

CHAPTER 13

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ARTICLE 1

General Provisions

Sec. 13-1-10. Authority to charge R-1 utility rates on R-2 zoned property.

(a) The Mayor is authorized to charge owners and/or residents of residential properties in the R-2, Residential 2 District the rates for sewer services and garbage and trash disposal services applicable to the R-1, Residential 1 District so long as such properties are continuously used as R-1, subject to the following conditions:

(1) The owners and/or residents must request such rates for R-1 Districts in writing accompanied by an affidavit that the properties are zoned R-2 and are being used as R-1 properties;

(2) Pursuant to Section 1-5-10, the Mayor shall personally inspect or verify that the R-2 zoned properties are being used as R-1 properties by the applicants;

(3) The application of such rates for R-1 used properties shall cease immediately upon any changes or discontinuance of the uses of such properties as R-1 properties; and

(4) The utilization of such R-1 utility rates shall be applicable only to the owners and/or residents referred to in Subsection (1) hereof, shall not be transferable and shall not become a property right in any manner whatsoever.

(b) It is unlawful to provide false or misleading information on the application or request for application of R-1 utility rates as provided herein. (Prior code 2-3; Ord. 12-08 §1, 2008)

ARTICLE 2

Water System

Division 1 Generally

Sec. 13-2-10. Water system designated.

The waterworks constructed, owned and operated by the City and used to supply the City and its inhabitants with water, shall be known as the "water system." The water system and all things pertaining thereto shall be maintained and operated by the Department of Public Works, under the control and supervision of the City Engineer. The City Engineer shall direct the design and the construction of all additions to the water system. Design and construction of the system shall be in accordance with good engineering standards and practices. (Prior code 22-16)

Sec. 13-2-20. Wasteful use prohibited.

It is unlawful for any person to use or permit the use of water in a wasteful manner, or to cause the same to be done, within the City. (Prior code 22-17)

Sec. 13-2-30. Damaging system.

It is unlawful for any person to injure or in any way damage any property or appliance constituting or being a part of the City's water system, or used in connection therewith, or for the benefit thereof. (Prior code 22-18)

Sec. 13-2-40. Tampering with system.

It is unlawful for any person, except those duly authorized, to tap or make connection with such waterworks or any part thereof, interfere in any manner with any pipe, valve or appliance used to regulate the flow of water in such water system or any part thereof, or to change or alter the position of any valve or appliance regulating the flow of water therein. (Prior code 22-19)

Sec. 13-2-50. Unauthorized use of water.

It is unlawful for any water consumer to use water through any tap or service pipe connected with the City's water mains contrary to the provisions of this Article, or to turn or cause to be turned on water to any premises, lot or building or house when the water has been shut off under due authority. (Prior code 22-20)

Sec. 13-2-60. Fire hydrants.

(a) The City Engineer, with the approval of the Fire Chief, shall determine the location and size of fire hydrants to ensure adequate fire protection.

(b) All fire hydrants shall be under the control of and shall be kept in repair by the Department of Public Works. The Department of Public Works shall test the same frequently to see that the hydrants are in good working order.

(c) In case of fire, the members of the Fire Department and such other persons as may be authorized by the Department of Public Works or the Fire Chief shall have free access to fire hydrants.

(d) No other person shall open or operate any fire hydrant, draw water therefrom or obstruct the approach thereto, without specific authorization from the Director of Public Works. (Prior code 22-21)

Sec. 13-2-70. Discontinuance of service.

The City shall have the right to cause the water to be shut off from any street main when it deems it necessary for repairing the pipeline or other appurtenances and connections of such water system, and in case of repair of the water system, or for any cause requiring the same, may temporarily restrict the use of water, and if needed, forbid sprinkling until such repairs are completed. (Prior code 22-22)

Sec. 13-2-80. Replacement water line or system design.

All new or replacement waterlines or water systems shall be designed to eliminate infiltration of floodwaters into the system. (Prior code 22-23)

Division 2
Taps and Connections

Sec. 13-2-210. Permit.

It is unlawful for any person or corporation to tap, or make any connection with the pipeline or water main forming a part of the water system, without first having obtained a permit therefor as provided in this Chapter. (Prior code 22-34)

Sec. 13-2-220. Connections generally.

To provide for the equal distribution of costs and a just means of billing water in the City, the following regulations are hereby established concerning the installation of service connections:

- (1) There shall be a minimum of one (1) three-fourths-inch tap for each building to be occupied as a residence, business, commercial or manufacturing use.
- (2) There shall be a meter of the type and design approved by the City, which meter shall be purchased from the City and installed in each service connection.
- (3) The service line shall be copper, type K, from the main to the meter location.
- (4) An inspection shall be conducted by authorized City personnel within thirty (30) days after meter purchase to verify proper installation and to seal all meter components. A fee of ten dollars (\$10.00) will be charged at the time of meter purchase to defray the cost of this inspection. (Prior code 22-35)

Sec. 13-2-230. Connection fees.

A minimum connection fee of eight hundred ninety-two dollars (\$892.00) shall be paid to the City for each connection of the minimum size of three-fourths ($\frac{3}{4}$) inch. Larger, single connection taps shall be proportioned by equivalent area to a three-fourths-inch tap, and the fee shall be a product of the equivalent of a three-fourths-inch tap times eight hundred ninety-two dollars (\$892.00). Additionally, the applicant shall pay fees to the Denver Water Board for tapping charge system development charge, and such other charges as required by the Board. (Prior code 22-36)

Sec. 13-2-240. Taps.

(a) Any person desiring to tap the pipes or mains of the water system, make any connection therewith or use water therefrom shall make application in writing therefor to the City Clerk. The application shall state the nature or character of the tap or connection, the name of the person for whose benefit it shall be granted, the date thereof, the point of the water main at which the tapping is to be done, the size of the tap and stopcock, the premises to which water is to be conducted and the use to be made of the water. If the application meets the requirements of this Article, the City Clerk shall issue and sign a permit, which shall state all the matters provided for in the application, together with the date of issuance.

(b) The owner of the premises making connection with such main shall furnish all appliances from the main to the lot line, including corporation cock, service pipe, stopcock and stop box, meter pit, and have the same in place at the owner's own expense.

(c) When the tap or connection is made and work completed as provided herein, the same shall be tested and, when found sufficient, the water shall be shut off at such stopcock until the owner of the premises produces a certificate of occupancy from the Building Department. (Prior code 22-37)

Sec. 13-2-250. Meter pit.

(a) All new water services shall have a water meter pit with a minimum diameter of twenty-four (24) inches and shall be located at least seven (7) feet inside the property line and no further than three (3) feet behind the sidewalk. In any event, such meter pit shall be located within the public right-of-way.

(b) Meter pits shall have a standard meter pit cover with frost plate. The meter pit cover shall fit flush with the ground level. The property owner shall maintain the meter pit cover with the grade level at his or her own expense.

(c) Any meter cover that is allowed to become more than two (2) inches below grade shall be raised. The property owner shall be notified in writing to raise the cover within a period of twenty (20) days. If the cover is not raised within the twenty-day period, the City may raise it and assess the cost to the property owner. (Prior code 22-38)

Sec. 13-2-260. Line extensions.

Whenever the owner of a lot or building site, or the owner's agent, desires to connect the premises to the water system, such person shall make application to the City Council for permission to extend the lateral. The minimum length the lateral will be extended shall be from the end of the existing system to a point opposite the center of the proposed structure or facility for which service is proposed. However, this shall not preclude the City from requiring that the lateral be extended to the end of the block or such point as is necessary to interconnect such lateral with the existing system in order to provide for a circulating system or fire protection. The City Council may grant the applicant permission to extend the lateral and may condition such permission upon the furnishing by applicant of a bond to the City sufficient to cover the costs of completing the work of such extension in a satisfactory manner as determined by the City, at an amount to be agreed upon between the applicant and the City. The applicant shall pay all costs of such extension and shall save the City harmless from any liability whatsoever arising out of any negligence in the construction of such extension and from any liens arising out of or through construction of the same. (Prior code 22-39)

Sec. 13-2-270. Maintenance.

(a) The City shall be responsible only for the repair of leaking or faulty water service connections from the City water main to and including the stop box and the curb valve. The property owner shall be responsible for the maintenance and repair of all water service connections beyond the stop box, including the service lateral pipe and the meter, and for all other maintenance and repair of water service connections other than the repairs which are the City's responsibility as provided in this Subsection.

(b) The meter shall be kept sealed and in good working condition. In the event that the meter does not operate properly, the property owner shall promptly have the meter repaired or replaced at the owner's expense.

(c) All water service connections shall be open for inspection at all reasonable times to the City, its employees, agents, contractors and representatives, to determine whether any structural or other deficiencies exist.

(d) If the property owner fails to repair or maintain any portion of the water service connections as required by this Section, the City may perform or cause to be performed such repair or maintenance, and charge the owner for the same, as follows:

(1) The City may notify the owner thereof and require the owner to make or cause to be made the required repair or maintenance within such time as is granted by the City, which time shall be no less than forty-eight (48) hours and no more than one (1) week. If the owner fails to complete the repair or maintenance within the required time, the City, its employees, agents, contractors and representatives are authorized to enter the property, to make the repair or cause the same to be made and to charge the full cost to the owner as a service charge.

(2) In addition to any other applicable charges, if the owner fails to make or cause to be made the required repair or maintenance within such time as is granted by the City under Subsection (1) hereof, the City shall impose a lost water charge of ten dollars (\$10.00) for each full day or portion thereof that the required repair or maintenance goes uncompleted following the time granted by the City for completion.

(e) In addition to any other applicable remedies, in any case where the City determines that a condition of the water system or of any water service connection which requires repair or maintenance may result in a hazard to the public safety, health, welfare or property, the time requirements of Subsection (d)(1) hereof shall not apply. In addition, subject to the provisions of Section 13-2-430, the City may deny or discontinue service to the property by providing for a physical break in the service line until the required repair or maintenance has been made.

(f) Charges made by the City pursuant to Subsection (d) hereof shall constitute a service charge which shall be billed in the same manner as other water charges imposed pursuant to this Chapter, and to which Sections 13-2-430 and 13-2-440 shall apply. (Prior code 22-40)

Sec. 13-2-280. New construction.

The City Engineer shall be responsible for the determination of the size and location of all new facilities, including the location of fire hydrants as set out in Section 13-2-60 of this Article. (Prior code 22-41; Ord. 12-08 §1, 2008)

*Division 3
Rates and Charges*

Sec. 13-2-410. Water rates established.

The water rate schedule and charge to consumers of water from the established system of the City in and outside the corporate limits of the City is as follows:

(1) Water used within the City limits shall be charged and paid for at the rate of eleven dollars (\$11.00) per quarter basic service charge for each connection, plus a usage charge of three dollars and thirteen cents (\$3.13) per each one thousand (1,000) gallons.

(2) Water used outside the City limits shall be charged and paid for at the rate of eleven dollars (\$11.00) per quarter basic service charge for each connection, plus a usage charge of three dollars and twenty-six cents (\$3.26) per each one thousand (1,000) gallons.

(3) Water used by the City, its departments and its agencies shall be charged and paid at the rate for such water usage as billed by the Denver Water Board. A resolution shall be adopted no less often than annually establishing the amount of the charge and making the appropriate transfer from the general fund.

(4) In addition to the rates prescribed above, the City Council may from time to time by resolution establish a drought surcharge to be applied to consumers of water from the City water system if it finds that drought conditions have threatened or impacted the City's water supply. (Prior code 22-51; Ord. 23-05 §1, 2005)

Sec. 13-2-420. Billing periods.

(a) The normal billing period for all water consumers shall be calendar quarters, namely: January, February, March; April, May, June; July, August, September; and October, November, December.

(b) The City Clerk may establish, by regulation, a method of budget billing which permits users choosing such method to pay their water bills in a fashion that reduces fluctuations in the amount of the bill from quarter to quarter. In no event shall such method result in any reduction of the rates and charges established in Section 13-2-410. (Prior code 22-52)

Sec. 13-2-430. Unpaid bills.

(a) All water bills unpaid by the tenth day following the date of the bill shall have added thereto a penalty of ten percent (10%) of the amount of the bill. If any such bill and the ten-percent penalty remain unpaid by closing time on the twentieth day following the due date of the bill, the City Clerk shall give the occupant and owner of every premises served with the water utility, so delinquent, notice in writing to be sent by first-class mail, to the last known address of the occupant and owner as shown on the City's water records, that the bill and the ten-percent penalty must be paid in five (5) days from the date of mailing of the notice or water shall be turned off from the premises for which the bill and penalty remain unpaid. The City shall have the right to enter upon private property for the purpose of disconnecting service. Such notice shall be mailed on the twenty-first day following

the due date of the bill and posted on a door to the premises. There shall be a fee of ten dollars (\$10.00) charged for the delivery of said delinquent notice. No suspension of service shall be made until written notice of the proposed suspension is provided to the occupant and owner of the premises served. The notice shall include the following:

(1) Notification that the water service shall be suspended on the date specified in the notice, which date shall be no sooner than five (5) days after the date of mailing of the notice;

(2) The reasons for suspension of service; and

(3) An advertisement that, if the occupant or owner does not believe reasonable cause exists for the proposed suspension, a conference may be requested and held with the City Clerk prior to suspension.

(b) The owner or occupant may request, prior to the date of service suspension set forth in the notice, a conference with the City Clerk. At the conclusion of the conference, the City Clerk shall decide whether reasonable cause exists for the proposed suspension and shall inform the owner or occupant of his or her decision. If a conference has been requested and held and the City Clerk has determined that reasonable cause exists for the proposed suspension or, if prior to 5:00 p.m. on the date specified in the notice the conference has not been requested and held or full payment of delinquent bills and charges has not been made and no arrangement for such payment has been made, then water service shall be suspended and shall not be reinstated until the cause for the suspension has been cured, all delinquent bills and charges due are paid in full, a service charge of ten dollars (\$10.00) for turning off the water and a service charge of ten dollars (\$10.00) for turning on the water have all been paid in full. The City Clerk shall only accept full payment of delinquent bills and charges.

(c) In addition, if any user's water has been turned off as a result of unpaid bills within any calendar year, the cost of said turning off and restoring service shall escalate as follows:

Second shutoff	\$30.00
Third shutoff	\$50.00
Each subsequent shutoff	\$75.00

(Prior code 22-53)

Sec. 13-2-440. Responsibility for payment; lien.

Regardless of the occupancy of a premises, the owner thereof shall be responsible for the payment of all water service charges arising out of provision of such service, to the owner's premises or under any permit issued to the owner's premises, or arising out of any repair to or maintenance of the owner's water service connection. All service charges and delinquent water charges, together with penalties, interest and the cost of collecting the same, if any, shall be and remain a lien upon the property to which water is delivered from the date such charges, penalties and service charges, together with interest and the cost of collecting the same, if any, become due until the same are paid. The lien against the property, or the liability against the owner, may be enforced by the City by an action at law or an action to enforce the lien. In the event that any person in possession of any premises pays the entire charges due and owing, the payment shall relieve the owner from such

liability and the premises from the lien; however, the City shall in no event be required to look to any person whatsoever, other than the owner of the premises for the payment of the charges. No change of ownership or occupation shall affect the application of this Article or any of its provisions, and the failure of any owner to learn that he or she purchased any property against which a lien for water services exists shall in no way affect his or her liability for such payment in full or be the basis for any claim of any kind whatsoever against the City for refusing to turn on water service until such charges have been paid in full. (Prior code 22-54)

Sec. 13-2-450. Defective meters.

(a) If any water meter fails to register or is not in working condition, the consumer or property owner shall immediately repair the same. Where the amount of water consumed on any premises cannot be accurately determined for any particular period of time through damage to the meter or otherwise, the consumer shall be charged at the average monthly consumption, as shown by the meter when in order, for a comparable consumption period.

(b) Upon the failure of the consumer or property owner to have a defective meter put in good order within ten (10) days after discovery or notice of the same, the water shall be turned off from such premises until such time as such meter shall be put in good order. Ten dollars (\$10.00) shall be charged for turning off such water and ten dollars (\$10.00) shall be charged for restoring such service. (Prior code 22-55)

Sec. 13-2-460. Periodic meter readings.

(a) It shall be the responsibility of every consumer purchasing water from the City to have the water meter read at least once in any three-month period by authorized personnel of the City. In the event any such meter is not read within such period, the City may notify the consumer of such fact in writing, stating that it shall be the obligation of the consumer to arrange a time within ten (10) days of receipt of such notice for an authorized representative of the City to read such meter and the consequences of his or her failure to have their meter read. Failure to have the water meter read in accordance with such notice shall be authority for the City to forthwith shut off the water to the premises of such consumer, and water so turned off shall not again be turned on until a service charge of ten dollars (\$10.00) for shutting off the water and a service charge of ten dollars (\$10.00) for turning on the water have been paid by such consumer.

(b) Whenever there is a request for a final meter reading in conjunction with a change in user service, a service charge of twenty dollars (\$20.00) will be charged to cover the cost of this special request. (Prior code 22-56)

Sec. 13-2-470. Inspection and testing of water meters.

(a) The City Engineer or the Director of Public Works shall have the right to enter any private property or structure, upon reasonable notice to the owner or occupant of the property, for the purpose of observing, inspecting or checking any water meter installed upon such property to ensure that such meter is operating properly. Reasonable notice shall be presumed to have been given if the City provides at least seventy-two (72) hours' written notice by mail or personal delivery of the need for the entry and the date and time of the entry.

(b) Each City employee or official involved in any observation, inspection or checking activity as provided for in Subsection (a) hereof shall carry an identification card signed by the Mayor and containing a picture of the employee or official, and shall display such card to the owner or occupant at the time a request for entry is made. The owner or occupant shall not be required to permit entry if the employee or official fails to display such a card.

(c) It is unlawful for any owner or occupant of any private property or structure to fail to permit entry to the property or structure by the City Engineer or Director of Public Works for the purposes and in the manner described in Subsections (a) and (b) hereof.

(d) Any water meter determined not to be operating properly shall be repaired, overhauled or replaced, at the cost of the property owner, if determined necessary by the City Engineer or the Director of Public Works to achieve an accurate reading. (Prior code 22-57)

Division 4
Water Activity Enterprise

Sec. 13-2-510. Definitions.

As used in this Division, unless the context otherwise requires:

Grant means the cash payment of public funds made directly to a municipal activity enterprise by the State or a local governmental entity or district, including the City, which cash payment is not required to be repaid. *Grant* does not include public funds paid or advanced to a municipal activity enterprise by the State or local governmental entity or district, including the City, in exchange for an agreement by a municipal activity enterprise to provide service, including the provision of water, the capacity of project works, materials or other water activities; nor does *grant* include refunds made in the current or next fiscal year, gifts, any payments directly or indirectly from federal funds or earnings on federal funds, collections from another government, pension contributions by employees and pension fund earnings, reserve transfers or expenditures, damage awards or property sales.

Water activity includes but is not limited to the diversion, storage, carriage, delivery, distribution, collection, treatment, use, reuse, augmentation, exchange or discharge of water, including the provision of wholesale or retail water or wastewater or stormwater services and the acquisition of water or water rights.

Water Activity Enterprise means that water activity business wholly owned by the City which receives under ten percent (10%) of its annual revenues in grants from all state and local governments combined and which is authorized to issue its own revenue bonds pursuant to this Division or any other applicable law. (Prior code 22-65)

Sec. 13-2-520. Establishment of Enterprise.

(a) Effective as of January 1, 1993, there is hereby recognized, established and designated the "City of Edgewater Water Activity Enterprise (the "Enterprise"). The Enterprise shall consist of the business represented by all of the City's water and sewer facilities and properties, now owned or

hereafter acquired, whether situated within or without the City boundaries, including all present or future improvements, extensions, enlargements, betterment, replacements or additions thereof or thereto. The Enterprise shall have all of the authority, powers, rights, obligations and duties as may be provided or permitted by the laws of the State and the Colorado Constitution, and as may be further prescribed by ordinance or resolution of the City.

(b) The Enterprise shall continue to be a wholly owned business of the City and shall not be combined with any municipal activity enterprise owned by another district. The Enterprise may continue to conduct the activities and provide the services as provided for in the ordinances of the City and the regulations adopted pursuant thereto. This subsection shall not limit the authority of the Enterprise to contract with any other person or entity, including other districts or enterprises.

(c) The Enterprise shall reimburse the City's general fund for administrative services and overhead provided and incurred by the City on behalf of the Enterprise. Such overhead shall include a sum which, in the City Council's judgment, is equivalent to that which would have been obtained by the City from a franchise fee or utility occupation tax on the Enterprise. A resolution shall be adopted no less often than annually establishing the amount of the reimbursement and making the appropriate transfer from the Enterprise fund. (Prior code 22-66)

Sec. 13-2-530. Governing Body.

(a) The Governing Body of the Enterprise (the "Governing Body") shall be the City Council and shall be subject to all of the applicable laws, rules and regulations pertaining the City Council. Whenever the City Council is in session, the Governing Body shall also be deemed to be in session. It shall not be necessary for the Governing Body to meet separately from the regular and special meetings of the City Council, nor shall it be necessary for the Governing Body to specifically announce or acknowledge that actions taken thereby are taken by the Governing Body. The Governing Body may conduct its affairs in the same manner and subject to the same laws which apply to the City Council for the same or similar matters; provided that, in accordance with Section 37-45.1-104(2), C.R.S., the Governing Body may authorize the issuance of bonds by adoption of a resolution.

(b) The Governing Body may exercise the City's legal authority relating to water activities, but no enterprise may levy a tax which is subject to Section 20(4) of Article X of the Colorado Constitution. (Prior code 22-67; Ord. 12-08 §1, 2008)

Sec. 13-2-540. Maintenance of Enterprise status.

The Enterprise shall at all times and in all ways conduct its affairs so as to continue to qualify as a "water activity enterprise" as defined in Section 37-45.1-102, C.R.S., and as an "enterprise" as defined in Article X, Section 20 of the Colorado Constitution. Specifically, but not by way of limitation, the Enterprise is not authorized to and shall not receive ten percent (10%) or more of its annual revenue in grants from all state and local governments combined. (Prior code 22-68)

Sec. 13-2-550. Issuance of bonds.

The Enterprise maintained pursuant to this Division, through the City Council may issue or reissue revenue bonds, notes or other obligations payable solely from the revenues derived or to be derived

from the functions, services, benefits or facilities of the Enterprise or from any other available funds of the Enterprise, in accordance with and through provisions of Section 37-45.1-104, C.R.S., provided, however, that the powers provided in said section shall not modify, limit or affect the powers conferred by any other law either directly or indirectly. (Prior code 22-69)

ARTICLE 3

Sewers and Sewage Disposal

Division 1 Generally

Sec. 13-3-10. Definitions.

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

Building drain means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

Building sewer means the extension from the building drain to the public sewer or other place of disposal. It is also called the *house connection*.

Combined sewer means a sewer intended to receive both wastewater and storm or surface water.

Easement means an acquired legal right for the specific use of land owned by others.

Garbage means the animal and vegetable waste resulting from the handling, preparation, cooking and serving of foods.

Industrial wastes means the wastewater from industrial processes, trade or business, as distinct from domestic sanitary wastes.

Natural outlet means any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake or other body of surface water or groundwater.

Public sewer means a common sewer controlled by a governmental agency or public utility.

Sanitary sewer means a sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions, together with minor quantities of ground, storm and surface waters that are not admitted intentionally.

Sewage means the spent water of a community.

Sewer means a pipe or conduit that carries wastewater or drainage water.

Storm drain (sometimes termed *storm sewer*) means a drain or sewer for conveying water, groundwater, subsurface water or unpolluted water from any source.

Unpolluted water means water of quality equal to or better than the effluent criteria in effect, or water that would not cause violation of receiving water quality standards and would not be benefitted by discharge to the sanitary sewers and wastewater treatment facilities provided.

Wastewater means the spent water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with groundwater, surface water and stormwater that may be present.

Wastewater facilities means the structures, equipment and processes required to collect, carry away and treat domestic and industrial wastes and dispose of the effluent.

Wastewater treatment works means an arrangement of devices and structures for treating wastewater, industrial wastes and sludge; and sometimes used as synonymous with *waste treatment plant, wastewater treatment plant* or *water pollution control plant*.

Watercourse means a natural or artificial channel for the passage of water, either continuously or intermittently. (Prior code 22-76)

Sec. 13-3-20. City's right of entry.

The City Engineer or Director of Public Works shall have the right to enter any private property or structure for the purpose of observing, inspecting or checking such property pursuant to the enforcement and/or application of all ordinances pertaining to the municipal sanitary sewer system. (Prior code 22-77)

Sec. 13-3-30. Unauthorized tampering.

No person other than City personnel or other persons authorized by the City shall undertake maintenance and repair work on, uncover, open into, use, alter or disturb in any manner any portion of the City's sewer system or manhole covers without first obtaining a City services connection permit. (Prior code 22-78)

Sec. 13-3-40. Use of public sewers required.

(a) The owner of every house, building or structure used for human occupancy, employment or recreation situated within the City is required, at his or her expense, to install suitable toilet facilities in accordance with applicable City ordinances, rules or regulations, and to connect such facilities with the City's sanitary sewer with a valid permit. No person shall discharge, or allow to be discharged, any wastewater except as follows:

(1) By a direct service connection to a City sewer main, which connection has been authorized by the City Engineer; or

(2) By transporting in a safe and sanitary manner to a landfill or other disposal site approved by public health officials and capable of accepting the type of harmful wastes involved.

(b) No person shall erect or maintain any outhouse or privy within the City, except that chemical toilets shall be permitted at construction sites.

(c) All sewage shall be discharged to sanitary sewers through authorized connections. No person shall discharge any sewage from any premises within the City into or upon any stream, watercourse or public property or into any drain, cesspool or storm sewer. (Prior code 22-79)

Sec. 13-3-50. Wastewater or septic tank haulers.

Commercial wastewater or septic tank haulers shall not discharge any wastewater into the sanitary sewer without prior approval of the City Engineer; provided, however, that recreational vehicles with a holding tank capacity of less than fifty (50) gallons may discharge into the sanitary sewer through designated discharge points. (Prior code 22-80)

Sec. 13-3-60. Storm or subsurface water mechanism discharge.

(a) Water from roof drains, footing drains, storm drains, sump pumps and other such similar facilities or mechanisms designed to accommodate storm, surface runoff or subsurface water shall not be discharged or introduced in any manner whatsoever into any part of the sanitary sewer system.

(b) It is unlawful for any person to discharge or cause to be discharged into the sanitary sewerage system, except in areas of existing combined sewers, any stormwater drainage from the ground, surface, roof leaders, catch basins or any other source, or subsurface drainage or groundwater. (Prior code 22-81)

Sec. 13-3-70. Unpolluted water.

It is unlawful to discharge through a direct or indirect connection to a public sanitary sewer, without a permit issued by the City, unpolluted water, including but not limited to cooling water, process water or blow-down from cooling towers or evaporative coolers. (Prior code 22-82)

Sec. 13-3-80. Permit for discharge of holding tank waste.

It is unlawful to discharge any holding tank waste into the public sewer system without a permit issued by the City. Unless otherwise allowed by the City under the terms and conditions of the permit, a separate permit must be secured for each separate discharge. The permit shall state the specific location of discharge, the time of day the discharge is to occur, the volume of the discharge and the wastewater constituents and characteristics. If a permit is granted for discharge of such waste into a public sewer system, the permittee shall pay the applicable charges and fees and shall meet such other conditions as required and set forth by the City. (Prior code 22-83)

*Division 2
Building Sewers and Connections*

Sec. 13-3-210. Permits and fees.

Any person desiring to make a connection with the sanitary sewer system shall apply for a permit for the same to the City Clerk. Before obtaining such permit, the applicant shall pay a connection fee

of one thousand two hundred dollars (\$1,200.00) for each single-family residential equivalent connection. The single-family residential equivalent connection shall be determined by using the table set forth in the special connector agreement as Exhibit C with Metropolitan Denver Sewage Disposal District No. 1. (Prior code 22-91)

Sec. 13-3-220. Maintenance.

The property owner shall be responsible for the maintenance and repair of all service connections from the sewer into the structure or structures. Maintenance shall include the pipe and connection at the sewer. All costs for repair and maintenance shall be paid by the property owner. (Prior code 22-92)

Sec. 13-3-230. Construction requirements.

The size, slope, alignment and materials of construction of all sanitary sewers, including building sewers, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the building and plumbing codes or other applicable codes, ordinances, rules and regulations of the City. In the absence of suitable code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply, which specifications are included herein by reference. (Prior code 22-93)

Sec. 13-3-240. Connections.

(a) The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing codes or other applicable codes, ordinances, rules and regulations of the City, or the procedures set forth in the appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. 9. All such connections shall be made gastight and watertight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the City Engineer before installation.

(b) All service connections shall be at the permittee's expense, shall comply with all applicable provisions of this Chapter and all applicable City standards and specifications and provisions of this Code as may be adopted from time to time, and shall be subject to all applicable fees and charges as may be established by the City. (Prior code 22-94)

Sec. 13-3-250. Use of building sewer required.

It is unlawful to discharge, place, or dispose of any substance directly into a manhole or other opening in a public sewer other than through an approved building sewer. (Prior code 22-95)

Sec. 13-3-260. Connections of building drains.

It is unlawful to make connection of roof downspouts, exterior foundation drains, areaway drains or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a sanitary sewer. (Prior code 22-96)

Division 3
Discharge Regulations

Sec. 13-3-310. Definitions.

Section 13-3-10 shall not apply to this Division. Unless the context specifically indicates otherwise, the following terms and phrases, as used in this Division, shall have the meanings hereinafter designated:

Act or the Act means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. § 1251, et seq.

Approval authority means the director of the water quality control division of the Colorado Department of Public Health and Environment, or the regional administrator of the EPA.

Authorized representative of industrial user. An authorized representative of an industrial user may be:

- a. A principal executive officer of at least the level of vice president, if the industrial user is a corporation;
- b. A general partner or proprietor if the industrial user is a partnership or proprietorship, respectively;
- c. A duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the wastewater discharge originates.

Biochemical oxygen demand (BOD) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at twenty (20) degrees centigrade expressed in terms of weight and concentration (milligrams per liter [mg/l]).

Building sewer means a sewer conveying wastewater from the premises of a user.

Categorical standards means National Categorical Pretreatment Standards or pretreatment standards.

City Engineer means the person designated by the City to supervise the operation of the POTW and who is charged with certain duties and responsibilities by this Division, or the person's duly authorized representative.

Cooling water means the water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.

Environmental Protection Agency, or EPA means the U.S. Environmental Protection Agency.

Holding tank waste means any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks and vacuum-pump tank trucks.

Industrial user means any nondomestic source discharging pollutants into a POTW.

Interference means the inhibition or disruption of the POTW treatment processes or operations, including such inhibitions or disruptions which contribute to a violation of any requirement of the Metro District's national pollutant discharge elimination system (NPDES) permit. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with Section 405 of the Act, (33 U.S.C. § 1345) or any criteria, guidelines or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act or more stringent criteria of the State or other applicable governmental entity (including those contained in any state sludge management plan prepared pursuant to Title IV of SWDA) applicable to the method of disposal or use employed by the POTW.

Metro District means the Metro Wastewater Reclamation District, a political subdivision of the State.

National Categorical Pretreatment Standard or *Pretreatment Standard* means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. § 1317) which applies to a specific category of industrial users.

National Pollutant Discharge Elimination System or *NPDES permit* means a permit issued pursuant to Section 402 of the Act (33 U.S.C. § 1342).

New source means any source, the construction of which is commenced after the publication of proposed regulations prescribing a Section 307(c) (33 U.S.C. § 1317) categorical standard which will be applicable to such source, if such standard is thereafter promulgated within one hundred twenty (120) days of proposal in the Federal Register. Where the standard is promulgated later than one hundred twenty (120) days after proposal, a *new source* means any source, the construction of which is commenced after the date of promulgation- of the standard.

Person means any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns, including any person or entity contracting with the City for sewage service.

pH means the logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in moles per liter of solution.

Pollutant means any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste discharged into water.

Pretreatment or *treatment* means the reduction of the amount of pollutants, the elimination of pollutants or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, or by other means, except as prohibited by 40 C.F.R. § 403.6(d).

Pretreatment requirement means any substantive or procedural requirement related to pretreatment, other than a national pretreatment standard imposed on an industrial user.

Publicly owned treatment works (POTW) means a treatment works as defined by Section 212 of the Act, (33 U.S.C. § 1292) which is owned by the City or the Metro District. This definition includes any sewers that convey wastewater to the POTW treatment plant, but does not include pipes, sewers or other conveyances not connected to a facility providing treatment. *POTW* shall also include any sewers that convey wastewaters to the POTW from persons outside the City who are users of the City's POTW.

POTW treatment plant means that portion of the POTW designed to provide treatment to wastewater.

Significant industrial user means any industrial user who:

- a. Has a discharge flow of twenty-five thousand (25,000) gallons or more per average workday;
- b. Has in his or her wastes toxic pollutants; or
- c. Is found by the City, the Metro District, the Colorado Department of Public Health and Environment or the EPA to have significant impact, either singly or in combination with other contributing industries, on the wastewater treatment system, the quality of sludge, the system's effluent quality or air emissions generated by the system.

Standard industrial classification (SIC) means a classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972, as amended.

Stormwater means any flow occurring during or following any form of natural precipitation and resulting therefrom.

Suspended solids (TSB) means the total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids, and which is removable by laboratory filtering according to standard laboratory procedure.

Toxic pollutant includes, but is not limited to, any pollutant or combination of pollutants listed as toxic in regulations promulgated by the administrator of the EPA under the provisions of Section 307(c) of the Act or other acts.

User means any person who contributes, causes or permits the contribution of wastewater into the City's POTW.

Wastewater means the liquid and water-carried industrial and domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, together with any groundwater, surface water and stormwater that may be present, whether treated or untreated, which is contributed into or permitted to enter the POTW.

Wastewater contribution permit means this term has the meaning set forth in Section 13-3-420. (Prior code 22-106; Ord. 12-08 §1, 2008)

Sec. 13-3-320. Abbreviations.

In this Division, the following abbreviations shall have the designated meanings:

BOD means biochemical oxygen demand.

C.F.R. means Code of Federal Regulations.

COD means chemical oxygen demand.

EPA means Environmental Protection Agency.

l means liter.

mg means milligrams.

mg/l means milligrams per liter.

NPDES means National pollutant discharge elimination system.

POTW means Publicly owned treatment works.

SIC means Standard industrial classification.

SWDA means Solid Waste Disposal Act, 42 U.S.C. § 6901, et seq.

TSS means total suspended solids.

U.S.C. means United States Code. (Prior code 22-107)

Sec. 13-3-330. Purpose, policy, scope and enforcement.

(a) This Division sets forth uniform requirements for direct and indirect contributors into the wastewater collection system for the City and enables the City to comply with all requirements of the Metro District, applicable state laws and the general pretreatment regulations issued pursuant to the Clean Water Act of 1977.

(b) The objectives of this Division are:

(1) To prevent the introduction of pollutants into the municipal wastewater system which will interfere with the operation of the system or contaminate the resulting sludge;

(2) To prevent the introduction of pollutants into the municipal wastewater system which will pass through the system, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the system;

(3) To improve the opportunity to recycle and reclaim wastewaters and sludges from the system; and

(4) To provide for the equitable distribution of the cost of operating the municipal wastewater system.

(c) This Division provides for the regulation of direct and indirect contributors to the municipal wastewater system through the issuance of permits to certain nondomestic users and through enforcement of general requirements for the other users, authorizes monitoring and enforcement activities, requires user reporting and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

(d) This Division shall apply to the City and to persons outside the City who are users of the City's POTW, if applicable. Except as otherwise provided herein, the City Engineer shall administer, implement and enforce the provisions herein. (Prior code 22-108)

Sec. 13-3-340. Enforcement by legal actions.

If any person discharges sewage, industrial wastes or other wastes into the City's wastewater disposal system contrary to the provisions of this Division, federal or state pretreatment requirements or any order of the City, the City Attorney may commence an action for appropriate legal and/or equitable relief in the District Court. (Prior code 22-109)

Sec. 13-3-350. General prohibitions.

No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the POTW. These general prohibitions apply to all such users of a POTW, whether or not the user is subject to National Categorical Pretreatment Standards or any other national, state or local pretreatment standards or requirements. A user shall not contribute the following substances to the POTW:

(1) Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. At no time shall two (2) successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system), be more than five percent (5%) nor any single reading over ten percent (10%) of the lower explosive limit (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides.

(2) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to: grease, garbage with particles greater than one-half (1/2) inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides, fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, wastepaper, wood, plastics, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud or glass grinding or polishing wastes.

(3) Any wastewater having a pH less than 5.0, or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment and/or personnel of the POTW.

(4) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW or exceed the limitation set forth in a categorical standard.

(5) Any noxious or malodorous liquids, gases or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life, or are sufficient to prevent entry into the sewers for maintenance and repair.

(6) Any substance which may cause the POTW's effluent or any other product of the POTW (such as residues, sludges or scums) to be unsuitable for reclamation processes. In no case shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act; any criteria, guidelines or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act or state criteria applicable to the sludge management method being used.

(7) Any substance which will cause the POTW to violate its NPDES permit or the receiving water quality standards.

(8) Any wastewater with objectionable color not removed in the treatment process, such as but not limited to dye wastes and vegetable tanning solutions.

(9) Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater containing heat in such amounts that the temperature at the introduction into the POTW treatment plant exceeds forty (40) degrees centigrade (104 degrees Fahrenheit).

(10) Any pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow and/or pollutant concentration which will cause interference to the POTW. In no case shall a slug discharge have a flow rate or contain concentrations or quantities of pollutants that exceed, for any time period longer than fifteen (15) minutes, more than five (5) times the average twenty-four-hour concentration, quantities, or flow during normal operation.

(11) Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the City Engineer in compliance with applicable Metro District, state or federal regulations.

(12) Any wastewater which causes a hazard to human life or creates a public nuisance. When the City Engineer determines that a user is contributing to the POTW any of the above-enumerated substances in such amounts as to interfere with the operation of the POTW, the City Engineer shall advise the user of the impact of the contribution on the POTW; and shall develop effluent limitations for such user to correct the interference with the POTW. (Prior code 22-110; Ord. 12-08 §1, 2008)

Sec. 13-3-360. National Categorical Pretreatment Standards.

Upon the promulgation of a National Categorical Pretreatment Standard for a particular industrial subcategory, the national standard if more stringent than limitations imposed under this Division for sources in that subcategory, shall immediately supersede the limitations imposed under this Division. The City Engineer shall notify all affected users of the applicable reporting requirements under 40 C.F.R. § 403.12. (Prior code 22-111)

Sec. 13-3-370. Specific pollutant discharge standards.

No user shall discharge wastewater containing any of the materials and substances in excess of the "specific discharge limitations - users" provided in the pretreatment industrial waste control section of the Metro District rules and regulations, which applicable provisions of such rules and regulations are included herein by reference. Three (3) copies thereof shall be available in the office of the City Clerk. (Prior code 22-112; Ord. 12-08 §1, 2008)

Sec. 13-3-380. State requirements.

State requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations or those in this Division. (Prior code 22-113)

Sec. 13-3-390. City's right of revision.

The City reserves the right to establish by ordinance more stringent limitations or requirements on discharges to the POTW if deemed necessary to comply with the objectives presented in Section 13-3-330. (Prior code 22-114)

Sec. 13-3-400. Excessive discharge.

No user shall ever increase the use of process water or in any way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the National Categorical Pretreatment Standards, or in any other pollutant specific limitation developed by the City or State. (Prior code 22-115)

Sec. 13-3-410. Accidental discharges.

(a) Each user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this Division. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner's or user's cost and expense. In the case of any accidental or unusual discharge, it is the responsibility of the user to immediately telephone and notify the City and the Metro District of the incident. The notification shall include location of discharge, type of waste, concentration, volume and corrective actions.

(b) Within five (5) days following an accidental discharge, the user shall submit to the City Engineer a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage or other liability which may be incurred as a result of damage to the POTW,

fish kills or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties or other liability which may be imposed by this Chapter or other applicable law.

(c) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of an accidental discharge. Employers shall ensure that all employees who may cause or suffer such an accidental discharge to occur are advised of the emergency notification procedure. (Prior code 22-116)

Sec. 13-3-420. Wastewater contribution permits.

(a) All significant industrial users proposing to connect to or to contribute to the POTW shall obtain a wastewater contribution permit before connecting to or contributing to the POTW.

(b) Users required to obtain a wastewater contribution permit shall complete and file with the City an application on the form prescribed by the City and accompanied by a fee of one hundred dollars (\$100.00). In support of the application, the user shall submit, in units and terms appropriate for evaluation, the following information:

(1) Name, address and location (if different from the address).

(2) SIC numbers according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended.

(3) Time and duration of wastewater discharge.

(4) Average daily and thirty-minute peak wastewater flow rates, including daily, monthly and seasonal variations, if any.

(5) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections and appurtenances by the size, location and elevation

(6) Description of activities, facilities and plant processes on the premises including all materials which are or could be discharged.

(7) Wastewater constituents and characteristics, including but not limited to those mentioned in Sections 13-3-350 through 13-3-410 and any applicable state or national pretreatment standards, as determined by a reliable analytical laboratory. Sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304(g) of the Act and contained in 40 C.F.R., part 136, as amended.

(8) A statement regarding whether or not the discharge standards contained in Sections 13-3-350 through 13-3-410, and applicable state or national pretreatment standards, are being met on a consistent basis and, if not, whether additional organization and management (O&M) and/or additional pretreatment is required for the user to meet the applicable standards.

(9) If additional pretreatment and/or O&M will be required to meet the pretreatment or discharge standards, the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date

established for the applicable pretreatment standard. The following conditions shall apply to this schedule:

a. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment or discharge standards, such as, by way of illustration only, hiring an engineer, completing preliminary plans, completing final plans, executing a contract for major components, commencing construction and completing construction;

b. No increment referred to in Subparagraph a. hereof shall exceed nine (9) months; and

c. Not later than fourteen (14) days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the City Engineer including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay and the steps being taken by the user to return the construction to the schedule established. In no event shall more than nine (9) months elapse between such progress reports to the City Engineer.

(10) Each product produced by type, amount, process or processes and rate of production.

(11) Type and amount of raw materials processed, including average and maximum per day.

(12) Number and type of employees, hours of operation of the plant and proposed or actual hours of operation of the pretreatment system.

(13) Any other information as may be deemed by the City to be necessary to evaluate the permit application.

The City Engineer shall evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the City Engineer may issue a wastewater contribution permit subject to the terms and conditions provided herein.

(c) The City Engineer shall issue a wastewater contribution permit to the applicant if the City Engineer finds that all of the following conditions are met:

(1) The proposed discharge of the applicant is in compliance with the prohibitions and limitations of this Division;

(2) The proposed discharge of the applicant would permit the normal and efficient operation of the wastewater treatment system; and

(3) The proposed discharge of the applicant would not result in a violation by the Metro District of the terms and conditions of its NPDES permit.

If the City Engineer finds that the condition set out in Paragraph (1) is not met, the City Engineer may issue a wastewater contribution permit to the applicant if the conditions set out in Paragraphs (2) and (3) are met and if the applicant submits and the City Engineer approves a schedule setting out the

measures to be taken by the applicant and the dates that such measures will be implemented to ensure compliance with the provisions of this Division.

(d) In the event an application for a wastewater contribution permit is denied, the City Engineer shall notify the applicant in writing of such denial. Such notification shall state the grounds for denial with that degree of specificity which will inform the applicant of the measures or actions which must be taken by the applicant prior to issuance of a permit. Upon receipt of notification of denial of a permit application, the applicant may request within fifteen (15) days of such denial, and shall be granted, a hearing to be held by the City Clerk. At such hearing, the applicant shall have the burden of establishing that the conditions set out in Subsection (c) hereof have been met and that a permit should issue. The City Clerk may conduct the hearing and take the evidence or may designate a representative to:

- (1) Issue in the name of the City notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings.
- (2) Take the evidence.
- (3) Transmit a report of the evidence and hearing, including transcripts and other evidence, to the Mayor, together with recommendations for action thereon.

Testimony taken at any public hearing shall be under oath and recorded electronically. The transcript as recorded shall be made available to any member of the public or any party to the hearing upon payment of all of the costs therefor. Upon review of the evidence by the Mayor, the Mayor shall make written findings of fact. Thereupon, the Mayor may issue a wastewater contribution permit, direct that such permit shall not be issued or give such other or further orders and directives as are necessary and appropriate. Any party to the hearing aggrieved or adversely affected by an order of the Mayor may appeal such order to the appropriate court.

(e) Wastewater contribution permits shall be expressly subject to all provisions of this Division and all other applicable regulations, user charges and fees established by the City. Permits may contain the following:

- (1) The unit charge or schedule of user charges and fees for the wastewater to be discharged to a community sewer.
- (2) Limits on the average and maximum wastewater constituents and characteristics.
- (3) Limits on average and maximum rate and time of discharge or requirements for flow regulation and equalization.
- (4) Requirements for installation and maintenance of inspection and sampling facilities.
- (5) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedules.
- (6) Compliance schedules.
- (7) Requirements for submission of technical reports or discharge reports.

(8) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the City and affording the City access thereto.

(9) Requirements for notification of the City of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the POTW.

(10) Requirements for notification of slug discharges as per Paragraph 13-3-350(10).

(11) Other conditions as deemed appropriate by the City to ensure compliance with this Division.

(f) Within nine (9) months of the promulgation of a National Categorical Pretreatment Standard, the wastewater contribution permit of users subject to such standard shall be revised to require compliance with such standard within the time frame prescribed by such standard. Where a user subject to a National Categorical Pretreatment Standard has not previously submitted an application for a permit as required by Subsection (b) hereof, the user shall apply for a wastewater contribution permit within one hundred eighty (180) days after the promulgation of the applicable National Categorical Pretreatment Standard. In addition, the user with an existing wastewater contribution permit shall submit to the City Engineer within one hundred eighty (180) days after the promulgation of an applicable National Categorical Pretreatment Standard the information required by Paragraphs (b)(8) and (b)(9) hereof.

(g) Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The user shall apply for permit reissuance a minimum of one hundred eighty (180) days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification by the City during the term of the permit as limitations or requirements as identified in Sections 13-3-350 through 13-3-410 are modified or other just cause exists. The user shall be informed of any proposed changes in his or her permit at least thirty (30) days prior to the effective date of any change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(h) Wastewater contribution permits are issued to a specific user for a specific operation. A wastewater contribution permit shall not be reassigned, transferred or sold to a new owner, new user, different premises or a new or changed operation. (Prior code 22-117)

Sec. 13-3-430. Reporting requirements for permittee; pretreatment standards.

(a) Within ninety (90) days following the date for final compliance with applicable pretreatment standards or, in the case of a new source, following commencement of the introduction of wastewater into the POTW, any user subject to pretreatment standards and requirements shall submit to the City Engineer a report indicating the nature and concentration of all pollutants in the discharge from the regulated processes which are limited by pretreatment standards and requirements and the average and maximum daily flow for those process units in the user's facility which are limited by such pretreatment standards or requirements. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional O&M and/or pretreatment is necessary to bring the user into compliance with the applicable pretreatment

standards or requirements. This statement shall be signed by an authorized representative of the industrial user, and certified to by a qualified professional.

(b) Any user subject to a pretreatment standard, after the compliance date of such pretreatment standard, or, in the case of a new source, after commencement of the discharge into the POTW, shall submit to the City Engineer during the months of June and December, unless required more frequently in the pretreatment standard or by the City Engineer, a report covering the preceding six (6) months and indicating the nature and concentration of pollutants in the effluent which are limited by such pretreatment standards. In addition, this report shall include a record of average and maximum daily flows for the reporting period for all regulated processes. At the discretion of the City Engineer and in consideration of such factors as, but not limited to, local high or low flow rates, holidays and budget cycles, the City Engineer may agree to alter the months during which the above reports are to be submitted.

(c) The City Engineer may impose mass limitations on users which are using dilution to meet applicable pretreatment standards or requirements, or in other cases where the imposition of mass limitations are appropriate. In such cases, the report required by this Subsection shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the user. These reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where requested by the City Engineer, of pollutants contained therein which are limited by the applicable pretreatment standards. All analyses shall be performed in accordance with procedures established by the regional administrator of the EPA pursuant to Section 304(g) of the Act and contained in 40 C.F.R. Part 136, and amendments thereto, or with any other test procedures approved by the administrator. Sampling shall be performed in accordance with the techniques approved by the administrator. (Prior code 22-118)

Sec. 13-3-440. Monitoring facilities.

(a) The City may require to be provided and operated, at the user's own expense, monitoring facilities to allow inspection, sampling and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility should normally be situated on the user's premises, but the City may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles.

(b) There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user.

(c) Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the City's requirements and all applicable City ordinances. Construction shall be completed within ninety (90) days following written notification by the City. (Prior code 22-119)

Sec. 13-3-450. Inspection and sampling.

The City may inspect the facilities of any user to ascertain whether the purpose of this Division is being met and all requirements are being complied with. Persons or occupants of premises where

wastewater is created or discharged shall allow the City or its representatives, or representatives of the Metro District, ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination or in the performance of any of their duties; subject, however to the provisions of Section 1-5-10. The City, the Metro District, the Colorado Department of Public Health and Environment and the EPA shall have the right to set up on the user's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into his or her premises, the user shall make necessary arrangements with security guards so that, upon presentation of suitable identification, personnel from the City, the Metro District, the Colorado Department of Public Health and Environment and/or the EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities. (Prior code 22-120)

Sec. 13-3-460. Pretreatment.

(a) Users shall provide necessary wastewater treatment as required to comply with this Division and shall achieve compliance with all National Categorical Pretreatment Standards within the time limitations as specified by the federal pretreatment regulations. Any facilities required to pretreat wastewater to a level acceptable to the City shall be provided, operated and maintained at the user's expense.

(b) The City shall publish annually in a newspaper with the largest daily circulation in the City a list of the users which were not in compliance with any pretreatment requirements or standards at least once during the twelve (12) previous months. The notification shall also summarize any enforcement actions taken against users during the same twelve (12) months.

(c) All records relating to compliance with pretreatment standards shall be made available to officials of the Metro District, the EPA or the approval authority upon request. (Prior code 22-121)

Sec. 13-3-470. Confidential information.

(a) Information and data on a user obtained from reports, questionnaires, permit applications, permits, monitoring programs and inspections shall be available to the public or other governmental agency without restriction, unless the user specifically requests and is able to demonstrate to the satisfaction of the City that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user.

(b) When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this Division, the NPDES permit and/or the pretreatment program; provided, however, that such portions of a report shall be available for use by the State or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

(c) Information accepted by the City as confidential shall not be transmitted to any governmental agency, except the Metro District, or to the general public by the City until and unless a ten-day notification is given to the user. (Prior code 22-122)

Sec. 13-3-480. Harmful contributions.

(a) The City Engineer may suspend the wastewater treatment service and/or a wastewater contribution permit when such suspension is necessary, in the opinion of the City Engineer, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons or to the environment, causes interference to the POTW or causes the Metro District to violate any condition of its NPDES permit.

(b) Any person notified of a suspension of the wastewater treatment service and/or the wastewater contribution permit shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the City Engineer shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to any individuals. The City Engineer shall reinstate the wastewater contribution permit and/or the wastewater treatment service upon proof of the elimination of the noncomplying discharge. A written statement submitted by the user describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the City Engineer within fifteen (15) days of the date of occurrence. (Prior code 22-123)

Sec. 13-3-490. Revocation of permit.

Any user who violates any conditions of this Division or applicable state or federal regulations is subject to having the user's permit revoked. Grounds for permit revocation include, but are not limited to:

- (1) Failure of a user to factually report the wastewater constituents and characteristics of his or her discharge;
- (2) Failure of the user to report significant changes in operations or wastewater constituents and characteristics;
- (3) Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring; or
- (4) Violation of conditions of the permit. (Prior code 22-124)

Sec. 13-3-500. Notification of violation; correction of violation.

(a) When the City finds that any user has violated or is violating this Division, the wastewater contribution permit or any prohibition, limitation or requirements contained herein, the City Engineer may serve upon such person a written notice stating the nature of the violation. Within thirty (30) days of the date of the notice, a plan for the satisfactory correction thereof shall be submitted to the City Engineer by the user.

(b) Upon a finding by the City Engineer that a person has caused or permitted an unauthorized discharge or that any such unauthorized discharge has not been corrected by timely compliance with a correction schedule, whether with or without a meeting with the City Engineer, the City Engineer may order any person who causes or allows such unauthorized discharge to show cause before the

City Clerk why an enforcement action should not be taken. A notice shall be served on the offending party, specifying the time and place of a hearing to be held by the City Clerk regarding the violation and the proposed enforcement action, and directing the offending party to show cause before the City Clerk why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by certified mail at least ten (10) days before the hearing. Service may be made on any agent or officer of a corporation.

(c) The City Clerk may conduct the hearing and take the evidence, or may designate a representative to:

- (1) Issue in the name of the City notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in any such hearings;
- (2) Take the evidence; and
- (3) Transmit a report of the evidence and hearing to the Mayor, including transcripts and other evidence, together with recommendations for action thereon.

At any public hearing, testimony taken before the hearing authority or any person designated by it shall be under oath and recorded electronically. The transcript so recorded will be made available to any member of the public or any party to the hearing upon payment of the usual charges therefor.

(d) Upon review of the evidence by the Mayor, the Mayor shall make written findings of fact. Thereupon, the Mayor may:

- (1) Issue an order stating that no unauthorized discharge has occurred and directing that service shall not be terminated therefor;
- (2) Issue an order stating that an unauthorized discharge has occurred and directing that, following a specified time period, the wastewater treatment service of the offending party be discontinued unless:
 - a. Adequate treatment facilities, devices or other appurtenances shall have been installed, or
 - b. Existing treatment facilities, devices or other appurtenances are properly operated or maintained; or
- (3) Issue such other or further orders and directives as are necessary and appropriate.

Any party to the hearing aggrieved or adversely affected by an order of the Mayor may appeal such order to the appropriate court. (Prior code 22-125)

Sec. 13-3-510. Fees.

(a) It is the purpose of this Section to provide for the recovery of costs from users of the City's POTW for the implementation of the program established herein. The applicable charges or fees shall be set forth in the City's schedule of charges and fees.

(b) The City may adopt charges and fees which may include:

- (1) Fees for reimbursement of costs of setting up and operating the program described herein.
- (2) Fees for monitoring, inspections and surveillance procedures.
- (3) Fees for reviewing accidental discharge procedures and construction.
- (4) Fees for permit applications.
- (5) Fees for filing appeals.
- (6) Other fees as the City may deem necessary to carry out the requirements contained herein.

Such fees relate solely to the matters covered by this Division and are separate from all other fees chargeable by the City. (Prior code 22-126)

Sec. 13-3-520. Costs.

Each user which discharges any toxic pollutants which cause an increase in the cost of managing the effluent or the sludge of the Metro District Treatment Works shall pay for such increased costs. (Prior code 22-127)

Sec. 13-3-530. Pretreatment/industrial waste control regulations adopted by reference.

Section 6 of the Rules and Regulations Governing the Operation, Use, and Services of the System, of the Metro Wastewater Reclamation District, 6450 York Street, Denver Colorado, 80229, regarding pretreatment/industrial waste control, is hereby adopted in full by reference thereto as the pretreatment/industrial waste control regulations of the City. The City Engineer shall enforce the provisions of said Section 6 as a regulation under this Code. (Prior code 22-128)

Sec. 13-3-540. Penalty.

No person shall dispose of harmful wastes or wastewater or use the City's sanitary sewers or POTW or cause the same to be done contrary to or in violation of any provision of this Division. Any person who is found to have violated any provision of this Division, including the technical code adopted by reference in Section 13-3-530, or the orders or permits issued thereunder, shall be punished by a penalty not to exceed one thousand dollars (\$1,000.00) for such violation, or by imprisonment not to exceed ninety (90) days per offense, or by both such fine and imprisonment. Each day on which a violation occurs or continues shall be deemed a separate and distinct violation. Such penalties shall be in addition to any other remedies provided for in this Chapter. (Prior code 22-129)

Division 4
Rates and Charges

Sec. 13-3-610. Established.

The sewer rate schedule and charges which shall be paid by users of the sanitary sewer system of the City are as follows:

(1) For each user within the corporate limits, the rate per quarter will be a basic service charge of thirteen dollars and twenty cents (\$13.20) for each sewer connection, plus a usage charge of two dollars and thirty-eight cents (\$2.38) per each one thousand (1,000) gallons of water used from the City water system during the most recently completed first calendar quarter (namely January, February, and March) of the year.

(2) For each user outside the City limits, the rate per quarter shall be one hundred fifty percent (150%) of the rate set forth in Subsection (1) hereof.

(3) For each user not connected to the City water system, the rate set forth in Subsection (1) shall be based upon water usage as determined by the Denver Water Board.

(4) Sewer service for the City, its departments and its agencies shall be charged and paid at the rate for such service as is billed by the Metro Wastewater Reclamation District. A resolution shall be adopted no less often than annually establishing the amount of the charge and making the appropriate transfer from the general fund. (Prior code 22-136)

Sec. 13-3-620. Review.

Not less than once annually, the City Clerk shall provide in writing to each user billed by the City a statement of the level and structure of sewer charges collected for services. The City Clerk shall review the sanitation operation and maintenance charges not less than biennially. The City Clerk shall, not less often than every two (2) years, review the wastewater contribution of users and user classes, the total costs of operation and maintenance of the system, and its approved user charge system. The City Clerk shall recommend to the City Council the revision of the charges and classes as necessary to accomplish the following:

(1) Maintain the proportionate distribution of operation and maintenance costs among users and user classes as required herein;

(2) Generate sufficient revenue to pay the total operation and maintenance costs necessary to the proper operation and maintenance (including replacement) of the treatment system; and

(3) Apply excess revenues collected from the class of users to the costs of operation and maintenance attributable to the class for the next year and adjust the rates accordingly. (Prior code 22-137)

Sec. 13-3-630. Billing periods.

The normal billing period for all sewer users shall be by calendar quarter in conjunction with the quarterly water billing as stated in Section 13-2-420. (Prior code 22-138)

Sec. 13-3-640. Collection remedies.

Until all sewer fees for sewage disposal have been paid, they shall constitute a first and perpetual lien on and against the property served and any lien may be foreclosed in the manner provided by state law. As a separate and cumulative remedy in addition to all other remedies provided herein, the City shall have the right to recover all sums due by judgment and execution thereon in a civil action in any court of competent jurisdiction. (Prior code 22-139)