

## CHAPTER 13

### Municipal Utilities

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## ARTICLE 1

### Utility Installations

#### **Sec. 13-1-10. Definitions.**

As used in this Article, unless the context otherwise requires, the following words and phrases shall have the meanings as defined herein:

*Person* means any individual, firm, company, corporation, district or private or governmental entity of any kind.

*Public utility easement* means and includes all public streets, roads, pathways, highways, alleys, bridges, viaducts and other public easements within the Town in which utility installations may be made.

*Utility installation* or *utility* means any and all facilities including, without limitation, plants, works, systems, lines, equipment, pipes, wires, mains and meters belonging to any person, other than the Town, which are used or designed to provide telephone, electric, gas, cable television, water, sewer or other utility service to any person and which are located or proposed to be located in any public utility easement within the Town. (Prior code 10-7-1; Ord. 330 §1, 2007)

#### **Sec. 13-1-20. Review of design and construction.**

(a) Unless otherwise provided by franchise agreement or contract with the Town, no person shall locate, relocate or replace any utility installation in any public utility easement, except for normal service connections from a utility main to a customer's property, until the plans and specifications for such installation have been submitted to and approved by the Board of Trustees or its designee. Such plans and specifications shall disclose the nature, extent, location, depth or height and materials to be used for the proposed utility installation within the public utility easements, shall indicate the timing and duration of the planned construction activity and shall contain such additional information as the Board of Trustees or its designee may reasonably require.

(b) All utility installations in public utility easements shall be designed so as not to interfere with the Town's water mains, street or path improvements and paving, drainage structures or other municipal or utility uses within the public utility easements; or to the extent such interference is unavoidable, the plans and specifications submitted shall include provisions for minimizing such interference and for restoring any disturbance to public or private property caused by the installation, at the expense of the utility company or other person proposing the installation. The Board of Trustees or its designee may require that proposed utility installations be coordinated with Town street improvement programs or other public improvements or utility installations planned by the Town or other utility service providers.

(c) The Board of Trustees or its designee shall review said plans and specifications for compliance with the requirements of this Article and any other applicable regulations or requirements. The Board of Trustees or its designee may deny or impose conditions upon approval of any utility installation if such installation does not comply with such requirements or where necessary to protect the public health, safety or welfare of citizens of the Town. The Board of Trustees or its

designee shall complete its review and render its decision within sixty (60) days after submission of the plans and specifications and any additional required materials. Failure by the Board of Trustees or its designee to act within such period shall be deemed to constitute approval of the plans and specifications, unless the applicant agrees to a longer period for completion of the review by the Board of Trustees or its designee. The applicant shall be given written notice of the approval, conditional approval or denial of any proposed utility installation.

(d) All construction of a utility installation in public utility easements shall conform to the approved plans and specifications therefor and any conditions imposed by the Board of Trustees or its designee. Material changes to the approved plans and specifications may be made only after obtaining approval of the Board of Trustees or its designee in the manner provided in this Article.

(e) All applications for review of proposed utility installations pursuant to this Section shall be accompanied by payment of an application fee payable to the Town, which fee is intended to help defray the expenses of the Town in administering the provisions of this Article. The amount of the fee shall be established and may be adjusted from time to time by resolution of the Board of Trustees or its designee. A copy of the resolution fixing such fee shall be available for public inspection at the office of the Town Clerk. (Prior code 10-7-2)

**Sec. 13-1-30. Relocation of facilities.**

When required by the Board of Trustees or its designee due to the construction, installation, relocation, repair or improvement of streets, pedestrian or bicycle paths or ways, street lighting, drainage structures, water mains or other utilities or public improvements, or for other reasons of public health, safety or welfare, the owner of a utility installation in any public utility easement shall, at such owner's expense, protect, support, temporarily disconnect or relocate within or outside such easement said owner's utility installation or portions thereof as directed by the Board of Trustees or its designee. Such required action shall be taken promptly upon notification from the Board of Trustees or its designee and shall be completed within a reasonable time, as determined by the Board of Trustees or its designee. (Prior code 10-7-3)

**Sec. 13-1-40. Compliance with other regulations; franchises.**

(a) The provisions of this Article are in addition to and do not replace any and all other requirements applicable to utility installations within the Town, as defined in state statutes and the ordinances and regulations of the Town. Any person making a utility installation shall comply with all such applicable requirements, including without limitation the requirements and procedures relating to excavation permits for excavations in public utility easements.

(b) Nothing contained in this Article shall be construed as the grant of a franchise to any person or as exempting or excusing any person from the requirement for obtaining a franchise. No person, other than a special district organized pursuant to state law for the purpose of furnishing utility services, shall construct, maintain or operate any street railway, electric light plant or system, gasworks, gas plant or system, geothermal system, solar system, telegraph or telephone system or other public utility system within the Town or use the public utility easements within the Town for such purposes without having first obtained the grant of a franchise by the Town in the manner provided by law. (Prior code 10-7-4)

**Sec. 13-1-50. Penalties and enforcement.**

(a) Every person convicted of a violation of any provision of this Article shall be punished as set forth in Section 1-4-10 of this Code.

(b) In the event of any violation or threatened violation of this Article, the Board of Trustees or its designee may, in addition to other remedies provided by law, institute an appropriate action for injunction, mandamus or abatement to prevent, enjoin, abate or remove such violation or threatened violation. (Prior code 10-7-5; Ord. 330 §1, 2007)

**ARTICLE 2**

**Water System**

**Sec. 13-2-10. Definitions.**

Whenever in this Article the words hereinafter defined or construed in this Article are used, they shall, unless the content requires other uses, be deemed to have the following meanings:

*Owner* means any person owning water-using property.

*Single Family Equivalent (SFE)* means a Standard unit of measurement that is based upon the generally accepted amount of water used by one (1) single family in a dwelling unit.

*Water system* means the water system owned and/or operated by the Town.

*Water-using property* means any real estate within the Town on which a water-using unit is located or intended or desired to be located.

*Water-using unit* means any space or any structure or building, movable, fixed or otherwise, or any part or parcel of the same, for which a separate water rate is applicable, as hereinafter set forth, or, in the alternative, any space or any structure or building, movable, fixed or otherwise, or any part or parcel thereof, having or being equipped with a device, fixture or method for using water. (Ord. 378 Part 1, 2010)

**Sec. 13-2-20. Other water systems.**

No person or owner shall own, operate, manage, control or possess a well or other water system for purposes of furnishing water service to any water-using property or water-using unit within the corporate limits of the Town without first obtaining a franchise therefor from the Town in the manner provided by, through and under the laws of the State. Said franchise shall not be issued if the Board of Trustees finds and determines that the water system owned and operated by the Town can furnish water to the water-using property at a reasonable cost and expense to the owner. (Ord. 378 Part 1, 2010)

**Sec. 13-2-30. Obtaining water.**

No person shall obtain water from the water system of the Town, nor shall any water be furnished to any water-using unit or water-using property, except by, through, under and in accordance with this Article. (Ord. 378 Part 1, 2010)

**Sec. 13-2-40. Application procedures.**

(a) Written application required.

(1) Service connections. Owners desiring water service shall submit a complete building permit application and other required documents to the Building Department. Plant investment fees shall be paid prior to issuance of the building permit and in accordance with the current fee schedule established by the Board of Trustees.

(2) Applications shall be made only in the name of and for owners of real property.

(b) Conditions for new tap. A tap and service connection will be considered and deemed a new tap except where all of the following conditions exist:

(1) A tap and service connection from the water system to the water-using property and/or water-using units is in existence which is adequate by acceptable standards, serviceable and in good repair;

(2) The supplying of water from the water system to the water-using property and/or water-using units from said tap and service connection has not been abandoned or discontinued by action or request of the owner of said water-using units and/or water-using property; and

(3) No delinquency exists in any charges for water service or fees provided for in this Article concerning the water-using property and/or water-using units. (Ord. 378 Part 1, 2010)

**Sec. 13-2-50. Service connections.**

(a) Installation by owner. Installation of all service lines and other facilities extending from the corporation stop to the water-using unit, including, without limitations, all excavation and backfilling, and the continued maintenance thereof, shall be done, made and performed by the owner at the owner's sole expense.

(b) No excavation shall be made in, on or about any street, highway or public way unless and until the owner or excavator shall have first obtained any and all applicable permits.

(c) Excavation and backfilling.

(1) All excavation in a street or alley shall be in conformity with this Article and this Code.

(2) The backfilling of all trenches under streets and sidewalks shall be completed according to the approved permit.

(d) Extension of service line prohibited. Each property shall be served by its own service line, and no connection with the water utility shall be made by extending the service line from one (1) property to another property. In cases where service lines have been so extended from one (1) property to a different property before this prohibition was adopted, the continued use of such extension shall be permitted only until water mains are laid to service such property, at which time connections shall be made to the water main at the expense of the owner of the property served by such extension, and such extended service line shall be discontinued.

(e) Owner to maintain service line. The owner of any property connecting to the water utility shall be responsible for the maintenance of the water service line from the corporation stop on the main to the structure being served and shall keep such line in good condition at his or her expense. The property owner shall, at his or her expense, at all times keep all pipes, fixtures and appliances on said property leak-free and in good working order so as to prevent waste of water.

(f) Separate connections required.

(1) No tap and service connection shall be connected to or serve more than one (1) water-using unit, except where such water-using unit is contiguous with another water-using unit, and is reasonably operated with such other water-using unit as an integrated operation and where such water-using unit is, and shall remain, in common ownership.

(2) Any water-using unit operated as an integrated unit and operation under this Section which subsequently passes into the ownership of different owners shall each be required to have a separate tap and service connection and shall pay all applicable fees prior to any change in ownership.

(3) No water pipes shall be permitted to connect between one (1) water-using unit and another water-using unit, except pursuant to, and in accordance with, this Section.

(4) No water pipes or water installations of any type whatsoever shall be laid, constructed or permitted to cross property not owned by the owner on whose property the tap and service connections from the water system originate, nor shall any such pipes or water installations be constructed, laid or permitted to cross other property owned by the owner on whose property the tap and water connection from the Town originates.

(5) Other provisions of this Article to the contrary notwithstanding, multiple units, such as but not limited to condominiums and apartments, may be connected to the Town system in the following manner:

a. Condominiums. At the discretion of the builder or developer, each condominium structure may be served by a single service line from the water main to each structure of such size as may be required by the then-applicable plumbing code or, if there is none, then as may be required by the Building Official, to serve all units within such structure; or by multiple service lines which shall be not less than three-quarter-inch lines from the water main to each individual unit. Each service line, whether to a structure or a unit, shall include a curb stop which shall be readily accessible and clearly marked to show which unit or structure is served by said line. If a single service line to a structure is provided, billing shall be made to the homeowners' association responsible for the structure, and failure to pay any portion of the

amount due may result in the termination of water service to the entire structure and/or such other procedure as may be available to the Town to collect the funds due. For such purposes, the entire structure shall be considered as a single water user, and under no circumstances shall billings be made to individual owners in a structure served by a single water service line. When service lines are provided for each unit in a multiple structure, billing shall be made to each individual owner.

b. Duplexes, apartments and other multiple-unit single-ownership structures. At the discretion of the builder or developer, a multiple-unit structure with a single owner may have single or multiple service lines, provided that any such line is not less than three-quarter (3/4) inch or as may be required by the then-applicable plumbing code or, if there is none, then as may be required by the Building Official. Payment of water charges and fees shall be the responsibility of the owner of the property served, and, if there are any multiple units which are owned separately by individuals, the structure shall be subject to the same procedure as is applicable to condominiums in Subparagraph a. above, with termination of the entire structure if there is only one (1) service line and nonpayment of any portion of the water service fees occurs.

(g) Service connections outside Town. No water taps shall be made outside the corporate limits of the Town, nor shall any water be furnished from the water system to any person or property outside said corporate limits, except by special agreement with the Board of Trustees, under such charges and under such conditions as the Board of Trustees may deem proper in the circumstances, or, in the alternative, as the Board of Trustees may impose by ordinance.

(h) No connection to be made in winter. No connections shall be made to the Town water system at any time that the Town deems that such connection is inappropriate due to cold weather conditions.

(i) Cross-connection control. A cross-connection is any point in a water distribution system where chemical, biological or radiological contaminants may come into contact with potable water. During a backflow event, these contaminants can be drawn or pushed back into the potable water system. A backflow prevention device installed at every point of cross-connection prevents contaminated water from entering the potable water distribution system. Any hazardous cross-connection discovered shall be corrected immediately upon written notice, or the water service will be shut off. The Colorado Department of Public Health and Environment will be informed of the hazardous connection and the corrective action being taken.

(1) Backflow prevention devices. Each user of the Town water system shall install and maintain backflow prevention devices, as required by Article 12 of the Colorado *Primary Drinking Water Regulations*, 5 C.C.R. 1003-1 ("Article 12"). All service connections within the water system must comply with said Article 12 and the *Colorado Cross-Connection Control Manual*. Each cross-connection may require a different type of backflow prevention device, commensurate with the degree of hazard posed by the Town's water system operator or water system engineer. Any new water service installation will be inspected for compliance with these requirements for backflow prevention.

(2) Annual testing. Backflow prevention devices shall be tested annually by a certified backflow prevention technician. Testing results must be submitted to the Town; failure to submit

satisfactory testing results shall result in penalties as adopted by the Town Board. (Ord. 378 Part 1, 2010)

**Sec. 13-2-60. Supplying water to others.**

No person or owner obtaining water from the water system for any water-using unit shall supply water to any other water-using unit or any other user. (Ord. 378 Part 1, 2010)

**Sec. 13-2-70. Method of extension.**

(a) The supplying of water and water service to an area within the corporate limits of the Town where no water distribution or transmission line is available shall be accomplished, made, done and performed by one (1) of the following methods at the option of the Board of Trustees:

(1) The person requesting such water and water service shall advance to the Town all such distribution and/or transmission line extension costs.

(2) The Town, at its discretion, may enter into a written agreement whereby the person requesting such water and water services shall install, at his or her own expense, the necessary distribution or transmission line extensions under a contract let to the lowest acceptable bidder as approved by the Board of Trustees.

(b) Any of the above methods shall be made, accomplished and performed in accordance with adopted standards, specifications, drawings, engineering and other reasonable requirements established, adopted and/or approved by the Board of Trustees. (Ord. 378 Part 1, 2010)

**Sec. 13-2-80. Extension fee required.**

In addition to any and all other fees and costs, the person requesting such water and water service shall pay to the Town the sum of three percent (3%) of the total construction costs of said distribution or transmission line extensions to defray the costs of administration by the Town. (Ord. 378 Part 1, 2010)

**Sec. 13-2-90. Extension of facilities reimbursement.**

(a) An applicant who extends a water line to serve his or her particular property may be eligible for reimbursement from future connectors to that extension. The basis, or formula, for this reimbursement shall be determined by the Board of Trustees and shall be outlined within an agreement between the applicant and the Town prior to any construction. The applicant's right to reimbursement under a water service contract shall extend from the date of the execution of said contract to a date negotiated between the applicant and the Town.

(b) This reimbursement shall be made only by future connectors to the line. Such reimbursement shall not be made from any revenues, fees or charges inuring to the benefit of the Town water utility as a result of this Article. (Ord. 378 Part 1, 2010)

**Sec. 13-2-100 Water distribution/transmission lines and appurtenances to become Town property.**

(a) Customers, applicants, landowners, subdividers or developers who have completed construction of water lines and appurtenances shall, before these water lines and appurtenances are accepted by the Town for service, deed these water lines and appurtenances, except for service lines and including all necessary easements, to the Town free and clear of all liens and encumbrances, properly described by certified survey, and furnish appropriate surety to warranty the facilities for one (1) year from the date of acceptance of the lines by the Town.

(b) In the event a special district is formed by the applicant for the purpose of financing water lines and appurtenances, the applicant shall make such transfer by deed free and clear of all liens and encumbrances incurred by said special district.

(c) During any period of time prior to the deeding of the water distribution and transmission lines and other appurtenances to the Town by the applicant, the Town shall have control of these lines as though they were deeded to the Town, except that the applicant will be responsible for maintenance of the lines until they are deeded to the Town. This means that the Town will have the exclusive authority to determine what additional uses will be made of this line, including but not limited to such items as who will be allowed to connect to the line, the conditions under which connections will be made, the rates to be charged and the conditions of service. (Ord. 378 Part 1, 2010)

**Sec. 13-2-110. Construction of mains and trunk lines.**

All plans and specifications relating to water lines, storage facilities, pumping facilities or other appurtenances to be connected to the Town water system shall conform to the utility design standards established by the Board of Trustees. Such plans and specifications shall be submitted to the Town for review and approval prior to construction. The cost of such review by the Town shall be borne by the applicant. (Ord. 378 Part 1, 2010)

**Sec. 13-2-120. Conformance to Town standards.**

As a condition of receiving water service from the Town, an applicant for service shall agree not to develop his or her land without first submitting his or her development plans, including detailed construction drawings and specifications for water lines, sanitary sewer lines and roads, to the Town for review and approval prior to construction. An applicant for water service shall not build any streets or other public improvement-type facilities or buildings except in accordance with standards and specifications established by the Board of Trustees. (Ord. 378 Part 1, 2010)

**Sec. 13-2-130. Sale of land restricted.**

No developer or subdivider shall offer for sale any land within the corporate limits of the Town with the implication that water service is available from the Town water utility, unless and until the Town and applicant have entered into a written agreement pursuant to the conditions of Section 13-2-70. (Ord. 378 Part 1, 2010)

**Sec. 13-2-140. Water conservation measures.**

(a) Outside watering and irrigation are prohibited between the hours of 9:00 a.m. and 5:00 p.m. Hand-held watering by hose and watering canister is exempt from these provisions.

(b) Washing of cars, boats, campers, windows and the like shall be done only when the hose is equipped with a flow-restricting device such as a trigger nozzle.

(c) Outside watering may be prohibited within certain subdivisions pursuant to water decrees and/or development approvals. (Ord. 378 Part 1, 2010)

**Sec. 13-2-150. Cross-connections prohibited.**

It shall be unlawful for any person to have a cross-connection between any private line, facility or source and a line or facility carrying water from the Town water utility. (Ord. 378 Part 1, 2010)

**Sec. 13-2-160. Health hazards.**

The Town may refuse to provide water service for any use which would constitute a health hazard to the Town or County as determined by the Town. (Ord. 378 Part 1, 2010)

**Sec. 13-2-170. Change of use of water prohibited.**

It shall be prohibited for any person to alter, change, enlarge or extend in any manner whatsoever the type of use for which water was originally taken and used from the Town water utility without the express written consent of the Town. (Ord. 378 Part 1, 2010)

**Sec. 13-2-180. Use of water by other than water utility customers.**

It shall be unlawful for any water-using unit receiving water service hereunder to permit any other person, firm or corporation to take or use water from his or her water service for any use not approved by the Town. (Ord. 378 Part 1, 2010)

**Sec. 13-2-190. Sewer service requirement.**

All water-using units must connect to the Town sanitary sewer system. The terms of such connection shall be determined by the Town and conform to the rules and regulations of the Town. (Ord. 378 Part 1, 2010)

**Sec. 13-2-200. Connection fees.**

An applicant for water service from the Town shall pay all connection fees prior to connection as established by the Town Board of Trustees. Connection fees include, but are not limited to, meter assembly, sill cock and other necessary appurtenances; and such meter installation shall become the property of the Town. (Ord. 378 Part 1, 2010)

**Sec. 13-2-210. Plant investment fees.**

(a) An applicant for water service shall pay a water plant investment fee for each water-using unit requesting such service. Water plant investment fees will be established by the Board of Trustees by resolution and are subject to change from time to time. Such fee shall be paid in full prior to the time a building permit is issued and prior to the time that each water-using unit is connected to the Town water system. Said fee shall be in addition to all other fees or charges relating to water service elsewhere described in this Article, and in no case shall such plant investment fee be rebated under any circumstances.

(b) The water plant investment fee for each SFE unit is contained in Appendix A to this Code.

(c) Upon payment of the plant investment fee, the water-using unit may access the Town water system for construction and firefighting purposes in accordance with the provisions of the Article. Water service fees are applicable to the water-using unit ninety (90) days after payment of the plant investment fee.

(d) The water plant investment fee for any new development or change of use shall be determined by multiplying the "water plant investment fee per SFE" rate by the applicable SFE multiplier set forth in the SFE Schedule for Plant Investment Fees set forth below. This SFE schedule is based upon typical expectations for the specified meter size and/or use. Unusual circumstances, or uses not specified within the schedule, may require further evaluation to determine the applicable SFE rate.

(1) A single-family residence is considered as a unit for all rate and fee calculations and is referred to as a Single Family Equivalent (SFE).

(2) Due to fire sprinkler and other requirements in some neighborhoods, single family residences are provided service by a range of water meter sizes between five-eighths-inch (5/8") inch and inch meters. A single-family residence serviced by such size water meter shall be considered 1 SFE. A single-family residence requiring a meter larger than one inch (1") shall be assessed SFEs pursuant to the schedule provided by Para. (5) below.

(3) Accessory dwelling units as provided by the Zoning Ordinance shall be considered 35 SFE.

(4) Multi-family residential units (townhomes, apartments, condominium units, mobile homes) shall be assessed 1 SFE per unit.

(5) Commercial structures shall be assessed a number of SFEs based upon the meter size in accordance with the following schedule:

Meter Size	SFE
5/8" meter	1 SFE
3/4" meter	1 SFE
1" meter	2 SFE
1½" meter	4 SFE

2 inch meter	8 SFE
3" meter	12 SFE
4" meter	24 SFE
6" meter	48 SFE

(6) Mixed use residential and commercial structures shall be assessed an SFE based upon the commercial meter size as provided by Para. (5) above plus the residential component as provided by Para. (4) above.

(e) A water-using unit that replaces an existing water meter with a larger water meter shall be responsible for additional plant investment fees in accordance with the increase in SFEs.

(f) A water-using property that has paid a plant investment fee but has not yet connected to the water system, or has not yet passed the water meter inspection for a new meter will be charged the applicable base rate without a consumption charge. (Ord. 378 Part 1, 2010)

**Sec. 13-2-220. Utility report fee.**

There is hereby established a separate fee for providing a report of water or other utility charges owed upon request by or on behalf of the utility rate payer, in such amount per report requested as is established from time to time by ordinance or resolution adopted by the Board of Trustees, as set forth in Appendix A to this Code. (Ord. 378 Part 1, 2010)

**Sec. 13-2-230. Reserved.**

**Sec. 13-2-240. Water service rates.**

Fees are hereby levied and assessed for water and water service at the rates as established from time to time by resolution adopted by the Board of Trustees. Such rates are hereby found, determined and declared by the Board of Trustees to be equitable and just. (Ord. 378 Part 1, 2010)

**Sec. 13-2-250. Basis for water service fee.**

All rates for water service shall be based on the SFE schedule as defined in Section 13-2-210(d) of this Article. Fees for water service will be established and subject to change from time to time upon approval of the Board of Trustees by resolution. (Ord. 378 Part 1, 2010)

**Sec. 13-2-260. On-and-off charges.**

Each time that the Town is required to either turn on or turn off the water service for a water-using unit, the owner shall pay the applicable on-and-off charge as established by the Board of Trustees by resolution. This charge shall not apply in cases where a new connection/service is being installed, emergency repairs or initial construction of the water-using unit. (Ord. 378 Part 1, 2010)

**Sec. 13-2-270. Late payment charges.**

Water accounts are billed on the last day of the quarter and shall be considered delinquent on the twenty-sixth day of the following month. Delinquent accounts will be assessed a penalty as adopted

by the Board of Trustees and a finance charge of one percent (1%) per month on the unpaid balance due. (Ord. 378 Part 1, 2010)

**Sec. 13-2-280. Unpaid water bills a lien.**

(a) All unpaid water fees and charges shall be a lien upon the water-using property and/or the water-using unit to or for which water was supplied and/or fire protection services were provided from the time when said taxes and charges become due and shall be a perpetual charge and lien against said water-using property and/or water-using unit until paid. Said taxes and charges shall be collected and such lien enforced as provided by law.

(b) In addition to the foregoing, the Town may terminate service to property and/or the water-using units to or for which water was supplied until such time as all unpaid water fees and charges are paid. Terminated water service will not be reconnected until all fees and charges are paid, or arrangements are made for payment as approved by the Town. (Ord. 378 Part 1, 2010)

**Sec. 13-2-290. Delinquent charges placed on tax rolls.**

In addition to or as an alternative to the foregoing sections for collection of unpaid water charges, and to the other remedies provided in this Article, in the event that any charges as provided in this Article are not paid when due, which charges shall include service fees, plant investment fees, penalties, interest and attorneys' fees, among any other charges, the Town Clerk may certify such delinquent charges to the County Treasurer to be placed by the County Treasurer upon the tax rolls for the current year, to be collected in the same manner as other taxes are collected, with ten percent (10%) of the amount of such delinquency added thereto to defray the costs of collection; and all laws of the State for the assessment and collection of general taxes and the enforcement of liens therefor, including the laws of the sale of property, delinquency taxes and redemption of the same, shall apply. The property to be assessed the delinquent charges shall be that real property which is being benefited by the water service provided by the Town or contemplated to be provided by the Town, for which the particular water charges have not yet been paid. This certification and assessment may be made by the Town Clerk whenever any delinquent charges exist. (Ord. 378 Part 1, 2010)

**Sec. 13-2-300. Other water sources.**

No person shall in any way connect or introduce water from any other source to the Town water system. (Ord. 378 Part 1, 2010)

**Sec. 13-2-310. Water meters.**

(a) All new connections to the Town water utility shall be metered in accordance with Town requirements.

(b) All meters shall be of a type, size and design as set forth in the Water Design Criteria and Construction Standards as adopted by the Board of Trustees. Maintenance and repair of water meters shall be performed by the Town. Any costs associated with neglect, abuse, or tampering of the water meter assembly shall be the responsibility of the property owner and shall be added to other water service fees.

(c) It shall be unlawful for any person to fail to install a water meter as required in this Article or for any person to tamper or interfere with any meter or meter seal or to so arrange his or her water service or piping so that the use of water will not be accurately registered by the meter. The Town may terminate water service immediately to any user who violates the provisions of this Article until the meter has been properly installed and any outstanding fees have been paid.

(d) The Town must be provided reasonable access for inspection and maintenance of the water meter assembly. The Town may terminate service to any water-using unit if such access is denied and if the Town has reason to believe that the meter assembly is faulty in any way.

(e) Properties experiencing equipment failure will be given until third quarter to grant access to the Town for inspection and maintenance currently prohibited by winter conditions or other unforeseen circumstances. Failure to grant access and/or to repair the problem before this timeframe could cause the assessment of an unmetered water penalty. (Ord. 378 Part 1, 2010; Ord. 387 Part 1, 2011)

#### **Sec. 13-2-320. Installation of water meters.**

(a) The cost of the meter and all labor and materials for the installation of the meter and appurtenances shall be borne by the owner of the property served.

(b) The charges for water meter assemblies are hereby established as set forth in Appendix A to this Code.

(c) The owner of the property shall provide adequate access for Town personnel to inspect the meter and for remote meter readout. (Ord. 378 Part 1, 2010)

#### **Sec. 13-2-330. Additional fees and charges.**

(a) The payment of the fees and charges imposed by this Article shall not relieve the person paying the same from the payment of any other fees or charges hereinafter imposed by ordinance; it being the intent of this Article that said fees and charges prescribed by the various sections or subsections of this Article shall be cumulative except where otherwise specifically provided.

(b) Water usage may be estimated from time to time for individual or groups of users due to acts of God, equipment failure or other reasonable and customary reasons. Where adequate historical usage records are available, these may be used to make such estimates. If historical records are inadequate to make such estimates, the Town Manager may use typical usage for similar users or any other data to estimate a fair usage. (Ord. 378 Part 1, 2010; Ord. 387 Part 1, 2011)

#### **Sec. 13-2-340. Deferral of plant investment fees.**

(a) For purposes of this Section, the following words and phrases shall have the meanings as defined herein:

*Affordable housing* means residential dwelling units for which the annual purchase or rental expense does not exceed thirty percent (30%) of the gross annual income for low-income families

in the County, as published in the latest edition of the U.S. Department of Housing and Urban Development Block Grant Program Guidelines.

*Qualified developer* means any person constructing new residential housing within the Town who is contractually bound, through financing arrangements or otherwise, by a governmental or nonprofit agency other than the Town, to provide all or a major portion of such residential housing as affordable housing for a period of twenty (20) years or more.

(b) A qualified developer may request deferral of payment of water plant investment fees by submitting a written application to the Board of Trustees in conjunction with development or subdivision review for an affordable housing project. The applicant shall submit written proof of eligibility demonstrating to the satisfaction of the Board of Trustees that the applicant is a qualified developer and the proposed project will provide affordable housing in accordance with the requirements of this Section. Adequate proof shall also be submitted that the developer cannot afford to immediately pay the water plant investment fees for which deferral is requested, and that the deferral is necessary to make the project financially feasible.

(c) Final determination of eligibility for deferral of water plant investment fees, and the terms and conditions for any such deferral shall be made by the Board of Trustees. If determined to be eligible and as a condition to the grant of any deferral, the applicant shall be required to enter into a contract with the Town stating the terms of payment for the deferred water plant investment fees, and including suitable guarantees, as determined by the Board of Trustees, that the project shall remain available as affordable housing for twenty (20) years or more. Each such contract shall provide that, in case of any default by the developer in the payment of the deferred fees or in the performance of the other terms of the contract, such fees shall become immediately due and payable and shall be subject to the collection and penalty provisions of this Article.

(d) Any deferral of payment of water plant investment fees that is granted pursuant to this Section shall not be construed as excusing the performance of any other duty or obligation as required by this Article. (Ord. 378 Part 1, 2010)

#### **Sec. 13-2-350. Civil actions.**

The Town shall have the right to recover all sums due under the terms of this Article by judgment and execution thereon through civil action in any court of competent jurisdiction. Such remedy shall be cumulative with all other remedies provided herein for the enforcement of this Article. (Ord. 378 Part 1, 2010)

#### **Sec. 13-2-360. Violations.**

Failure to comply with the terms of this Article by failure to pay the necessary fees, charges and taxes and failure to otherwise comply with the terms of this Article shall constitute an offense and a violation thereof. Every person violating this Article shall be punished, upon conviction, by a fine of not less than twenty-five dollars (\$25.00) nor more than one thousand dollars (\$1,000.00) or by imprisonment for a term not exceeding one (1) year, or both such fine and imprisonment for each offense. Account delinquency for each calendar month shall constitute a separate offense. (Ord. 378 Part 1, 2010)

## ARTICLE 3

### Water Supply Protection District

#### Sec. 13-3-10. Intent.

The purpose for which this Water Supply Protection District is established is the full exercise of the powers of the Town in maintaining and protecting the Town's waterworks from injury and its 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 Town. This Water Supply Protection District is created under the authority granted in Section 31-15-707(1)(b), C.R.S., and other state statutes. Further, this Water Supply Protection District and the following regulations are created for the purpose of protecting the Town's water and waterworks only, and not for the purpose of regulating land use. The regulation of land use within the Water Supply Protection District shall be and remain the responsibility of the respective county or municipality having jurisdiction over the area in question, and nothing herein shall restrict or supersede the respective jurisdiction's land use authority. The Town's authority herein shall be for the purpose of reviewing and restricting any activity within the Water Supply Protection District which creates a foreseeable risk of damage or injury to the Town's water supply. The Town's review authority within the Water Supply Protection District shall therefore be concurrent with the authority of the Town and any other governmental entity to review and/or require permits for the same or related activities regulated under any other laws or regulations. (Ord. 262 Part 1, 1999)

#### Sec. 13-3-20. Jurisdiction and map.

The jurisdiction of the Water Supply Protection District shall extend over the entire territory occupied by the Town and all tributary water sources for five (5) miles above the well field supplying public water systems serving the Town. The Water Supply Protection District is divided into three (3) zones: Water Supply Protection Zones 1, 2 and 3, as defined in Section 13-3-30 below. The Water Supply Protection District Map, with all notations, references and other information shown thereon, is incorporated herein as part of this Article. The official Water Supply Protection District Map is located in the office of the Town Clerk. (Ord. 262 Part 1, 1999)

#### Sec. 13-3-30. Definitions.

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

*Activity* is conduct secondary to the land use or zoning designation. *Using*, within the context of this Article, refers to an activity and not a right conferred by the land use or zoning designation.

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

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

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

*Pesticide* shall be as defined in Section 35-9-103, C.R.S.

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

*Pollution-hazard activity* means any of the following activities:

- a. Constructing a sewage disposal system.
- b. Drilling operations.
- c. Surface and subsurface mining operations.
- d. The storage and application of pesticides (herbicides and/or insecticides) in any manner, except for noncommercial storage and commercial or noncommercial application of pesticides which are lawful for use in the State and which are not restricted-use pesticides as defined in Section 35-9-103(12), C.R.S., in accordance with all applicable manufacturer's instructions and best management practices, by or on behalf of the owner of a residential, business or governmental property.
- e. The storage and application of fertilizers in any manner, except for private residential or business use.
- f. Using, handling, storing, dispensing or transporting toxic or hazardous substances, including but not limited to radioactive materials.
- g. Using, handling, storing, dispensing or transporting flammable or explosive materials, including petroleum products, except for storage of not more than twenty-five (25) gallons of petroleum products in a private home or business and except for fuel in vehicular fuel tanks.
- h. Using, handling, storing, dispensing or transporting organic nutrients, including phosphorous and nitrates, or engaging in activity that creates the same.
- i. Any solid or liquid waste disposal.

*Public well* means any well used to supply water to the public water system owned and operated by the Town or to any other public water system operated by a governmental entity that provides domestic water service to businesses or residences within the Town, whether such well is operated on a continuous, intermittent or temporary basis. The approximate location of existing public wells is shown on the Water Supply Protection District Map.

*Sewage disposal system* means a septic tank or other facility designed and constructed for the purpose of receiving and disposing of sewage, including individual septic disposal systems but excluding mechanical wastewater treatment plants, which are governed by Chapter 16, Article 4, Division 4 of this Code.

*Use or land use* is the purpose for which land or a building is designed, arranged or intended, or the purpose for which land or a building is, or may be, occupied or maintained. *Use or land use* is synonymous with zoning categories such as residential, commercial, industrial or agricultural.

*Water Supply Protection Zone 1 or Zone 1* means that area within a five-hundred-foot radius of any public well, and the area within a one-hundred-fifty-foot setback from the high water mark on each side of the Fraser River, Elk Creek, Leland Creek and Saint Louis Creek within the Town.

*Water Supply Protection Zone 2 or Zone 2* means that part of the Water Supply Protection District outside of Zone 1 but within the corporate limits of the Town.

*Water Supply Protection Zone 3 or Zone 3* means that area within a five-mile distance above the well field supplying the public water systems serving the Town, but outside of the corporate boundaries of the Town.

*Waterworks* means all public wells and any and all other components of the public water system or systems providing domestic water service to residences and businesses within the Town, including but not limited to all pumps, filtration facilities, transmission and distribution lines and storage facilities, regardless of ownership of said facilities. (Ord. 262 Part 1, 1999; Ord. 317 Part 1.1, 2007)

**Sec. 13-3-40. Prohibited and restricted activities.**

(a) It shall be unlawful for any person to cause injury or damage to public wells or other waterworks.

(b) It shall be unlawful for any person to engage in any pollution-hazard activity within Water Supply Protection Zone 1 of the Water Supply Protection District. The Board of Trustees finds that the conduct of any such pollution-hazard activity within Zone 1 poses an unreasonable risk of the release of contaminants that could cause pollution to the public water systems serving the Town; and, due to the proximity to public wells and major water courses, the Town would not have adequate time following any such release of contaminants to protect or provide for a substitute water supply. Consequently, the prohibition of any such pollution-hazard activity within Zone 1 is required to adequately protect the health, safety and welfare of the inhabitants of the Town.

(c) It shall be unlawful for any person to engage in any pollution-hazard activity within Water Supply Protection Zone 2, unless such person shall, prior to undertaking such activity, obtain a permit for such activity under the provisions of this Article and applicable federal and state laws and regulations. The Board of Trustees finds that the conduct of any such pollution-hazard activity within Zone 2 poses a potential threat of pollution to the Town's water supply, but it may be possible to satisfactorily manage and mitigate such threat through the permit process and standards provided in this Article.

(d) In the event that any activity not included in the definition of pollution-hazard activities set forth above is being conducted in such a manner that the Board of Trustees finds that a foreseeable risk of pollution to the Town's water supply exists from such activity, the person responsible for such activity shall be notified by the Town of such finding, and the Town may require that such activity

cease and desist until such person obtains a permit for such activity under the provisions of this Article.

(e) The Town will monitor activities in Water Supply Protection Zone 3, which includes areas of the Water Supply Protection District outside the Town's boundaries, and will work cooperatively with other governmental authorities having land use jurisdiction in those areas to protect public water supply sources from pollution. The permit requirements contained in Section 13-3-50 below will not normally apply to activities in Zone 3; provided, however, that if the Board of Trustees finds that any pollution-hazard activity or other activity is proposed or is being conducted in any area included in said Zone 3, which presents a foreseeable risk of pollution to the Town's water supply and which is not being effectively managed by another governmental authority, the person responsible for such activity shall be notified by the Town of such finding and the Town may require that such activity cease and desist until such person obtains a permit for such activity under the provisions of this Article. (Ord. 262 Part 1, 1999)

**Sec. 13-3-50. Permit and hearing procedure.**

(a) Application. An applicant for a Water Supply Protection District permit shall submit the following to the Town:

(1) A completed application form as prescribed by the Town. If the applicant is not the owner of the subject property, the owner shall also sign such 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 Town has been submitted to the Town.

(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 for the subject property, and showing the location of any public wells or water courses in the vicinity in relation to the proposed activity.

b. Boundary lines of the property for which the application 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. An accurate soils, geologic and natural hazards report and map, including a floodplain map, if applicable. The information provided shall include soil types and geologic formations affecting tributary and nontributary water sources.

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

g. Details of all drainage devices in connection with the proposed activity.

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

i. Nature and location of 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 water supply of the Town, along with a specific description of the measures, including best management practices, specific federal and state laws and regulatory guidelines, and industry standards that will be employed by the applicant to obviate such risks.

(5) Any and all additional information that may be specifically requested by the Town, 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, stockpile management and reclamation plans and specifications, including a timetable for the same.

c. A soils analysis, including the nature, classification, infiltration capacity, 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 operation and maintenance analysis, including reporting requirements and schedules of the proposed activity.

f. Water use analysis, including legal basis, source, quality, amount of consumptive use, impact on groundwater and discharge characteristics.

(b) Application fee. Each applicant shall submit a Water Supply Protection District permit application fee to the Town at the time of filing such application. The applicant 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 fixed by resolution of the Board of Trustees. In the event that the fee charged by the Town at the time of application is determined to be insufficient to cover the Town's costs, the Town shall have the right to charge the additional fee prior to the issuance or denial of any permit. No Water Supply Protection District permit shall be issued until all such assessed fees have been paid.

(c) Review, analysis and risks.

(1) Within thirty (30) days following receipt of a completed application and following a site inspection, if necessary as determined by the Town, the Town staff shall review the application 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 Town, along with an

analysis of the measures, including best management practices, if any, that are proposed by the applicant to obviate such risks, and submit such analysis to the Board of Trustees.

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

- a. Nature and extent of the proposed activity.
- b. Proximity to existing public wells and water courses.
- c. Drainage patterns and control measures.
- d. Soil criteria.
- e. Geologic factors.
- f. Point source effluent emissions into water or groundwater.
- g. Ambient and nonpoint source effluent emissions into water or groundwater.
- h. Vehicular and motorized activity.

(3) The Town staff may classify in writing an application as "no impact" in the following fashion:

a. A potential applicant for a Water Supply Protection 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 Town staff 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.

b. Upon such application, the Town staff shall determine whether the proposed activity is of a type or location that no negative impact on the Town's water sources is reasonably foreseeable.

c. If such a "no impact" finding is made, the Town staff shall immediately issue a Water Supply Protection District permit for the proposed activity. After issuance of said permit, the Town staff shall report same to the Board of Trustees 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.

d. If the Town staff does not make a "no impact" determination, the application and staff analysis shall be referred to the Board of Trustees for hearing and decision as provided below in this Section.

(d) Hearing. Within thirty (30) days following receipt of the analysis from the Town staff, the Board of Trustees shall conduct a public hearing to review the application and analysis, and shall render a decision regarding the issuance or denial of a Water Supply Protection District permit to the applicant within three (3) months after the conclusion of such hearing, unless the activity requires

approval of the 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 that event, the Town 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 a Water Supply Protection District permit to the applicant. The Board of Trustees may require additional information from any applicant, in which event the public hearing and decision may be delayed or continued until receipt of such additional information.

(e) Standards for issuance of permit. A Water Supply Protection District permit shall be issued when the Board of Trustees 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 the groundwater within the Water Supply Protection District. A Water Supply Protection District permit shall be denied when the Board of Trustees finds that the applicant has not sustained such burden of proof.

(f) Permit conditions. The Board of Trustees, in issuing any Water Supply Protection District permit, may prescribe any conditions it may deem necessary to effect the intent of this Water Supply Protection District. The Board of Trustees may require any applicant to post a surety bond or cash in an amount sufficient to ensure compliance with the Water Supply Protection District permit, including but not limited to the cost of maintenance, operation, revegetation, reclamation, remediation and other requirements of proposed activities. The Board of Trustees 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 Water Supply Protection District permit.

(g) Duration of permit. A Water Supply Protection District permit shall remain valid so long as the applicant complies with the approved terms and conditions of the permit, unless a specific time limit for the activity is set forth as part of the permit approval. If an approved activity for which a Water Supply Protection District permit is issued is not commenced within nine (9) months from the date of issuance of such permit, or if the activity is discontinued for any reason for a period of one (1) year, the permit shall be deemed to have expired, unless otherwise provided in the permit itself.

(h) Notice of hearing. Notice of any public hearing hereunder shall be given at least fourteen (14) days in advance of the public hearing by not less than one (1) publication in a newspaper of general circulation in the Town or by other such means of publication as approved by the Board of Trustees for official publications.

(i) Joint review process. 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. (Ord. 262 Part 1, 1999; Ord. 317 Parts 1.2, 1.3a, 2006; Ord. 330 §1, 2007)

### **Sec. 13-3-60. Enforcement.**

(a) Right of entry. Whenever necessary to make an inspection to enforce any provision of this Article, an authorized representative of the Town 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 shall identify

himself or herself and, if such land is unoccupied, that he or she shall make 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 Water Supply Protection District permit issued hereunder, the Town or its authorized representatives 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 Town to proceed. The Town shall reserve the right to revoke or suspend any permit issued hereunder if work or activity is not performed in accordance therewith. (Ord. 262 Part 1, 1999)

**Sec. 13-3-70. Regulations.**

The Board of Trustees may issue regulations providing guidelines and criteria to carry out the purposes of this Article. (Ord. 262 Part 1, 1999)

**Sec. 13-3-80. Activity in progress.**

A lawful use or activity being carried on in or on any buildings, structures or land at the time of the enactment of this Article may be continued, even though it does not conform to the requirements of this Article. Ordinary repairs and maintenance of any existing building, structure or land shall be allowed. Any change, expansion, alteration or enlargement of such existing lawful use or activity shall be subject to all requirements of this Article. (Ord. 262 Part 1, 1999)

**Sec. 13-3-90. Violation and penalty.**

(a) Violations. Violations of the provisions of this Article shall be a misdemeanor and punishable in accordance with the provisions of Section 1-4-10 of this Code.

(b) Actions. Any activity which is continued, operated or maintained contrary to any provision of this Article is unlawful. The Town may institute injunction, abatement or any other appropriate action to prevent, enjoin, abate or remove such violation, in which event the Town 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. 262 Part 1, 1999; Ord. 317 Part 1.3b, 2006; Ord. 330 §1, 2007)

**ARTICLE 4**

**Sanitary Sewer System**

**Sec. 13-4-10. Definitions.**

Whenever in this Article the words hereinafter defined or construed in this Article are used, they shall, unless the content requires other uses, be deemed to have the following meanings:

*Engineer* means any professional engineer certified and licensed in the State, hired by the Town for the purpose of designing or inspecting work for the Town by other contractors or individuals.

*Operator* means any person or persons hired by the Town to maintain the wastewater collection lines.

*Public mains* and *private service line mains* are generally defined as follows: Sanitary sewer collection lines that are located in dedicated Town or County public rights-of-way and/or easements serving multiple properties shall be mains. All other sanitary sewer utility lines shall be considered private service lines. The decision as to the classification of a sanitary sewer line (main or service line) shall be at the sole and absolute discretion of the Town.

*Public sanitary sewer* means any sewer line, or portion thereof, owned by the Town.

*Public water* means any water line, or portion thereof, owned by the Town.

*Shall* is mandatory, and *may* is permissive.

*Single Family Equivalent (SFE)* is based on the average characteristics of a single-family home on the sanitary sewer collection system of the Town and is used for classifying uses as to the impact of use on the system for purposes of determining plant investment fees, service fees and other related matters. (Ord. 360 Part 2, 2009)

#### **Sec. 13-4-20. Independent connections.**

(a) Each parcel of land shall have an independent connection to the facilities of the Town and shall not be interconnected with any other sewage disposal system, unless specifically authorized by the Town.

(b) Where a parcel of land has more than one (1) separate building thereon, each separate building shall be independently served. Except that, where one (1) separate single-family dwelling or similar building stands to the rear of another separate single-family dwelling, and when both such residential buildings are and remain under common ownership, a service line from the front separate single-family dwelling may be extended, in the Town's absolute discretion, to the rear separate single-family dwelling or similar building, and the whole considered as one (1) building. Should legal ownership subsequently become divided, however, the Town may then require such owner of the rear building, within a reasonable time, to make an independent connection to the facilities of the Town.

(c) Where a parcel of land has more than one (1) separate building thereon, under conditions of a unified development and under one (1) ownership, application may be made to the Town for a single service line to such development. The Town will determine initially whether single service will be permitted and upon what conditions and may then enter into an agreement setting forth such conditions. Such agreement shall run with the land and shall be recorded in the records of the County Clerk and Recorder.

(d) Where a parcel of land has one (1) or more separate multi-unit buildings thereon, which building or buildings can be or are physically divided into multiple ownerships, application shall be

made to the Town for the unified development of such facility and, if desired, for a single service line to each multi-unit building. The Town will determine initially whether single service will be permitted and upon what conditions and may enter into an agreement with the property owner setting forth such conditions. Such agreement shall run with the land and shall be recorded in the records of the County Clerk and Recorder. (Ord. 360 Part 2, 2009)

**Sec. 13-4-30. General provisions and matters.**

(a) Service connections. Owners desiring sanitary sewer service shall submit a complete building permit application and other required documents to the Building Department. Plant investment fees shall be paid prior to issuance of the building permit and in accordance with the current fee schedule established by the Board of Trustees.

(b) Disconnection. No sanitary sewer service line connected to a public sanitary sewer main shall be disconnected from said main without Town approval.

(c) Service line maintenance. It shall be the responsibility of the property owner to keep the sanitary sewer service line between the building and the public sanitary sewer main clean and clear of any obstructions and to keep said service line in good repair at all times, so that exfiltration and infiltration are kept to a minimum and so that there shall be no accumulation of septic sewage therein.

(d) Industrial, commercial and manufacturing service agreements. Industrial users shall be subject to certain additional regulations and requirements as determined by the Town to promote the best interests of the Town and the general health, safety and welfare of its inhabitants. Such regulations and requirements shall be outlined by agreement entered into with each industrial user prior to issuance of any permits. For purposes of this Section, an *industrial user* shall mean any nongovernmental business, commercial or industrial use which does contribute, or is likely to contribute, sewage to the public sanitary sewer system requiring special handling and/or extra treatment works capacities. Any such classified user may be excluded from such class if the Town determines that such user's normal sewage contribution is representative of the type contributed by a domestic or commercial user; in such instances, the facility shall be considered as a commercial use, and the provisions of this Section shall not be applicable to such user.

(e) Metering, sampling and pretreatment. Industrial users shall install such facilities necessary for measurement of flows and sampling of quality. Industrial users contributing sewage in volumes substantially equal to metered use of a water supply shall only provide for sampling; all others shall install sewage flow meters of the type which provide for continuous totalizing and recording in addition to facilities for sampling. An industrial user may be required to provide for pretreatment of sewage contributions before discharging into the public sanitary sewer system.

(f) New infrastructure. All sanitary sewer main extensions and lines shall be constructed in accordance with the Town's Sanitary Sewer Minimum Design Criteria and Construction Standards. New facilities must comply with the procedures and requirements as provided by the subdivision regulations, Design Criteria and Construction Standards and improvement agreements. (Ord. 360 Part 2, 2009)

**Sec. 13-4-40. Limitations in use.**

(a) The following limitations in use are effective for the Town. Violation of any of these provisions shall be grounds for immediate disconnection, and the violator shall be liable for any and all costs incurred by the Town because of such violation.

(1) Source of effluences. In addition to all other limitations herein prescribed, in no instance shall effluences be discharged into the public sanitary sewer system, unless the same are from domestic, commercial, industrial or manufacturing establishments and by such use the effluent is rendered unsanitary.

(2) Manufacturing and industrial uses. Manufacturers, meat processors, film processors, commercial processors and industries are specifically prohibited from using the facilities of the Town, unless the same have first obtained approval from the Town. Said approval shall define the conditions, limitations and restrictions prescribed by the Town and the amount, category and classification of fees and charges, if any, as to each of the same determined by the Town to be for the best interest of the Town and the inhabitants thereof.

(3) Connection of old facilities. No sanitary sewer service line may be connected to any public sanitary sewer system if said service line is connected to either a septic tank or cesspool. If an existing service line shows an excessive infiltration, in the sole discretion of the Town, the line shall not be connected to the public sanitary sewer system.

(4) Swimming pools. No public or private swimming pool shall be connected to the public sanitary sewer system without first obtaining approval from the Town, which approval shall define and specify the hour or hours during which waters may be discharged from such pools into the public sanitary sewer system and the size of outlet, taps and other facilities and prescribe the fees and charges, if any.

(5) Wash racks. No drain accepting discharge from garages or wash racks for vehicles shall be connected to any service line without Town approval.

(6) Disposal. No person shall cause any waste or materials to be discharged into any public sanitary sewer system unless such discharge is through a properly connected sanitary sewer service line.

(7) Requirements regarding deleterious wastes. Sewage delivered into the facilities of the Town shall not:

a. Be of such a quantity, quality or other nature as to create flammable or explosive conditions in such facilities.

b. Have a flash point lower than one hundred eighty-seven (187) degrees Fahrenheit, as determined by Tagliabue (Tag.) close cup method.

c. Have a pH value lower than six (6.0) or greater than ten (10.0) or otherwise contain chemical properties which are hazardous or capable of causing damage to any part of the system or to personnel.

d. Include any radioactive substance, except as otherwise hereinafter set forth, unless the Town shall have given written consent to its inclusion.

e. Include any garbage other than that received directly into the sewer system of the municipality from domestic and from commercial grinders in dwellings, restaurants, hotels, stores and institutions, by which such garbage has been shredded to such a degree that all particles will be carried freely under flow conditions normally prevailing in the public sewer with no greater particle than one-half (½) inch in any dimension.

f. Include night soil or septic tank pumpage (except by special permission in writing from the Town at such points and under such conditions as the Town may stipulate in each permit).

(8) Prohibited sewage and wastes. None of the following described sewage, water, substances, materials or wastes shall be discharged into the Town's system:

a. Any solid or viscous materials which could cause an obstruction to flow in the sanitary sewers or in any way could interfere with the treatment process, including as examples of such materials, but without limiting the generality of the foregoing, oils and greases intended for mechanical use, significant proportions of ashes, wax, paraffin, cinders, sand, mud, straw, shavings, metal, glass, rags, lint, feathers, tars, plastics, wood and sawdust paunch, manure, hair and fleshings, entrails, lime slurries, beer and distillery slops, grain processing wastes, grinding compounds, acetylene generation sludge, chemical residues, acid residues, food processing bulk solids, snow, ice and all other solid objects, material, refuse and debris not normally contained in sanitary sewage.

b. Sludge or other material from sewage or industrial waste treatment plants or from treatment plants.

c. Water which has been used for cooling or heat transfer purposes without recirculation; discharged heat from any system of condensation, air conditioning, refrigeration or similar use.

d. Water accumulated in excavation or accumulated as the result of grading, water taken from the ground by well points or any other drainage associated with construction.

e. Any liquid or vapor having a temperature higher than one hundred fifty (150) degrees Fahrenheit or exceeding any lower limit fixed by the Town to prevent odor nuisance where the volume of discharge represents a significant portion of the flow through a particular sewer.

f. Any water or wastes containing grease or oil or other substances that will solidify or become discernibly viscous at temperatures between thirty-two (32) degrees Fahrenheit and one hundred fifty (150) degrees Fahrenheit.

g. Any water or wastes containing emulsified oil or grease exceeding seventy-five (75) parts per million of either soluble or insoluble matter.

h. Any gasoline, benzene, naphtha, fuel oil, lubricating oil or other flammable or explosive liquid, solid or gas.

i. Any wastes with phenolic compounds over ten (10) parts per million, expressed as phenol.

j. Any wastes with sulfides over ten (10) parts per million, expressed as hydrogen sulfide.

k. Any cyanides or compounds capable of liberating hydrocyanic acid gas over two (2) parts per million, expressed as hydrogen cyanide from any individual outlet, the discharge of any cyanides in lesser amounts so to be permitted only upon evidence of satisfactory and continuous control of the concentration and the volume of the discharge.

l. Any wastes that contain a noxious, corrosive or malodorous material or substance which (either singly or by reaction with other wastes) is capable of causing damage to the system or to any part thereof, of creating a public nuisance or hazard or of preventing entry into the sewers for maintenance and repair.

m. Any wastes that contain concentrated dye wastes or other wastes that are either highly colored or could become highly colored by reacting with any other wastes.

n. Any water or wastes containing a toxic or poisonous substance in sufficient quantity to injure or to interfere with any sewage treatment process, to constitute a hazard to humans or to animals or to create any hazard in the waters which receive the treated or untreated sewage, the twenty-four-hour average concentration of certain toxic substances in sewage as it arrives at the point of connection to the sewer system of a municipality not to exceed the following:

1. Iron as Fe: Fifteen (15) parts per million;
2. Chromium as Cr (hexavalent): Five (5) parts per million;
3. Copper as Cu: Three (3) parts per million; and
4. Zinc as Zn: Two (2) parts per million;

and the concentration at any time not to exceed three (3) times the average concentration limits stated above.

o. Any water or wastes containing the discharge of acid, iron pickling wastes or plating solutions.

p. Any radioactive toxic isotopes of over one hundred (100) days' half-life, the radioactive isotopes I-131 and P-32 as used at hospitals not being prohibited if properly diluted at the source.

q. Any wastes which are unusual in composition, i.e., contain an extremely large amount of suspended solids or BOD; are high in dissolved solids, such as sodium chloride, calcium chloride or sodium sulfate; contain substances conducive to creating tastes or odors in drinking water supplies; otherwise make such waters unpalatable even after conventional water purification treatment; or are in any other way extremely unusual, unless the Town determines that such wastes may be admitted to the system or shall be modified or treated before being so admitted.

r. Any material or substance not specifically mentioned in this Paragraph which is in itself corrosive, irritating to human beings and animals, toxic, noxious or which, by interaction with other wastes, could produce undesirable effects, including deleterious action on the system or on any part thereof, could adversely affect any treatment process, could constitute a hazard to humans or to animals or could have an adverse effect upon the receiving stream.

(9) Other prohibitions. No person shall cause to be discharged into the public sanitary sewer system any foreign matter which could or does cause a stoppage in the public sanitary sewer system.

(10) Storm and subsurface waters. It shall be unlawful for any person to discharge, or cause the discharge, into the Town's sanitary sewer system any stormwater drainage from the ground surface, roof drains or subsurface water from foundation drains or sumps.

(b) Any person violating this Section shall be subject to immediate disconnection from the public sanitary sewer system, to surcharges for illegal discharges and to costs and/or damages incurred by the Town as a result of such illegal discharge. (Ord. 360 Part 2, 2009)

**Sec. 13-4-50. Plant investment fees.**

(a) An applicant for sanitary sewer service in the Town shall agree to pay a sanitary sewer plant investment fee for each SFE unit requesting such service. The plant investment fee shall be paid to the Town in accordance with the fee schedule established by the Board of Trustees.

(b) The Sanitary Sewer SFE shall be as established in Section 13-2-210.

(Ord. 360 Part 2, 2009; Ord. 378 Part 2, 2010)

**Sec. 13-4-60. Service rates.**

The service fee per SFE is determined by the Town and is subject to change as necessary to meet the financial obligations of the Town. Service fees for sanitary sewer are based on the SFEs, per customer, used in determining the plant investment fee. Property owners will begin receiving regular sanitary sewer service rate billing upon payment of plant investment fees. (Ord. 360 Part 2, 2009)

**Sec. 13-4-70. Transfer or sale of plant investment fee.**

Following are guidelines for the transfer or sale of plant investment fees purchased from the Town by initial and future users in the Town:

(1) Plant investment fees, when paid, give the owner of the designated property the ability to utilize the Town's sanitary sewer system for the purpose and under the conditions for which the fees were paid.

(2) Plant investment fees may be transferred from an existing building to another use on the same property. There will be no additional charge for the transferred SFE. However, if additional plant investment fees are necessary, based upon an increase in SFEs as provided in the current SFE schedule, the user will be charged at the increased rate.

(3) Sale of plant investment fees from one (1) person to another is prohibited, except with the transfer of land or improvements as is otherwise described in this Section.

(4) If property is sold and a plant investment fee was paid for the property, the plant investment fees will remain in effect for the new owner, provided that all service fees are current. Notification to the Town of the sale of property is the responsibility of the purchaser and seller.

(5) The service rate assessed by the Town per month must be paid, and accounts must remain current, or the plant investment fee may be automatically voided with no compensation to the owner of the property when these accounts are ninety (90) days in arrears. (Ord. 360 Part 2, 2009)

**Sec. 13-4-80. Connection to sewer.**

The Town shall have power, whenever necessary for the public safety, to compel the owners of inhabited property within the Town to connect their property to the sanitary sewer system of the Town within twenty (20) days after written notice is sent to the owner by certified mail. Upon failure to do so, the Town may cause such connection to be made and a lien to be filed against the property for the expenses incurred in making such connection. No owner shall be compelled to connect his or her property with such system unless a service main is brought to a point within four hundred (400) feet of his or her premises. (Ord. 360 Part 2, 2009)

**Sec. 13-4-90. Miscellaneous provisions.**

(a) Discontinuance of sanitary sewer service. Sanitary sewer service may be discontinued for any of the following reasons:

(1) For misrepresentation in the building permit application as to property or fixtures to be supplied or the use to be made of the sanitary sewer system, or introduction of substances into the sanitary sewer that are prohibited by these regulations.

(2) For the use of sanitary sewer on any property for a purpose other than that described in the building permit application.

(3) For adding to the property or fixtures or for changing the use to be made of the sanitary sewer system without notice to and the consent of the Town.

(4) For failure to keep in good order and to connect to the Town's connections, service lines or fixtures.

(5) For neglecting to make or renew advance payments or for nonpayment of any account for service or for any other scheduled fee or charge, including nonpayment of engineer expenses.

(6) Bills for sanitary sewer use shall be sent by the Town quarterly in advance. All bills are due and payable upon receipt and shall become delinquent by the 25th of the second month within the billing quarter.

(7) Where two (2) or more families, places of business or offices in a single building are supplied with sanitary sewer through a single service line, the owner of the building or his or her duly authorized agent fails to pay the bills for sanitary sewer when due, or fails to abide by all

Town Codes, service may be discontinued; but no such action involving the shutting off of the sanitary sewer supply of an innocent consumer shall be taken without first affording the tenant of the premises opportunity to make a new application for supply of sewer through a separate service line.

(b) Procedure for discontinuance and renewal of service.

(1) If the account is not paid timely, a letter of notification of overdue accounts will be sent.

(2) If the account is not then paid by the 30th of the following month, the service will be disconnected under the following conditions:

a. All fees, labor costs and supplies for the disconnection will be paid by the owner of the property. A disconnection fee shall be paid to the Town in accordance with the fee schedule established by the Board of Trustees.

b. All fees, labor costs and supplies shall be paid by the owner of the subject property for reconnection of service, and the person or contractor doing the work must be approved by the Town. The work must be inspected by a designated representative of the Town prior to acceptance by the Town. A reconnection fee shall be paid to the Town in accordance with the fee schedule established by the Board of Trustees.

c. All fees and charges for disconnection and reconnection and back service fees must be paid in advance prior to reconnection of a service disconnected as the result of overdue accounts.

d. Should fees not be paid and the service disconnected, the owner loses any interest or rights in the plant investment fees. Service to the property shall require purchase of new plant investment fees.

(c) Procedure for disconnected or habitually overdue accounts. For any service that has been discontinued for lack of payment of service and for accounts that are overdue more than three (3) times in any one (1) calendar year requiring notification and discontinuance proceedings may be required to post an advance payment for service fees.

(d) Interest charges. The Town, in addition to back charges, shall charge interest at one percent (1%) per month or fraction thereof on all unpaid service fees, as well as all costs of collection, including reasonable attorneys' fees.

(e) Compliance. Any user of the public sanitary sewer not complying with this Section shall be deemed as a prohibited user of the public sanitary sewer, and the Town may thereupon direct a severance of the line connected to the public sanitary sewer, the costs of which, until paid, shall constitute a lien against such parcel of land being served by the Town.

(f) Right of entry onto property. The Town and its duly authorized representative shall have the right to enter upon any parcel of land being served by the sewage system of the Town, at any reasonable hour, for the purpose of making inspections of the facilities connected to said sanitary sewer system. (Ord. 360 Part 2, 2009)