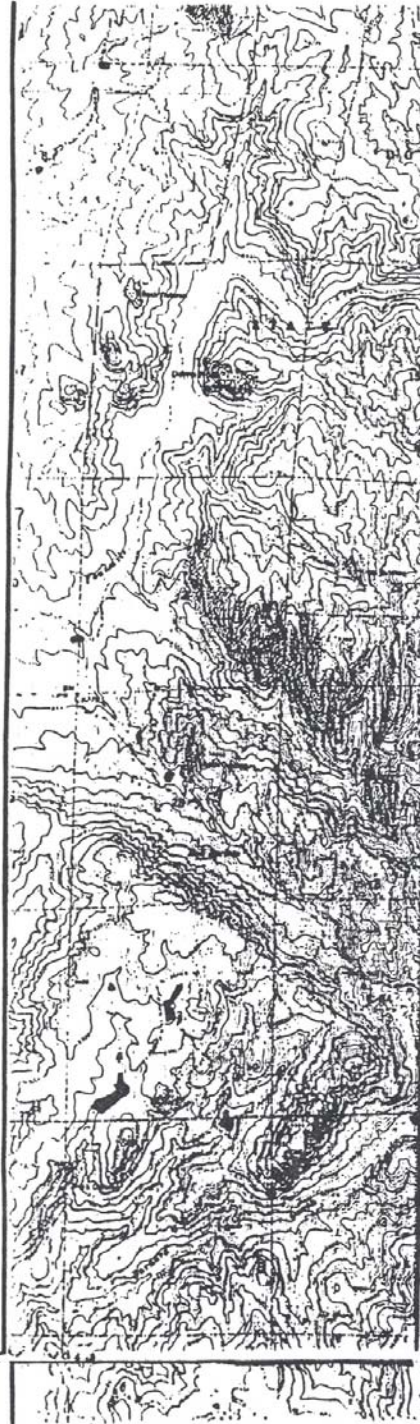
(2) When an identified hazard is significant and immediate, and no immediate corrective action is available, the City shall shut off water service to the premises until acceptable corrective action is taken. Such discontinuance of service may be summary, immediate and without written notice whenever, in the judgment of the City, such action is necessary to protect the public potable water system.

(3) When the conditions in Paragraph (1) above exist but the water customer does not take corrective action after a reasonable time, the City may shut off the water service. Such shut-off shall not be made without twenty-four-hour written notice to the water customer. This notice shall contain a written explanation of the violation. Such shut-off shall not be made without agreement by, and signatures of, two (2) City representatives.

(4) The City may, in addition to the above remedies, seek corrective action, fines, costs and other restitution within the Municipal Court system as provided for a general violation of this Code.

(c) Cross-connection control protects the health, safety and welfare of all users of the City's water system. Further, under existing state law, it is illegal to create or allow cross-connections to exist. Therefore, nothing herein shall be construed as to grandfather existing cross-connections and allow them to continue to exist. In enforcement of this Article, the City shall assess the degree of hazard of each situation. (Ord. 2007-03 §12)

**APPENDIX 13-A
Watershed District Map**



DETAILED LEGAL DESCRIPTION OF BASIN:

T14S, R69W of the 6th P.M.:

Section	Legal Description
1	W 1/2 of SW 1/4 of NW W 1/2 of NW 1/4 of SW S 1/2 of SE 1/4 of SW
2	SE E 1/2 of SE 1/4 of NE E 1/2 of SE 1/4 of NW
10	E 1/2 of SE 1/4 of SE
11	NE E 1/2 of NW SW NE 1/4 of SE W 1/2 of SE
12	NW N 1/2 of SW N 1/2 of S 1/2 of SW
14	NW SW
15	E 1/2 of NE NE 1/4 of SE
22	E 1/2 of SE 1/4 of SE E 1/2 of E 1/2 of NE E 1/2 of E 1/2 of SE W 1/2 of SE 1/4 of SE
23	NW SW
26	W 1/2 of W 1/2 of NE W 1/2 of W 1/2 of SE NW NW 1/4 of NE N 1/2 of SW
27	E 1/2 of NE E 1/2 of W 1/2 of NE SE
29	SE 1/4 of SW W 1/2 of SE 1/4 of SE E 1/2 of SW 1/4 of SE N 1/2 of W 1/2 of SW 1/4 of SE
32	E 1/2 of E E 1/2 of W 1/2 of NE E 1/2 of W 1/2 of NE E 1/2 of W 1/2 of SE SW 1/4 of SW 1/4 of SE W SE
34	SW 1/4 of NW 1/4 of NE NW 1/4 of NE W 1/2 of NE 1/4 of NE W 1/2 of SW 1/4 of NE E 1/2 of NW SW 1/4 of NW SW

T15S, R69W of the 6th P.M.:

Section	Legal Description
3	W 1/2 of NW W 1/2 of NE 1/4 of NW NE 1/4 of NE 1/4 of NW W 1/2 of W 1/2 of SW NE 1/4 of NW 1/4 of SW
4	ALL
5	E NE 1/4 of NW NE 1/4 of NW S 1/2 of SW SE 1/4 of NW E 1/2 of SE 1/4 of SE NW 1/4 of SE 1/4 of SE NE 1/4 of SE SE 1/4 of NW 1/4 of SE
6	E 1/2 of SE 1/4 of NE E 1/2 of SE 1/4 of NE
7	E 1/2 of NE 1/4 of NE SW 1/4 of SE 1/4 of NE 1/4 of NE
8	N N 1/2 of SE SE 1/4 of SE N 1/2 of SW 1/4 of SE SW 1/4 of SW N 1/2 of SE 1/4 of SW
9	ALL
10	W 1/2 of W 1/2 of W
15	SE 1/4 of SW 1/4 of NW NE 1/4 of NW 1/4 of NW