

CHAPTER 13

Municipal Utilities

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ARTICLE I

Sewer

Sec. 13-1-10. Creation of wastewater utility.

There is hereby created and established a wastewater utility for the Town for the purpose of the management, maintenance, care and operation of the wastewater collection and treatment facilities of the Town. The Board of Trustees shall have the power to provide for the prudent, efficient and economical management and protection of said wastewater utility. The Board of Trustees shall have the power to prescribe such user fees, rules and regulations as it may deem necessary. (Ord. 234 §1, 1993)

Sec. 13-1-20. Definitions.

(a) Unless the context specifically indicates otherwise, the following terms and phrases, as used in this Article, shall have the following meanings:

Act or the Act means the federal Water Pollution Control Act, also known as the Clean Water Act, as amended 33 USC 1251, *et seq.*

Approval authority means the entities to whom the Town must submit pretreatment information. As of January 1, 1991, information must be submitted to both the US EPA Region VIII and the Water Quality Control Division of the Colorado Department of Public Health and Environment.

Authorized representative of an industrial user means:

- a. The 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; or
- c. A duly authorized representative of the individuals designated above, or a governing board if such representative is responsible for the overall operation of the facilities for which the indirect discharge originates.

Categorical standards means the national categorical pretreatment standards or pretreatment standard.

Classification of users. The users contributing to the Town's sewage collection system shall be divided into various classifications, including but not limited to single dwelling, duplex, multiple dwelling and nonresidential. Additional classifications may be established by the Town for each nonresidential user class. Each user shall be classed into one (1) of the following categories.

- a. Category A - Single-family residential user.
- b. Category B - Duplex (two-family) residential user.

c. Category C - Multiple-family residential user (more than two [2] living units).

d. Category D - Minor nonresidential user. A minor nonresidential user is a user who discharges only wastes of a type and strength normally discharged by private residences. All nonresidential users not subject to the provisions of Categories E and F shall be classed as minor nonresidential users, Category D.

e. Category E - Intermediate nonresidential user. An intermediate nonresidential user is a user listed in Divisions A, B, D, E, and I of the Standard Industrial Classification Manual (Executive Office of the President, Office of Budget and Management, 1972), who discharges domestic type wastes with a strength in excess of any of the following parameters:

COD greater than 300 mg/l.

5-day BOD greater than 200 mg/l

TSS concentration greater than 250 mg/l.

f. Category F - All users who have been issued industrial wastewater discharge permits by the Town (major nonresidential).

Control authority means or refers to the approval authority defined in this Section, or the Town Clerk, if the Town has an approved pretreatment program under the provisions of 40 CFR 403.11.

Cooling water means water that is discharged from various temperature-controlled devices:

a. *Contact cooling water* is the water that has direct contact with equipment, chemicals and towers that may contain chemical pollutants.

b. *Noncontact cooling water* is that water that is circulated through condensers, etc., that might contain only high temperatures, with no chemical additives.

Direct discharge is the discharge of treated or untreated wastewater directly into the waters of the State.

Environmental Protection Agency (EPA) means the U.S. Environmental Protection Agency or, where appropriate, the term may be used to designate the administrator or other duly authorized representative of the EPA. US EPA Region VIII is the portion of the EPA that has control authority in the State and over the Town.

Hazardous waste means those chemicals defined in 40 CFR 261 and regulated under the Resource Conservation and Recovery Act (RCRA).

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

Indirect discharge means the discharge or introduction of pollutants from any nondomestic source regulated under Section 307(b)(c) and (d) of the Act (including holding tank waste) into the POTW system.

Industrial user or user means a source of indirect discharge.

Interference means a discharge which, alone or in conjunction with a discharge or discharges from other sources, both:

- a. Inhibits or disrupts the POTW, its treatment processes, use or disposal; and
- b. Is a cause of violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits received thereunder (or more stringent state and local regulations): Section 405 of the Clean Water Act; Solid Waste Disposal Act (SWDA) which includes Title 11 known as the Resource Conservation and Recovery Act (RCRA), and including any state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of SWDA, the Clean Air Acts, the Toxic Substance Control Act and the Marine Protection Research and Sanctuaries Act.

NPDES permit is the permit issued to the Town under the National Pollutant Discharge Elimination System pursuant to Section 402 of the Act.

National pretreatment standard or *pretreatment standard* means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Clean Water Act, including prohibitive discharge limits established pursuant to 40 CFR 403.5 and which applies to industrial users.

NPDES state means a state (as defined in 40 CFR part 122.2) or an interstate water pollution control pollution agency with a NPDES permit program approved pursuant to Section 402(b) of the Act.

New source means any building, structure, facility or installation from which there are or may be discharged pollutants, the construction of which commenced after publication of proposed pretreatment standards under Section 307(e) of the Act, which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:

- a. The building, structure, facility or installation is constructed at a site at which no other source is located;
- b. The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants; or
- c. The production or wastewater-generating process of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.

Construction of a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation

meeting the criteria of this Subsection, but otherwise alters, replaces or adds to existing process or production equipment.

Construction of a *new source* as defined under this Subsection has commenced if the owner or operator has:

- a. Begun, or caused to begin as a part of a continuous on-site construction program:
 1. Any placement, assembly or installation of facilities or equipment; or
 2. Significant site preparation work including clearing, excavation or removal of existing buildings, structures or facilities which is necessary for the placement, assembly or installation of new source facilities or equipment; or
- b. Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss and contracts for feasibility, engineering and design studies do not constitute a contractual obligation under this Subsection.

Pass-through means an indirect discharge which exits the WWTP into the waters of the State in quantities or concentration which, alone or in conjunction with an indirect discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of the violation).

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

Pollution means the man-made or man-induced alteration of the chemical, physical, biological and radiological integrity of the Town's water and sewer system.

Pretreatment means the reduction of the amount of pollutants, the elimination of pollutants or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW.

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 or *POTW* means a treatment works as defined by Section 212 of the Act, which is owned by a state or municipality (as defined by Section 502(4) of the Act). This definition includes any publicly owned devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or treatment of industrial wastes of a liquid nature. It also includes sewers, pipes and other conveyances if they are publicly owned or if they convey wastewater to the WWTP. The term also means the municipality as defined in Section 502(4) of the Act, which has jurisdiction over the indirect discharge from such a treatment works.

Regional administrator means the EPA regional administrator for Region VIII.

Significant industrial user.

a. Except as provided in Subsection b below, *significant industrial user* means:

1. An industrial user subject to categorical pretreatment standards under 40 CFR 403.6 and 40 CFR Chapter 1 subchapter N; and

2. Any other industrial user that: discharges an average of twenty-five thousand (25,000) gallons per day or more wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater); contributes a process waste-stream which makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the WWTP; or is designated as such by the control authority as defined in 40 CFR 403.12(a) on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement (in accordance with 40 CFR 403.8(f)(6)).

b. The control authority may at any time on its own initiative or in response to a petition received from an industrial user or POTW, and in accordance with 40 CFR 403.8(f)(6), determine that an industrial user is not a significant industrial user, upon finding that the industrial user has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

Significant noncompliance means any of the following:

a. A violation of wastewater discharge limits on sixty-six percent (66%) or more of all the measurements taken during a six-month period of the daily maximum or average limit for a pollutant parameter.

b. A violation of the technical review criteria (TRC) in thirty-three percent (33%) or more of all the measurements for each pollutant parameter taken during a six-month period equal to or in excess of the product of the daily maximum limit or the average limit multiplied by one and four-tenths (1.4) for BOD, TSS, fats, oil and grease, and one and two-tenths (1.2) for all other pollutants except pH.

c. Violation of a pretreatment effluent limit (daily) maximum or longer-term average that the control authority determines has caused, alone or in combination with other discharges, interference or pass-through (including endangering the health of Town employees or the general public).

d. Discharge of a pollutant that has caused imminent endangerment to human health, welfare or the environment or has resulted in the POTW's exercise of its emergency authority under 40 CFR 403.8(f)(1)(vi)(B) to prevent or halt such discharge.

e. Failure to meet, within ninety (90) days after the schedule date, a compliance schedule milestone contained in a local enforcement order for starting construction, completing construction or attaining final compliance.

f. Failure to provide, within thirty (30) days after the due date, required reports such as baseline monitoring reports, ninety-day compliance reports and reports on compliance with compliance schedules.

g. Failure to accurately report noncompliance.

h. Any violation or group of violations which the control authority determines will adversely effect the operation or implementation of the local pretreatment program.

Slug discharge means any wastewater that:

a. Contains toxic pollutants in sufficient quantity either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, or to constitute a hazard to humans, animals or the environment;

b. Creates a toxic effect in the receiving waters of the POTW;

c. Exceeds the limitation set forth in a categorical pretreatment standard; or

d. Contains a concentration or quantities of pollutants that exceed, for any period of time greater than fifteen (15) minutes, more than five (5) times the average twenty-four-hour maximum concentration or flow.

Standard industrial classification means the classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.

Submission means:

a. A request by a POTW to the EPA or State for approval of a pretreatment program;

b. A request by a POTW to the EPA or State for authority to revise the discharge limits in a categorical pretreatment standard to reflect POTW pollutant removals; or

c. A request by a NPDES state to the EPA for approval of its state pretreatment program.

Toxic pollutant means any pollutant or combination of pollutants listed as toxic in a regulation promulgated by the administration of the Environmental Protection Agency under the provisions of the Clean Water Act Section 307(a) or other act.

Water/wastewater utility director means the person designated by the Town to supervise the operation of the publicly owned treatment works who is charged with certain duties and responsibilities by this Article, or that person's duly authorized representative.

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

Wastewater treatment plant (WWTP) means that portion of the POTW which is designated to provide treatment (including recycling and reclamation) of municipal sewage and industrial waste.

Waters of the State means all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies of accumulation of water, surface or underground, natural or artificial, public or private, which are contained within, flow through or border upon the State or any portion thereof, and which are determined to be subject to classification and which are classified by the State Water Quality Control Commission.

(b) The following abbreviations shall have the following meanings:

BOD ₅	Five-Day Biochemical Oxygen Demand
CFR	Code of Federal Regulations
CWA	Clean Water Act
COD	Chemical Oxygen Demand
LEL	Lower Explosive Limit
mg/l	milligram(s) per liter
RCRA	Resource Conservation and Recovery Act
SWDA	Solid Waste Disposal Act
TSCA	Toxic Substance Control Act
TSS	Total Suspended Solids
USC	United States Code

(Ord. 234 §1, 1993; Ord. 316 §1, 1997)

Sec. 13-1-30. Sewer Enterprise Fund.

The revenue derived from the connections with the sewer system shall be placed in the treasury of the Town and may be kept in a separate fund to be known as the "Sewer Enterprise Fund." If the revenue is placed in such separate fund, it shall not be paid out or distributed except for the purpose of operating, renewing, improving or extending the sewage system and the payment of salaries of the employees engaged in operating the sewage system; provided, however, that the Board of Trustees may by ordinance divert to the general fund any surplus moneys derived from sewer user fees in excess of the amounts reasonably required for the aforesaid purposes. (Ord. 234 §1, 1993; Ord. 316 §1, 1997)

Sec. 13-1-40. Connections required; vaults, closets, privies and cesspools prohibited.

(a) All buildings located within the Town and within four hundred (400) feet of any established sewer line, which are used for residence or business purposes, or in which people congregate or are employed, must be connected with the Town sewer system, and all drainage or plumbing fixtures therein shall be connected therewith. Only one (1) premises, lot or parcel may be served by a single service line and tap on the Town's sewer main.

(b) Whenever any premises served by any on-site sewage disposal system is annexed to the Town, such system may continue to be used, notwithstanding the provisions of this Section, provided that such system complies with all the requirements of the State and County, is maintained in good working order and does not represent a threat to public health or safety. Nothing in this Article shall preclude inclusion of any such premises in a special improvement district formed for the purpose of supplying sewer services to the premises and adjacent properties.

(c) At the sole discretion of the Town and only under extraordinary circumstances, the Town may allow a developer to install a central collection and treatment system or individual septic systems to service the development. The standards and designs for such separate systems shall be approved in writing by the Town Engineer and the County Health Department. If a site permit or a discharge permit is required by the Colorado Department of Public Health and Environment, the developer must secure said permit at his or her own expense and comply fully with all provisions of the permit. At such time as the Town may determine necessary, authorization for separate systems shall be terminated and the property owner required to connect to the Town's sanitary sewer system at the property owner's sole expense and with no compensation for the abandonment for the separate system. The property owner shall be liable and responsible for any actions necessary to protect the general health and welfare of the Town, including emptying, cleaning and filling disposal systems. (Ord. 234 §1, 1993; Ord. 316 §1, 1997)

Sec. 13-1-50. Sewer permit required.

A written permit is required before any person may open, uncover or in any manner make connection with any sewer main or line of the Town, or lay drain or sewer pipes on any premises or in any street or alley in the Town. (Ord. 234 §1, 1993)

Sec. 13-1-60. Sewer permit application.

Application for the permit required by Section 13-1-50 shall be made to the Town by the licensed plumber who will perform the work. Such application must contain or be accompanied by plans and specifications covering the construction of the sewer and which are sufficient to determine whether such work will comply with the provisions of this Code. Upon approval of the application by the Town and payment of all fees, the required sewer permit shall be issued. (Ord. 234 §1, 1993)

Sec. 13-1-70. Separate street cut permit required.

A separate street cut permit as provided by Section 11-2-10 of this Code shall be required before any person may excavate in any street, alley or other public place for the purpose of installing a sewer line, sewer tap or other connection to the sewer collection system of the Town. (Ord. 234 §1, 1993; Ord. 316 §1, 1997)

Sec. 13-1-80. Sewer tap and plant investment fees.

(a) At the time of making application for a sewer tap or connection and before any sewer tap is made, the applicant shall pay to the Town a tap fee and the plant investment fee provided in this Section.

(b) The tap fee shall be established by resolution of the Board of Trustees and shall include the cost of the materials related to the tap installation and the cost of making the tap to the sewer main in a trench excavated by the applicant. There shall be no tap fee paid where the connection is to be made to a service wye which has been previously installed in the main sewer line. There shall be no tap fee paid where the tapping of the sewer main is to be accomplished by a licensed plumber hired by the owner (i.e., Town employees do not do the tapping procedure).

(c) The sewer plant investment fee for inside-Town connections for other than single-family, two-family and multi-family dwellings (i.e., commercial and industrial facilities) shall be based upon the size of the water tap or taps serving the premises and shall be as follows:

<i>Tap Diameter</i>	<i>Plant Investment Fee</i>
5/8-inch	\$ 7,000.00
3/4-inch	9,900.00
1-inch	17,900.00
1½-inch	40,000.00
2-inch	70,900.00
3-inch	159,700.00

(d) The sewer plant investment fee for inside-Town connections for single-family, two-family and multi-family dwellings shall be based upon the size of the water tap serving the premises and shall be as follows:

<i>Tap Diameter</i>	<i>Plant Investment Fee</i>
5/8-inch	\$ 7,000.00
3/4-inch	9,900.00
1-inch	17,900.00
1½-inch	40,000.00
2-inch	70,900.00
3-inch	159,700.00

(e) The plant investment fee for a connection providing service outside the Town shall be double the plant investment fee for a connection providing service inside the Town, determined as set forth in Subsection (c) or (d) above.

(f) Any additional sewer taps made to service premises already receiving Town sewer service shall require payment of a sewer plant investment fee. Any change to a larger sewer tap size shall require payment of the sewer tap fee for the larger tap. Change to a larger water tap size serving the premises shall require payment, at the time the change is made, of the difference between the sewer plant investment fee for the existing water tap size and the sewer plant investment fee for the larger water tap size, and such differential shall be calculated using the fee structure in effect at the time the change in the tap size is made. No refund of fees shall be made for the removal of, or decrease in the size of, sewer or water taps connected to the Town system.

(g) If a property is annexed to the Town within six (6) months after the plant investment fee required by Subsection (e) above has been paid, the Town shall refund the difference between that

amount and the amount that would have been charged for the plant investment fee had the property been inside the Town. No such refund shall be made except upon application by the person who paid the original plant investment fee and except when the application is made within the above described six-month period.

(h) The sewer plant investment fee shall be paid in full at the time a building permit is issued; however, such fee shall be paid only upon the issuance of a building permit. No one shall be permitted to pay this fee in advance of the issuance of a building permit.

(i) These provisions shall be governed by the time limits set forth in Section 13-1-100. (Ord. 234 §1, 1993; Ord. 302 §§1, 2, 1996; Ord. 305 §2, 1996; Ord. 316 §1, 1997; Ord. 457 §§1, 2, 2003; Ord. 481 §§1, 2, 2003; Ord. 521 §§1, 2, 2004)

Sec. 13-1-90. Reassignment of a sewer tap.

A sewer tap permit for a specific lot or parcel, for which all tap and plant investment fees have been paid, and for which the physical connection to the sewer main has not been made, may be reassigned (transferred) to another lot or parcel at the written request of the owner upon the payment of a fifty-dollar administrative fee. (Ord. 234 §1, 1993; Ord. 316 §1, 1997)

Sec. 13-1-100. Time limitation on tapping.

(a) Time limitation of tapping. Each sewer tap permit issued by the Town shall expire one hundred eighty (180) days after the issuance of the permit unless the tap applied for has been physically made during the one-hundred-eighty-day time period and unless the construction of the premises for which the tap has been issued has been commenced.

(b) Extension of time limit. The holder of a sewer tap permit may apply for an extension of the one-hundred-eighty-day time period. Extensions may be granted only by the Board of Trustees for good cause established by the permit holder. Any extension shall be limited in time to an additional one-hundred-eighty-day period and only one (1) extension shall be granted for any particular tap.

(c) Forfeiture of plant investment fees. If a sewer tap permit expires, all fees paid to the Town to provide service to the premises of the applicant shall be forfeited and are nonrefundable.

(d) Waiver of time limits. The Town by contract may waive this time limit requirement to allow for the pre-purchase of sewer taps by a developer. (Ord. 234 §1, 1993; Ord. 316 §1, 1997)

Sec. 13-1-110. Abandonment of sewer tap.

The owner may petition the Board of Trustees for the abandonment of an existing sewer tap. The petition shall state the size of the tap or connection, the location thereof, the premises for which the tap serviced and the purpose for which it was used. The Board of Trustees shall take action on the petition within thirty (30) days of its receipt. If the petition to abandon a tap is granted, it shall be irrevocable and no plant investment fees shall be refunded to the owner. The abandoned tap shall be taken out of service, no wastewater shall be discharged to it and no minimum user fee charges shall be made against the owner of the premises it served. (Ord. 234 §1, 1993)

Sec. 13-1-120. Sewer Facilities Expansion Fund.

There is created a fund to be known as the Sewer Facilities Expansion Fund, and all moneys received from the collection of sewer plant investment fees shall be paid into such fund. The fund shall be kept separate and apart from all other funds of the Town, and expenditures therefrom shall be made only for the purposes of paying the costs of improvement, expansion or extension of the sewage collection and treatment system of the Town; provided that in the event the Board of Trustees determines that an emergency exists affecting the immediate health, peace, safety and welfare of the citizens, such funds may be used as necessary to alleviate the emergency if provisions are made for repayment to the fund, together with reasonable interest thereon, of the funds so used. (Ord. 234 §1, 1993; Ord. 316 §1, 1997)

Sec. 13-1-130. Maintenance of service lines.

The property owner, at his or her sole expense, shall maintain the entire service line to the Town sewer main and all appurtenances thereto in good condition, and shall make all repairs and maintenance necessary to prevent the infiltration of groundwater and stormwater into the system. The Town may require the property owner to repair his or her service line and all appurtenances thereto if it determines that said repairs are necessary to prevent the infiltration of groundwater and stormwater into the Town's system, or exfiltration of wastewater from the service line. This requirement shall be in writing and the work completed within thirty (30) days or another reasonable time as determined by the Town. (Ord. 234 §1, 1993; Ord. 316 §1, 1997)

Sec. 13-1-140. Maintenance of Town's sanitary sewer collection system.

(a) Repair and maintenance of system to prevent infiltration and unauthorized connections. It shall be the Town's responsibility to maintain the sanitary sewer collection system, including the trunk mains and laterals, in good condition and shall make all repairs and maintenance necessary to prevent the infiltration of groundwater and stormwater into the system. It shall also be the Town's responsibility to assure that no unauthorized connections are made to the Town's collection and trunk system which introduce domestic wastewater, surface or stormwater, seepage, cooling water, unpolluted industrial process waters or industrial wastewaters requiring a discharge permit into the system. If at any time the wastewater flows measured at a Town influent metering station indicate flows in excess of one hundred (100) gallons per capita, or significant fluctuations (thirty percent [30%] plus or minus, of the average daily winter flow), or if the Town provides other proof of infiltration or exfiltration, it shall be presumed that excessive infiltration or exfiltration is occurring, or unauthorized connections have been made to the Town's system, and corrective action may be ordered by the Town. The Town shall have one hundred eighty (180) days in which to study and prepare a plan for correction of the infiltration or exfiltration or unauthorized connections. The plans for corrective action shall be approved by the Board of Trustees and the Town shall commence the corrective action within ninety (90) days of receiving said approval and shall complete the corrective action within a reasonable time as approved by the Board of Trustees.

(b) Cleaning and flushing the Town's sanitary sewer collection system. It shall be the responsibility of the Town to provide for the periodic cleaning and flushing of the Town's sanitary sewer collection system. Due to low flows in the system, flushing of the system may be required on a frequent basis and may be decreased as additional flows are generated within the system. (Ord. 234 §1, 1993; Ord. 316 §1, 1997)

Sec. 13-1-150. Requirements for private sewers (service lines, service mains).

Every private sewer line which is connected with the Town sewage system shall meet the "Standard Design Criteria and Standard Construction Requirements" published by the Town. (Ord. 234 §1, 1993)

Sec. 13-1-160. Taps on Town main.

No person other than an employee of the Town or a licensed plumber shall be permitted or allowed to make a tap on any Town sewer line. (Ord. 234 §1, 1993)

Sec. 13-1-170. Connections outside corporate limits.

Subject to the ordinances and regulations of the Town, permits for sanitary sewer service serving lots or parcels of land outside of the corporate boundaries of the Town to be connected to the Town's sewer system may be issued. Sewer tap and plant investment fees and sewer user fees shall be established from time to time by ordinance or resolution, as determined appropriate by the Board of Trustees. (Ord 609 §1, 2007)

Sec. 13-1-180. Sewer extension policy.

(a) All developments (subdivisions platted and developed by a developer) shall make the necessary improvements to the Town's sanitary sewer collection system in order to provide sewer service to the development at no expense to the Town. These improvements shall include, but not be limited to, the installation of sewer trunk and main lines, service lines and lift stations. All facilities and equipment installed by the developer shall be in conformance with the Town's "Standard Design Criteria" and shall not cause a degradation of the existing service to the Town's residents. These capital improvements shall be subject to a separate agreement between the Town and the developer and shall be dedicated to the Town, free and clear of all encumbrances.

(b) Engineering plans and specifications of all sewer trunk and main line construction, service lines, lift stations and other capital improvements to be constructed or installed by the developer shall be approved in writing by the Town Engineer. Before sewer system improvements and facilities can be dedicated to the Town, final approval of completed construction must be obtained from the Board of Trustees. The developer's compliance with the requirements of this Section may be guaranteed by an adequate performance bond as determined and approved by the Town.

(c) Oversizing of sewer lines may be required by the Town. In such cases the Town shall pay for the difference in cost between the oversize line and the line that would otherwise be required, or provide for a reimbursement to the developer installing the oversized lines. In the case of subdivisions where the Town has already provided sewer lines through the property, the subdivider shall pay the Town a line fee based on the cost of the sewer line the subdivider would have to install if the Town's sewer line were not already in place. The Town Engineer shall determine the amount to be paid to the Town by the subdivider for such sewer or water lines.

(d) Individuals or groups of property owners who wish to connect to the Town's sewer system shall make the necessary improvements at no expense to the Town in the manner provided by Subsections (a), (b) and (c) above. (Ord. 234 §1, 1993)

Sec. 13-1-190. Duty to make sewer connections before paving.

Before any street or alley in which a sewer line is laid shall be paved or hard-surfaced, the owners of all lots abutting thereon shall make proper sewage connection with such sewer, whether the immediate use thereof is required or not. Until used, such connecting sewer shall be supplied with a proper covering or cap sufficient to prevent the escape of sewer gas, or infiltration or exfiltration of sewage. (Ord. 234 §1, 1993; Ord. 316 §1, 1997)

Sec. 13-1-200. Rate setting procedures.

(a) Purpose. The purpose of this rate setting procedure shall be to generate sufficient revenue to pay all costs for the operation and maintenance of the complete sewer system. The costs shall be distributed to all users of the system in proportion to each user's system capacity and/or contribution to the total loading of the sewage treatment facilities. Wastewater factors such as strength (biochemical oxygen demand and total suspended solids, BOD and TSS), volume and delivery flow rate characteristics shall be considered and included in determining the user's sewer user fees to ensure a proportional distribution of operation and maintenance costs to each user (or user class).

(b) Determining the total annual cost of operation, maintenance and capital depreciation. Annually, the Town shall estimate for the succeeding year the total costs of operation, maintenance and capital depreciation of the sewer system which is necessary to maintain the capacity and performance, during the service life of the facilities, for which they were designed and constructed.

(c) Determining each user's wastewater contribution.

(1) The Town shall determine for each user or user class the average daily volume of wastewater discharged to the sewer system, which shall then be divided by the average daily volume of all wastewater discharged to the sewer system to determine such user's volume contribution percentage. The amount used as the total average daily volume of wastewater shall exclude infiltration and inflow.

(2) The Town shall determine for each user or user class the average daily poundage of five-day, twenty-degree Centigrade biochemical oxygen demand (BOD) discharged to the sewer system which shall then be divided by the average daily poundage of all five-day BOD discharged to the sewer system to determine such user's BOD contribution percentage.

(3) The Town shall determine for each user or user class the average daily total suspended solids (TSS) poundage discharged to the sewer system which shall then be divided by the average daily poundage of all TSS discharged to the sewer system, to determine such user's TSS contribution percentage.

(4) The volume contribution percentage, BOD contribution percentage and TSS contribution percentage for each user or user class shall be multiplied by the annual operation and maintenance cost for treatment of the total volume flow, the total five-day, twenty-degree Centigrade BOD and the total TSS, respectively. The sum of these factors will equal the user's or user classes' proportional cost of treatment.

(d) Surcharges to usage fees for excessive BOD, COD and TSS.

(1) Users shall be subject to a surcharge to their usage fee for excessive BOD, COD and TSS, as provided in Schedule C which is set forth in Section 13-1-270.

(2) The base rate for Categories E and F shall be determined by using the same formula as for Categories C and D. However, in addition to the base rate, intermediate and major nonresidential users shall pay a surcharge for wastewaters of excessive strength. The Town shall, based upon the amenability of the discharge to testing, select one (1) of the following formulas to be utilized in establishing the surcharge:

$$Cs = Vu[Bc(B) + Sc(S)]$$

or

$$Cs = Vu[CODc(COD) + Sc(S)]$$

where

$$Cs = \text{User's surcharge for wastewaters of excessive strength per billing period.}$$

$$Vu = \text{Volume of water used per billing period.}$$

$$Bc = \text{Cost of service for treatment of a unit of BOD.}$$

$$B = \text{Concentration of BOD from a user in excess of 200 mg/l.}$$

$$Sc = \text{Cost of service for treatment of a unit of TSS.}$$

$$S = \text{Concentration of TSS from a user in excess of 250 mg/l.}$$

$$CODc = \text{Cost of service for treatment of a unit of COD.}$$

$$COD = \text{Concentration of COD from a user in excess of 300 mg/l.}$$

(3) The average concentration values for various categories are listed in Schedule C, as set forth in Section 13-1-270. The Town shall determine values for other categories as needed, and shall determine the appropriate category for individual users who may request a change in category and shall submit good and sufficient evidence to support such change. If the Town finds that the evidence submitted supports the requested change, it shall thereupon effect such change.

(e) Determining each user's sewer service charge.

(1) The Town shall determine the sewer usage fee necessary to pay the costs of operation, maintenance and capital depreciation of the sewer system based on the amount of wastewater contributed to the treatment system.

(2) The Town shall annually determine for each user the average monthly volume of wastewater discharged to the sewer system. This average monthly volume shall be determined by the average metered water usage during the winter base period of December through February of the previous year. The rate so established shall be charged each month thereafter, beginning with the billing for March usage and continuing through the billing for February usage the following year. The customer's rate is determined by subtracting any base gallons from the customer's average monthly usage during the winter base period and multiplying by the per-one-thousand-gallon charge in the rate schedule in Subsection 13-1-210(a). New customers or customers who have not occupied a premises during the entire base period shall be charged an individual rate based on the average monthly discharge for similar classes of users during the most recent winter base period.

(3) Residential user's wastewater treatment costs as determined in this Subsection shall be multiplied by the average monthly volume to determine each user's monthly sewer service charge. Nonresidential user's wastewater treatment cost contributions as determined in Subsections (c) and (d) above shall be added together and multiplied by the average monthly volume to determine each user's monthly sewer service charge.

(4) The governing body may classify industrial, commercial and other nonresidential establishments as a residential user, provided that the waste from these establishments are equivalent to the waste from the average residential user with respect to volume, total suspended solids and BOD.

(f) Sewer Capital Depreciation Fund. Reserve funds called the "Sewer Capital Depreciation Fund" are hereby established within sewer utility funds for the purpose of providing sufficient funds to be expended for obtaining and installing equipment, accessories and appurtenances to maintain the capacity and performance for which such facilities are designed and constructed.

(g) Review of each user's utility service charge.

(1) The Town shall review the total annual cost of operation, maintenance and capital depreciation of its utilities as well as each user's wastewater contribution percentage not less often than annually and will revise the system as necessary to assure equity of the service charge system established herein and to assure that sufficient funds are obtained to adequately operate and maintain the utility facilities. Any changes in the user utility service charges shall be made by ordinance in the manner provide by state law and this Code.

(2) If a significant user such as an industry has completed in-plant modifications which would change that user's wastewater contribution percentage, the user can present, at a regularly scheduled meeting of the governing body, such factual information and the Town shall then determine if the user's wastewater contribution percentage is to be changed. The Town shall notify the user of its findings as soon as possible.

(h) Notification. Each user will be notified at least annually, in conjunction with a regular bill, of the rate and that portion of the user charges which are attributable to sewer treatment services. (Ord. 234 §1, 1993; Ord. 248 §1, 1994; Ord. 316 §1, 1997; Ord. 520 §1, 2004)

Sec. 13-1-210. Sewer user fees.

(a) Sewer user fees established. There shall be and are hereby established fees (also known as "rates" or "charges") for the use of and for the service supplied by the wastewater facilities (also known as the "sewer system") of the Town for the years 2006 through 2009. In addition, the fees may be recomputed on the basis of a financial or engineering study from time to time, and shall provide adequate funds for the operation, maintenance and repair of the facilities, the cost of any bonded debt of such facilities and such other costs as may be deemed necessary by the Board of Trustees. These fees are hereby found, determined and declared to be equitable and just.

	MONTHLY RATES (Beginning in the year)			
	2006	2007	2008	2009
Effective March 1, 2006 and March 1 thereafter¹				
Residential – 4,000 gallons (base fee)	\$25.40	\$26.52	\$26.80	\$27.16
For each additional 1,000 gallons used during the winter base period	6.35	6.63	6.70	6.79
Nonresidential – 4,000 gallons ² (base fee)	25.40	26.52	26.80	27.16
For each additional 1,000 gallons used during the winter base period ²	6.35	6.63	6.70	6.79

¹ This means beginning with the usage for that month. Because billing is done in arrears of usage, the new rate would be reflected on bills generated on April 1.

² In addition, the Town shall charge a surcharge for wastewater that exceeds the strength of normal domestic wastewater. The surcharge for extra-strength wastewater shall be determined by the Board of Trustees from time to time based on a sampling and wastewater analysis for the given user, as conducted by a qualified engineering firm. The owner of the premises that generates the extra-strength wastewater shall also bear the cost of such sampling and analysis.

For residential and nonresidential users outside the corporate limits of the Town, the fee, if service is allowed under this category, shall be as established by the Board of Trustees from time to time.

(b) Liability for payment for service and minimum user fees. The owner of the property or premises shall be liable for payment for sewer service to such premises, and the service is furnished to the premises by the Town only upon the condition that the owner of the premises is solely liable therefor to the Town, regardless of any landlord/tenant relationship that may exist. It shall be the duty of the owner of the premises to inquire as to the Town's billing practices and to inform the Town of the name of the occupant of the premises and to where bills should be sent. For the purposes of billing, each premises shall be considered occupied and the sewer tap active from the time of service initiation until the tap is declared abandoned by the Town, regardless of whether or not any premises are occupied or any wastewater is or is not generated from the premises in any given period.

(c) Sewer user fees due and payable; penalty for late payment. Sewer user fees shall be due upon billing. A bill shall be issued monthly for the use of the Town's sewer facilities to the owner of the premises or his/her designee. All bills for service shall be issued as of the first day of the month, regardless of the actual day of the month that the bills are mailed, and shall represent charges for service for the previous month. Billing for sewer service on new construction shall commence on the first billing cycle after the certificate of occupancy is granted for the premises. The sewer bill becomes delinquent if it is not paid in full on or before the close of business on the twentieth day of the month in which the bills are mailed, and a late payment penalty of ten dollars (\$10.00) shall be assessed the sewer user if the bill is not paid in full by the twenty-fifth day of the month. If a bill is paid after the twenty-fifth day of the month without including the late payment penalty, the late penalty fee shall be carried forward to the next billing cycle and the account shall be deemed to not have been paid in full and shall be deemed delinquent. The Town shall not be obligated to mail out reminder notices or rebill the account that month with the late payment penalty fee added thereto. No late payment penalty fee shall exceed the amount of fifteen dollars (\$15.00) or up to five percent (5%) per month, or fraction thereof, not to exceed a total of twenty-five percent (25%) of the amount due, whichever is greater, regardless of the period of time during which the amount remains in default. The Town administrative staff is hereby authorized to adjust the amount due on any sewer bill that is found to be in error.

(d) Delinquent sewer user fees become a lien against property.

(1) Upon becoming delinquent, the delinquent sewer user fees and/or late penalty fees shall become and remain a lien upon any such building or lot until such fees and penalties have been paid in full. The lien is prior and superior to all other liens, claims, titles and encumbrances, whether or not prior in time, except liens for general taxes. Such delinquent charges shall be certified to the Weld County Treasurer for collection in the same manner as delinquent general taxes and special assessments upon such property are collected, or by any other means provided by law, and shall be subject to any penalties and administrative fees as may be set by the County Treasurer. No such lien shall be removed by the Town once it is so certified. Any such lien attachable to any building, lot or other premises shall extend to the whole of such building and likewise to the whole of each and every property or lot upon which such building may be situated. Certification of the lien removes the delinquent sewer user fees and late penalty fees then owed from the customer's account.

(2) The Town shall not file a lien until the bill has been delinquent for at least sixty (60) days. At least seven (7) days prior to certification of the delinquent sewer bill to the County Treasurer for collection, the Town shall mail a notice to the property owner advising him or her that the delinquent sewer bill will be certified as a lien against the property if payment is not made by the close of business on the date required in the notice. Notice shall be by certified mail, return receipt requested. Failure of the property owner to accept delivery of said notice within the seven-day notice period shall not prevent the certification of the delinquent sewer fees and penalties for collection. When notice is given to the property owner in compliance with this Section, there shall be added to the delinquent sewer user fees and penalties a fifteen-dollar administrative fee to cover the cost of notification, and a twenty-five-dollar administrative fee to cover the cost of certifying and filing the lien, if a lien is filed.

(e) Payment with an insufficient funds or no-account instrument. Payment of sewer user fees with an insufficient funds or no-account instrument shall cause the account to be deemed late or delinquent as defined in Subsection (c) or (d) above, and the penalty and lien procedures as provided for in Subsections (c) and (d) above shall therefore be equally applicable. In addition to all other remedies available to the Town, the Town shall charge the account a twenty-five-dollar fee for any insufficient funds or no-account instrument returned to the Town by any bank, depository or person. Any person who pays sewer user fees with an insufficient funds or no-account instrument commits a misdemeanor, and the Town reserves the right to prosecute such misdemeanor.

(f) Collections. A collection agency or the services of an attorney may be used by the Town for the collection of delinquent user fees. The cost of such collection activities, including statutory interest, shall be borne by the owner of the property and shall be added to the account during the next billing cycle after the invoices for such collection activities are received. (Ord. 234 §1, 1993; Ord. 248 §2, 1994; Ord. 258 §1, 2, 1994; Ord. 295 §1, 1996; Ord. 316 §1, 1997; Ord. 337 §1, 1998; Ord. 367 §1, 1999; Ord. 387 §1, 2000; Ord. 411 §1, 2001; Ord. 467 §1, 2003; Ord. 482 §1, 2003; Ord. 520 §2, 2004, Ord. 563 §1, 2006)

Sec. 13-1-220. Compliance with regulations.

(a) This Section sets forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system of the Town, and enables the Town to comply with all

applicable state and federal laws required by the Clean Water Act of 1987 and the General Pretreatment Regulations (40 CFR Part 403).

(b) The objectives of these requirements 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 and effluent.

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

(3) To improve the opportunity to recycle and claim wastewaters and sludges from the system.

(4) To provide a safer and healthier work environment for Town employees.

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

(c) This Section provides for the regulation of direct and indirect contributors to the municipal wastewater system through issuance of permits (or other appropriate control mechanisms) to certain nondomestic users and through enforcement of general requirements for other users, requires user reporting, assumes that existing customer's capacity will be preempted and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

(d) This Section applies in the Town and to persons outside the Town who are, by contract or agreement with the Town, nondomestic contributors. Except as otherwise provided herein, the Town Clerk shall administer, implement and enforce the provisions of this Section.

(e) It is the policy of the Town to provide for the recovery of costs from the users of the Town's wastewater disposal system for the implementation of the program established in this Section. The applicable charges or fees the Town may adopt include:

(1) Fees for reimbursement of costs of setting up and operating the Town's pretreatment program;

(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) Fees for consistent removal (by the Town) of pollutants otherwise subject to federal pretreatment standards;

(7) Other fees as the Town may deem necessary to carry out the requirements contained herein.

These fees relate solely to the matters covered by this Section and are separate from all other fees chargeable by the Town. (Ord. 234 §1, 1993; Ord. 316 §1, 1997)

Sec. 13-1-230. General regulations governing the discharge of waste.

(a) 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 Town's wastewater treatment facilities. These general prohibitions apply to all such users of the wastewater treatment system, whether or not the user is subject to national categorical pretreatment standards or any other national, state or local pretreatment standards or requirements.

(b) General prohibitions on discharges to the wastewater collection and treatment system. A user may not contribute the following substances to the wastewater treatment system.

(1) Any liquids, solids or gases which by reason or other 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 Town's wastewater treatment system or the operation of the Town's wastewater treatment system. At no time shall two (2) successive readings on any 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, sulfides and any other substances which the Town, the State or EPA has notified the user is a fire hazard or a hazard to the system.

(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-quarter (1/4) inch in any direction, animal guts or tissues, paunch manure, bones, hair, hides or 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, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud, glass grinding or polishing waste, salts and other like or similar materials.

(3) Any wastewater having a pH of less than six (6.0) or more than nine (9.0) or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment and/or personnel of the Town's wastewater treatment facilities.

(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 Town's wastewater treatment system, contaminate the sludge of the Town's wastewater treatment system or exceed the limitation set forth in the categorical pretreatment standard. A toxic pollutant shall include, but not be limited to, any pollutant identified pursuant to Section 307(a) of the Federal Water Pollution Control Act, P.L. 92-500, as amended.

(5) Any malodorous liquids, gases or solids which either singly or by interaction with other wastes are sufficient to prevent entry into the sewers for their maintenance and repair.

(6) Any substance which may cause the wastewater treatment facility's effluent or any other product of the wastewater treatment facility, such as residues, sludges or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process where the Town is pursuing a reuse and reclamation program. In no case shall a substance discharged in the Town's wastewater treatment system cause the system to be in noncompliance with sludge use or disposal criteria, guidelines or regulations affecting sludge use or disposal.

(7) Any substance which will cause the Town's wastewater treatment facilities to violate its NPDES permit or the receiving water quality standards.

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

(9) Any pollutants, including oxygen demanding pollutants (BOD, etc.), released at a flow and/or pollutant concentration which a user knows or has reason to know will cause interference to the Town's wastewater treatment facilities. In no case shall a slug load have a flow rate or contain concentration 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.

(10) Any wastewater containing any radioactive waste or isotope of such half-life or concentration as may exceed limits established by the Town in compliance with applicable state Rules and Regulations Pertaining to Radiological Control, published by the Colorado Department of Public Health and Environment.

(11) Any wastewater which causes a hazard to human life or creates a public nuisance.

(12) Any wastewater having a temperature which will cause the temperature of the influent to the wastewater treatment plant to exceed one hundred four degrees Fahrenheit (104°F) and/or inhibit the biological activity in the wastewater treatment plant.

(13) Any water or waste which contains grease or oil or any other substance that will solidify or become discernibly viscous at temperatures between thirty-two degrees Fahrenheit (32°F) (0°C) and one hundred fifty degrees Fahrenheit (150°F) (65.5°C).

(14) Any water or waste containing free, floating or insoluble oil.

(15) Waste from septic tank pumpage or vaults.

(16) Waters containing garbage that has not been ground or comminuted to such a degree that all particles will be carried freely in suspension under conditions normally prevailing in public sewers. Solid particles shall be less than one-quarter ($\frac{1}{4}$) inch in any dimension.

(17) Unusual concentrations of dissolved solids.

(18) Any wastewater containing BOD, total solids or suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the wastewater treatment plant; provided, however, that a user may be permitted by specific, written agreement

with the Town, which agreement to discharge such BOD or TSS may provide for special charges, surcharges, payments or provisions for treating and testing equipment.

(19) Ammonia nitrogen or substances readily converted thereto, in amounts that would cause the Town's wastewater treatment facilities to fail to comply with its NPDES permit.

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

(21) Any material or substance not specifically mentioned in this Section which in itself is corrosive, irritating or noxious to human beings and animals, or which by interaction with other water or waste in the public sewer system could produce undesirable effects or create any other condition deleterious to structures, treatment processes and quality of the receiving stream is hereby prohibited.

(22) Any material or substance entering into the Town's wastewater treatment facilities which interferes with the treatment process even if it is within the concentration limitations stated in Schedule A as set forth in Section 13-1-270 may be prohibited upon written notice by the Town.

(c) Federal categorical pretreatment standards. Upon the promulgation of the federal categorical pretreatment standard for a particular industrial subcategory, the federal standard, if more stringent than limitations imposed herein for sources in that subcategory, shall immediately supersede the limitations imposed herein. The Town shall notify all affected users of the applicable reporting requirements.

(d) Specific pollutant limitations. No person shall discharge wastewater containing pollutants in excess of the limitations on discharge, as set forth in Schedule A, which is set forth in Section 13-1-270, unless otherwise authorized by an industrial wastewater discharge permit.

(e) State requirements. State requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitation or those contained herein.

(f) Town's right of revision. The Town may establish more stringent limitations or requirements on discharges to the wastewater treatment system as necessary.

(g) Excessive discharge. No user shall 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 any applicable limitations.

(h) Accidental discharges. Each user shall, at its own expense, provide and maintain facilities for protection from accidental discharge of prohibited materials or other substances regulated herein. In the case of an accidental discharge, it is the responsibility of the user to immediately notify the Town of the incident. The notification shall include location of discharge, type of waste, concentration, volume and corrective actions. Within five (5) working days following an accidental discharge, the user shall submit to the Town 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 Town's wastewater collection and treatment system, fish kills or other damage to

persons or property, and such user shall be liable therefor, nor shall such notification relieve the user of any fines, civil penalties or other liability which may be imposed under this Article or other applicable law. Failure to report accidental discharges may, in addition to any other remedies, result in the revocation of the user's industrial wastewater discharge permit. If the Town is fined by the Colorado Department of Public Health and Environment or the EPA for violation of the Town's NPDES permit or violation of water quality standards as the result of a spill or intentional slug discharge or a toxic pollutant, then the fine, including all of the Town's legal, sampling, analytical testing costs and any other related costs shall be charged to the responsible user. (Ord. 234 §1, 1993; Ord. 316 §1, 1997)

Sec. 13-1-240. Discharge permits required for industrial users.

(a) All nonresidential Category E and F users proposing to connect to the Town's sanitary collection system shall obtain a discharge permit from the Town before connection to and/or discharge to the Town's system. Application for said discharge permit must be made on the form prescribed by the Town and accompanied by a fee as set forth in Schedule B which is in Section 13-1-270. Applications for discharge permits must be received by the Town at least ninety (90) days prior to connecting to or contributing to the Town's system.

(b) Industrial discharge permits. In support of the application, the user shall submit, in units and terms appropriate for evaluation, the following information:

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

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

(3) Time and duration of discharge.

(4) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, connections and appurtenances by size, location and elevation. If deemed necessary by the Town, such plans shall provide for separate systems for handling sanitary and industrial wastewater.

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

(6) Number of employees and hours of work.

(7) Wastewater quantity and quality.

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

b. Quality characteristics including, but not limited to, those mentioned in this Article 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(h) of the Federal Water Pollution Control Act, P.L. 92-500, and contained in 40 CFR, Part 136, as amended.

(8) Where known, the quantity and specific nature of any pollutants in the discharge which are limited by any pretreatment standards, and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and, if not, whether additional O & M and/or additional pretreatment is required for the user to meet applicable pretreatment standards.

(9) Written description and diagram of existing or proposed pretreatment equipment, if any, including but not limited to, treatment processes, treatment tank dimensions and retention time, chemical supplies, operating personnel and certification, and plumbing diagram of treatment system.

(10) If additional pretreatment and/or O & M will be required to meet the pretreatment standards, the 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 application pretreatment requirements. The following conditions shall apply to this schedule:

a. The schedule shall contain increments of progress specifying dates for the commencement, completion and operation of additional pretreatment required for the user to meet the applicable pretreatment requirements. No increment shall exceed nine (9) months.

b. Not later than ten (10) working days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the Town including, as a minimum, whether or not the user 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.

(11) Any further information deemed by the Town to be necessary to evaluate the permit application.

(c) Permit modifications. Upon enactment of a NCPS and within the time prescribed thereby, the industrial discharge permit of users subject to such standards shall be revised to require compliance therewith. Where a user, subject to a NCPS, has not previously submitted an application for a permit, the user shall apply for a permit within thirty (30) days after notice of the enactment of the applicable NCPS. The user with an existing industrial discharge permit shall submit to the Town, within thirty (30) days after such notice, the information required pursuant to this Article. The terms and conditions of the permit shall be subject to modification by the Town during the term of the permit as limitations or requirements are modified or other just cause exists. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance, as determined by the Town.

(d) Permit conditions. Permits shall be expressly subject to all provisions of this Article and all other applicable regulations, user charges and fees established by the Town. Permits may contain, but are not limited to, the following:

(1) The unit charge or schedule of user charges and fees for wastewater to be discharged to the system.

(2) Limits on the average and maximum mass and/or concentration of wastewater constituents and characteristics.

(3) Limits on average and maximum rate and time of discharge or requirements for flow regulations 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 schedule.

(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 Town, and affording the Town access thereto.

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

(10) Daily average and daily maximum discharge rates, or other appropriate conditions, when substances subject to limitation and prohibition are proposed or present in the user's wastewater discharge.

(11) Requirements for notification of slug discharges.

(12) Requirements for separate systems to handle sanitary and industrial wastewater, such that in the event that the user's industrial wastewater is or could cause an interference or potential interference with the Town's sewage treatment plant, that the industrial wastewater could be severed, preventing discharge into the system and still allowing the user's sanitary wastewater to discharge into the system.

(13) Other conditions as deemed appropriate by the Town.

(14) In the event the type or volume of material from the property for which a discharge permit was previously granted shall materially and substantially change as determined by the Town, the person previously granted such permit shall make a new application to the Town, in the same manner and form as originally made.

(e) Permit duration. Permits shall be issued for a specified time period, not to exceed three (3) years. A permit may be issued for a period less than a year or may be stated to expire on a specified 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 Town during the term of the permit as limitations or requirements 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 change. Any changes or new conditions in the

permit shall include a reasonable time schedule for compliance. Any permit may be canceled or terminated for failure to comply with the requirements hereof.

(f) Permit transfer prohibited. Permits are issued to a specific user for a specific operation. A permit shall not be sold, traded, assigned, transferred or sublet.

(g) Monitoring facilities.

(1) Whenever required by the Town, the industrial user shall provide, maintain and operate, at its sole expense, monitoring equipment and facilities sufficient to allow the safe inspection, sampling and flow measurements of the private sewer or internal drainage systems. The monitoring facility shall be situated on the industrial user's premises and shall be located so that it will not be obstructed by landscaping or parked vehicles.

(2) There shall be ample room in or near such monitoring manhole or facility to allow accurate sampling and preparation of samples for analysis and such manhole shall be safely, easily and independently accessible to authorized representatives of the Town during normal business hours.

(3) The sampling and monitoring equipment and facilities shall be provided in accordance with the Town's requirements and all applicable local construction standards and specifications. Construction shall be completed within sixty (60) days following written notification by the Town.

a. Each monitoring manhole shall contain a Palmer-Bowlus flume or similar device approved by the Town with a recording and totalizing register for measurement of the liquid quantity. At the discretion of the Town, the metered water supply to the industrial plant (or a measurable adjustment thereof) may be used to determine the liquid waste quantity.

b. Samples shall be taken and properly preserved in accordance with the latest edition of the Standard Methods for the Examination of Water and Water and Wastewater (American Public Health Association and the Water Pollution Control Federation), and shall be a representative twenty-four-hour sample. Such sampling shall be done as prescribed by the Town to ensure representative quantities for the entire reporting period.

c. The frequency of sampling, the monitoring manhole, the metering device, the sampling methods and analysis of samples shall be subject, at any time, to inspection and verification.

d. All metering and sample collections shall be done by the industrial user and a split flow sample shall be delivered to the Town's designated laboratory for optional analysis.

e. The industrial user shall be required to analyze the sample in accordance with the requirements established in the permit. All testing shall be at the expense of the industrial user.

(4) The Town may require that the monitoring equipment be installed in a separate enclosure.

(h) Inspection.

(1) The Town's representative may inspect the equipment and facilities of any user at any time during normal business hours to ascertain compliance with applicable statutes and regulations.

Persons or occupants of premises where wastewater is created or discharged shall allow the Town's representative ready access to the premises for the purpose of inspection, sampling and records examination. The Town 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 their premises, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the Town will be permitted to enter without delay for the purpose of performing their specific responsibilities.

(2) While performing the necessary work on private properties, the Town's representative shall observe all security and safety rules applicable to the premises as established by the business.

(i) Failure to permit inspection. In the event the Town's representative is refused admission, the Town may cause sewer service to the premises in question to be discontinued until the Town's representatives have been afforded reasonable access to the premises and sewer system to accomplish the inspection and/or sampling.

(j) Sampling. All measurements, tests and analysis of the characteristics of water and wastes to which reference is made herein shall be determined in accordance with Standard Methods for the Examination of Water and Wastewater (American Public Health Association and the Water Pollution Control Federation). In the event that no special facility has been required, the point of inspection shall be considered to be the downstream manhole in the Town's sewer nearest to the point at which the building sewer is connected to the Town's sewer.

(k) Miscellaneous provisions.

(1) Information and data on an industrial user obtained from reports, questionnaires, permit application, permits, monitoring programs and inspections shall be available to the public or other governmental agency without restriction unless the user specifically requests in writing and is able to demonstrate to the satisfaction of the Town that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of such user. When requested by such user 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 hereto, the NPDES permit, and/or pretreatment requirements; 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 user furnishing the report. Information accepted by the Town as confidential shall not be transmitted to any governmental agency by the Town until and unless a ten-day written notification is given to the user by certified mail or personal service.

(2) The Town shall annually, on the thirty-first day of December, publish in a newspaper of general circulation within the boundaries of its service area, a list of the significant violators during the twelve (12) previous months, which list shall also summarize any enforcement actions taken.

(3) Any user has the option to contract with the Town or any private entity to provide such services as deemed necessary, including but not necessarily limited to the following:

- a. Monitoring equipment.
- b. Inspection and sampling.
- c. Laboratory analysis. (Ord. 234 §1, 1993; Ord. 316 §1, 1997)

Sec. 13-1-250. General violations and prohibited acts.

(a) It is unlawful for any person to cause to be placed any solids or insoluble matter of any kind or nature whatsoever within any sewer belonging to the Town, or any part thereof, or within any connection thereto.

(b) It shall be unlawful for any person to maintain within the Town any vault, privy or cesspool when his or her property is within four hundred (400) feet of any established sewer line. Exception: temporary privies at construction sites authorized by the Building Official.

(c) It shall be unlawful to connect a downspout, roof or surface drainage to the Town sewer system.

(d) It shall be unlawful for any person to open, uncover or in any manner make connection with any sewer main or line of the Town, or lay drain or sewer pipes on any premises or in any street or alley in the Town without obtaining a written permit therefor.

(e) It shall be unlawful for any person to open a sewer manhole cover in the Town's system except upon express authorization by the Town. (Ord. 234 §1, 1993; Ord. 316 §1, 1997)

Sec. 13-1-260. Enforcement and penalties.

(a) Enforcement authority. The Town may adopt procedures and rules for implementation and administration of this Article, including the industrial discharge permit system, and shall enforce the provisions contained herein.

(b) Notification of violation. Whenever the Town finds that any person has violated or is violating this Article, any prohibition, limitation or requirements contained herein, or the provisions of any discharge permit, the Town may cause to be served upon such person a written notice stating the nature of the violation and providing a reasonable time, not to exceed thirty (30) days, for the satisfactory correction thereof. A meeting with the Town may be scheduled at the request of the violator or the Town to discuss the violation and/or satisfactory correction schedule.

(c) Methods of notification. Any notification required herein shall be in writing and served either personally or by certified mail.

(d) Suspension of service.

(1) The Town may suspend the discharge permit, and/or suspend the wastewater collection, of an individual user when such suspension is necessary, in the opinion of the Town, 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

Town's wastewater treatment facilities or causes the Town's wastewater treatment facilities to violate any condition of its NPDES permit.

(2) Any person notified of suspension of the discharge permit, or the suspension of the wastewater collection by the Town, shall immediately stop or eliminate the discharge. In the event of a failure of the user to comply voluntarily with the suspension order, the Town may take such steps as deemed necessary, including the immediate severance of the sewer connection, to prevent or minimize damage to the Town's wastewater treatment facilities or endangerment of any individuals or the environment. The Town shall reinstate the discharge permit and/or wastewater treatment service upon proof of the elimination of the noncomplying discharge. The user shall pay all Town costs and expenses for any such suspension and restoration of service. A detailed 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 Town within fifteen (15) working days of the date of occurrence.

(e) Permit revocation. A user is subject to having his or her discharge permit revoked for violation of applicable state and federal regulations or commission of any of the following:

- (1) Failure to factually report the wastewater constituents and characteristics of its discharges;
- (2) Failure 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;
- (4) Violations of conditions of the discharge permit;
- (5) Failure to pay any fees or charges;
- (6) Tampering with, disrupting or destroying Town equipment as determined by the Town, which determination shall be conclusive;
- (7) Failure to report an accidental discharge of a toxic pollutant; or
- (8) Violation of conditions of the discharge permit.

(f) Legal action authorized. If any user discharges into the Town's wastewater treatment facilities contrary to the provisions of this Article, federal or state pretreatment requirements, or of any order to the Town by a state or federal agency having jurisdiction, the Town Attorney may commence an action for appropriate legal and/or equitable relief, including a petition in a court of competent jurisdiction for a temporary restraining order and/or preliminary and permanent injunctions against the violation.

(g) Civil liability for expenses. Any person violating the provisions of this Article shall be liable for any expense, loss or damage caused the Town by reason of such violation, including the increased costs, if any, for managing effluent and/or sludge, when such increases are the result of the user's discharge of toxic pollutants. The Town shall add such charge to the discharger's user charges.

(h) Civil fine pass through. In the event that any user discharges such pollutants which cause the Town to violate any condition of its NPDES permit and the Town is fined by the EPA or the State for such violation, then the user shall be fully liable for the total amount of such fine.

(i) Additional penalties. In addition to the penalties provided herein, the Town may recover reasonable attorney's fees, court costs, court reporters' fees, engineering fees, expert witness' fees and other expenses of litigation by appropriate legal action against the user found to have violated any provision of this Article, or the orders, rules, regulations and permits issued hereunder.

(j) Appeal procedure and order. Any discharge permit applicant, discharge permit holder or other user affected by any decision, action or determination, including cease and desist orders, made by the Town in interpreting or implementing the provisions of a discharge permit issued hereunder, may file with the Town Clerk a written request for reconsideration within ten (10) working days of such decision, action or determination, setting forth in detail the facts supporting the request, whereupon the Board of Trustees shall hold a hearing. The request for reconsideration shall be acted upon by the Board of Trustees within thirty-five (35) days from the date of filing. The decision, action or determination shall remain in effect during such period of review by the Board of Trustees. After the Board of Trustees has reviewed the evidence, it shall affirm, reverse or modify the decision, action or determination, and issue such further orders and directives as are necessary and appropriate. The decision of the Board of Trustees shall be binding on all entities and the user until and unless ruled otherwise by an appropriate court.

(k) Perjury or tampering with equipment. Any user who knowingly makes false statements, representations or certifications in any application, record, report, plan or other document filed or required to be maintained pursuant to this Article or discharge permit, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required by this Article or a discharge permit shall be subject to having his or her discharge permit revoked.

(l) Criminal penalties. Any person violating this Article or any provision of applicable state law is guilty of a violation of this Article and, upon conviction thereof, shall be punished as set forth in Section 1-4-20 of this Code. (Ord. 234 §1, 1993; Ord. 316 §1, 1997)

Sec. 13-1-270. Limitations on discharge, industrial discharge permit fees and surcharge schedules.

Schedule A, Limitations on Discharge; Schedule B, Industrial Discharge Permit Fees; and Schedule C, Surcharge, are as follows:

**Schedule A
Limitations on Discharge**

<u>Pollutant or Pollutant Property</u>	Maximum Concentration (mg/l)	
	<u>Grab Sample</u>	<u>Composite Sample</u>
Aluminum, Soluble (as Al)	10.00 mg/l	4.00 mg/l
Arsenic, Total (as As)	0.63 mg/l	0.25 mg/l
Barium, Total (as Ba)	5.0 mg/l	2.0 mg/l
Beryllium, Total (as Be)	1.0 mg/l	0.4 mg/l
Boron, Total (as Bo)	2.5 mg/l	1.0 mg/l

Cadmium, Total (as Cd)	0.125 mg/l	0.05 mg/l
Chlorinated Hydrocarbons including but not limited to Pesticides, Herbicides and Algaecides	0.2 mg/l	0.08 mg/l
Chromium, Hexavalent as Cr +6)	0.625 mg/l	0.25 mg/l
Total (as Cu)	6.0 mg/l	2.4 mg/l
Conductivity (ohms)	3125. ohms	1250. ohms
Copper, Total (as Cu)	2.5 mg/l	1.0 mg/l
Cyanide, Amenable to Chlorination Free)		
Total (as CN)	2.5 mg/l	1.0 mg/l
	5.0 mg/l	2.0 mg/l
Endrin (1, 2, 3, 4, 10, 10 - hexachloro - 6, 7 - epoxy - 1, 4, 4a, 5, 6, 6, 8, 8a - octahydro - 1, 4 - endo 5, 8 - di methano naphthalene)	0.0002 mg/l	0.0008 mg/l
Formaldehyde	5.0 mg/l	1.0 mg/l
Fluorides (as F)	25.0 mg/l	10.0 mg/l
Iron, Total (as Fe)	37.5 mg/l	15.0 mg/l
Lead, Total (as Pb)	0.63 mg/l	0.25 mg/l
Lindane (1, 2, 3, 4, 5, 6 – hexachlorocyclohexane gamma isomer)	0.005 mg/l	0.002 mg/l
Manganese, Total (as Mn)	1.0 mg/l	0.4 mg/l
Mercury, Total (as Hg)	0.063 mg/l	0.025 mg/l
Methoxychlor (1, 1, 1 - Trichloroethane) 2, 2 – bis (p - methoxyphenyl)	0.015 mg/l	0.006 mg/l
Nickel, Total (as Ni)	12.5 mg/l	5.0 mg/l
Nitrogen, Ammonia (as N)	125.0 mg/l	50.0 mg/l
Tkn (as N)	125.0 mg/l	50.0 mg/l
Nitrate (as N)	25.0 mg/l	10.0 mg/l
Nitrite (as N)	2.5 mg/l	1.0 mg/l
Oil and Grease (FOG)	187.5 mg/l	75.0 mg/l
Organic Solvents	50.0 mg/l	12.5 mg/l
PCB, Total	0.0005 mg/l	.0002 mg/l
pH, Minimum	>6.0	-
pH, Maximum	<9.0	-
Phenol, Total	5.0 mg/l	1.0 mg/l
Phosphate, Total (as P)	25.0 mg/l	10.0 mg/l
Selenium, Total (as Se)	0.125 mg/l	0.05 mg/l
Silver, Total (as Ag)	0.63 mg/l	0.25 mg/l
Solids, Dissolved	3125. mg/l	1250. mg/l
Temperature °C (Celsius)	65.5 °C	
Toxaphene (C ₁₀ H ₁₀ Cl ₈ - technical chlorinated camphene, 67-69% chlorine)	0.0025 mg/l	0.0010 mg/l
Turbidity (FTU's)	60	-
Zinc, Total (as Zn)	5.0 mg/l	2.0 mg/l
2, 4-D (2, 4 - Dichlorophenoxy Acetic Acid)	Not allowed	Not allowed
2, 4, 5 - TP Silvex (2, 4, 5 – Trichlorophenoxy propionic acid)	Not allowed	Not allowed

**Schedule B
Industrial Discharge Permit Fees**

Item – Description

Amount

Industrial discharge permits	
Administration	\$50.00 annually
Initial permit review	Cost plus 15%
Annual permit review	Cost plus 15%
Surveillance	Determined for each user annually, billed monthly
Laboratory support services	Cost plus 15%
Material and labor provided by Town	Cost plus 15%

**Schedule C
Surcharge**

1. Charges

<u>Parameter</u>	<u>Excess Over</u>	<u>Rates per 1000 Gallons</u>
BOD	200 mg/l	\$0.0003619
COD	300 mg/l	0.0002413
TSS	250 mg/l	0.0004502

2. Various Categories

<u>Category</u>	<u>Average Concentration for Category, mg/l</u>		
	<u>BOD</u>	<u>COD</u>	<u>TSS</u>
E-1 Meat packing	848	1,272	846
E-2 Slaughterhouses	1,420	2,130	1,367
E-3 Dairy products processing	1,127	1,691	445
E-4 Fruit & vegetable canning	537	806	306
E-5 Grain mills	978	1,467	1,406
E-6 Bakeries	688	1,032	620
E-7 Sugar processing	395	593	274
E-8 Fats & oil processing	403	605	343
E-9 Rendering tallow	319	479	140
E-10 Beverage bottling	536	804	192
E-11 Misc. food processing	2,961	4,442	563
E-12 Pulp products	157	236	477
E-13 Inorganic chemicals	89	134	3,249
E-14 Soap manufacturing	156	234	230
E-15 Paint manufacturing	481	722	1,039
E-16 Ink manufacturing	412	618	156
E-17 Leather tanning	2,039	3,059	1,435
E-18 Drum cleaning	503	755	974
E-19 Restaurants	820	1,230	905
E-20 Hotels - motels	310	465	121
E-21 Fast food service	400	600	450
E-22 Commercial laundries	596	894	367
E-23 Laundromats	219	329	87
E-24 Industrial laundries	1,322	1,983	1,461
E-25 Hospitals	231	347	266

E-26	Service stations	385	578	30
E-27	Beauty salons	100	150	100
E-28	Grocery stores	100	150	25
E-29	Funeral homes	300	450	275
E-30	Pet shops, grooming and kennels	350	525	350
E-31	Schools (kitchens for other schools)	545	818	96
E-32	Car wash	150	225	350
E-33	Schools (kitchens for schools only)	330	495	112
E-34	Domestic waste (sanitary strength wastewater)	200	300	250
E-35	Service stations with recreational vehicle dumping facility	770	1,156	500
E-36	Other categories	*	*	*

*Values to be determined as needed by the Town.

(Ord. 234 §1, 1993; Ord. 316 §1, 1997)

ARTICLE II

Water

Sec. 13-2-10. Creation of water utility.

There is hereby created and established a water utility for the Town for the purpose of the management, maintenance, care and operation of the water treatment facilities of the Town. The Board of Trustees shall have the power to provide for the prudent, efficient and economical management and protection of said water utility. The Board of Trustees shall have the power to prescribe such user fees, rules and regulations as it may deem necessary. (Ord. 316 §1, 1997)

Sec. 13-2-20. Definitions.

As used in this Article, the following words shall be construed to have the meanings defined below:

Agency means the Town, vested with the authority and responsibility for the enactment and enforcement of this Article.

Approved means accepted by the Town as meeting the applicable specification stated or cited in this Article, or as suitable for the proposed use.

Auxiliary water supply means any water supply on or available to the premises other than the purveyor's approved public potable water supply. These auxiliary waters may include water from another purveyor's public potable water supply or any natural source such as a well, spring, river, stream, harbor, etc., or "used waters" or "industrial fluids." These waters may be polluted or contaminated or may be objectionable and constitute an unacceptable water source over which the water purveyor does not have sanitary control.

Back pressure means backflow caused by a pump, elevated tank, boiler or means that could create pressure within the system greater than the supply pressure.

Backflow preventer means a device or means designed to prevent backflow or back siphonage.

a. *Air-gap* means the unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture or other device and the flood level rim of said vessel. An approved air-gap shall be at least double the diameter of the supply pipe, measured vertically, above the top of the rim of the vessel; and, in no case less than one (1) inch. When an air-gap is used at the service connection to prevent the contamination or pollution of the public potable water system, an emergency bypass shall be installed around the air-gap system and an approved reduced pressure principal device shall be installed in the bypass system.

b. *Double check valve assembly* means an assembly of two (2) independently operating approved check valves with tightly closing shut-off valves on each side of the check valves, plus properly located test cocks for the testing of each check valve. The entire assembly shall meet the design and performance specifications and approval of a recognized and agency-approved testing establishment for backflow prevention devices. To be approved, these devices must be readily accessible for in-line maintenance and testing.

c. *Reduced pressure principal device* means an assembly of two (2) independently operating approved check valves with an automatically operating differential relief valve between the two (2) check valves tightly closing shut-off valves on either side of the check valves, plus properly located test cocks for the testing of the check and relief valves. The entire assembly shall meet the design and performance specifications and approval of a recognized and agency-approved testing agency for backflow prevention assemblies. The device shall operate to maintain the pressure in the zone between the two (2) check valves at a level less than the pressure on the public water supply side of the device. At cessation of normal flow the pressure between the two (2) check valves shall be less than the pressure on the public water supply side of the device. In case of leakage of either of the check valves, the differential relief valve shall operate to maintain the reduced pressure in the zone between the check valves by discharging to the atmosphere. When the inlet pressure is two (2) pounds per square inch or less, the relief valve shall open to the atmosphere. To be approved, these devices must be readily accessible for in-line maintenance and testing and be installed in a location where no part of the device will be submerged.

Back siphonage means the flow of water or other liquids, mixtures or substances into the distribution pipes of a potable water supply system from any source other than its intended source caused by the sudden reduction of pressure in the potable water supply system.

Certified inspector and tester means a person who has passed a state-approved and/or sponsored testing and inspection course and who is listed by the State as a certified inspector/tester.

Check valve means a self-closing device which is designed to permit the flow of fluids in one (1) direction and to close if there is a reversal of flow.

Colorado Department of Health Cross Connection Control Manual means a manual that has been published by the State addressing cross connection control practices which will be used as a guidance document for the agency in implementing a cross connection control program.

Contamination means an impairment of the quality of the potable water by sewage, industrial fluids, waste liquids, compounds or other materials to a degree which creates an actual hazard to the public health through poisoning or through the spread of disease.

Critical level means the critical level C-L or C/I marking on a backflow prevention device or vacuum breaker which is a point conforming to approved standards and established by the testing laboratory (usually stamped on the device by the manufacturer), which determines the minimum elevation above the flood-level rim of the fixture or receptacle served at which the device may be installed. When a backflow prevention device does not bear a critical level marking the bottom of the vacuum breaker, combination valve or the bottom of any such approved device shall constitute the critical level.

Cross-connection means any physical arrangement whereby a public water supply is connected, directly or indirectly, with any other water supply system, sewer, drain, conduit, pool, storage reservoir, plumbing fixture or other device which contains, or may contain, contaminated water, sewage or other waste or liquid of unknown or unsafe quality which may be capable of imparting contamination to the public water supply as a result of backflow. Bypass arrangements, jumper connections, removable sections, swivel or changeover devices and other temporary or permanent devices through which, or because of which, backflow could occur are considered to be cross-connections.

Cross-connections - controlled means a connection between a potable water system and a nonpotable water system with an approved backflow prevention device properly installed that will continuously afford the protection commensurate with the degree of hazard.

Flood-level rim means the edge of the receptacle from which water overflows.

Hazard, degree of. The term is derived from an evaluation of the potential risk to public health and the adverse effect of the hazard upon the potable water system.

a. *Hazard - health* means any condition, device or practice in the water supply system and its operation which could create, or in the judgment of the Mayor may create, a danger to the health and well-being of the water consumer. An example of a health hazard is a structural defect, including cross-connections, in a water supply system.

b. *Hazard - plumbing* means a plumbing type cross-connection in a consumer's potable water system that has not been properly protected by vacuum breaker, air-gap separation or backflow prevention device. Unprotected plumbing type cross-connections are considered to be a health hazard.

c. *Hazard - pollutional* means an actual or potential threat to the physical properties of the water system or to the potability of the public or the consumer's potable water system but which would constitute a nuisance or be aesthetically objectionable or could cause damage to the system or its appurtenances, but would not be dangerous to health.

d. *Hazard - system* means an actual or potential threat of severe damage to the physical properties of the public potable water system or the consumer's potable water system or of a pollution or contamination which would be a protracted effect on the quality of the potable water in the system.

Industrial fluids system means any system containing a fluid or solution which may be chemically, biologically or otherwise contaminated or polluted in a form or concentration such as would constitute a health, system, pollutional or plumbing hazard if introduced into an approved water supply. This may include but not be limited to polluted or contaminated waters, all types of process waters and "user waters" originating from the public potable water system which may have deteriorated in sanitary quality; chemicals in fluid form; plating acids and alkalies, circulated cooling waters connected to an open cooling tower and/or cooling towers that are chemically or biologically treated or stabilized with toxic substances; contaminated natural waters such as from wells, springs, streams, rivers, bays, harbors, seas, irrigation canals or systems, etc.; oils, gases, glycerine, paraffins, caustic and acid solutions and other liquid and gaseous fluids used in industrial or other purposes or for fire-fighting purposes.

Nonpotable water means water that is not safe for human consumption or that is of questionable potability.

Pollution means the presence of any foreign substance (organic, inorganic, radiological or biological) in the water that may degrade the water quality so as to constitute a hazard or impair its usefulness.

Potable water means water free from impurities in amounts sufficient to cause disease or harmful physiological effects. The bacteriological, chemical and radiological quality shall conform with state drinking water regulations.

Submerged inlet means a water pipe or extension thereto from a public water supply terminating in a tank, vessel, fixture or appliance which may contain water of questionable quality, waste or other contaminant and which is unprotected against backflow.

Vacuum means any pressure less than that exerted by the atmosphere.

Vacuum breaker, atmospheric nonpressure type means a vacuum breaker designed so as not to be subjected to static line pressure or installed where it would be under pressure for not more than twelve (12) hours in any twenty-four-hour period.

Vacuum breaker, pressure type means a vacuum breaker designed so as not to be subjected to static line pressure.

Water service connection means the terminal end of a service connection from the public potable water system; i.e., where the water purveyor loses jurisdiction and sanitary control over the water at its point of delivery to the customer's water system. If a meter is installed at the end of the service connection, then the service connection shall mean the downstream end of the meter. There shall be no unprotected takeoffs from the service line ahead of any meter or backflow prevention device located at the point of delivery to the customer's water system. Service connection shall also include water service connection from a fire hydrant and all other

temporary or emergency water service connections from the public water system. Prior code 23-11-2; Ord. 316 §1, 1997)

Sec. 13-2-30. Water Enterprise Fund.

The revenue derived from the connections with the water system shall be placed in the treasury of the Town and may be kept in a separate fund to be known as the "Water Enterprise Fund." If the revenue is placed in such separate fund, it shall not be paid out or distributed except for the purpose of operating, renewing, improving or extending the water system and the payment of salaries of the employees engaged in operating the water system; provided, however, that the Board of Trustees may by ordinance divert to the general fund any surplus moneys in excess of the amounts reasonably required for the aforesaid purposes. (Ord. 247 §7, 1994)

Sec. 13-2-40. Utilization of Town services required.

All premises in the Town shall be connected to and receive municipal water from the Town's municipal water system. No individual residence, business or other property development shall be permitted to create a separate water system except as may be required by the Town's written agreement with the Little Thompson Water District. (Prior code 23-1-1)

Sec. 13-2-50. Water tap permit required.

It shall be unlawful for any person to tap or make any connection with the water mains owned or otherwise controlled by the Town, or to take or use any water from said water mains without having first obtained a permit from the Town. Any person desiring to tap the mains, or make any connection to or use water from the Town's water system, shall make application in writing for a permit to the Town Clerk. The application shall state the size of the tap or connection to be made with the water system, the location of the proposed tap, the premises for which the water sought is to be used and the purpose for which it is to be used. All plant investment fees and other charges assessed by the Town shall be submitted with the application. (Prior code 23-1-2)

Sec. 13-2-60. Issuance of water tap permits.

(a) If the application and the proposed use of water comply with the provisions of this Article, the Town Clerk shall issue a permit. If the application shall be for a tap size or a use of water not specified by this Article, the Town Clerk shall, at the next meeting of the Board of Trustees, refer the application to the Board of Trustees for its action thereon, and if granted, he or she shall thereupon issue a permit.

(b) Permits shall be signed by the Town Clerk and shall set forth the name of the person for whose benefit it shall be granted, the date issued, the point on the water main at which the tapping is to be done, the size of the tap and the stopcock, the premises to which water is to be provided and the use to be made of the water. The Town Clerk shall keep a duplicate or record of permits issued. (Prior code 23-1-3; Ord. 316 §1, 1997)

Sec. 13-2-70. Time limitation on tapping.

(a) Each water tap permit issued by the Town pursuant to this Article shall expire one hundred eighty (180) days after the issuance of the permit unless the tap applied for has been physically made during the one-hundred-eighty-day time period and unless the construction of the premises for which the tap has been issued has been commenced.

(b) The holder of any water tap permit may apply for an extension of the one-hundred-eighty-day time period. Extensions may be granted only by the Board of Trustees for good cause established by the permit holder. Any extension shall be limited in time to an additional one-hundred-eighty-day period, and only one (1) extension shall be granted for any particular tap.

(c) If a water tap permit expires, all charges paid to the Town to serve the permit to the applicant shall be forfeited and are nonrefundable. (Prior code 23-1-4; Ord. 316 §1, 1997)

Sec. 13-2-80. Unlawful to turn on water service; tampering.

No water from the Town water supply shall be turned on for service to any premises by any person except that person authorized by the Board of Trustees. All such water service shall be in compliance with the provisions of this Article and all other sections of the Code. (Prior code 23-2-1; Ord. 316 §1, 1997)

Sec. 13-2-90. Application for initiation of service or transfer of billing.

Application to have water turned on or the utility billing transferred from one (1) party to another shall be made in writing to the Town Clerk. The applicant shall agree to abide by all of the provisions of this Article and other ordinances pertaining to utility services as conditions governing the use of the Town facilities by the applicant. A nonrefundable service initiation fee of twenty-five dollars (\$25.00) shall be paid if it is necessary to turn on the water to the premises. A nonrefundable transfer fee of five dollars (\$5.00) shall be paid if the water has not been turned off. All delinquent water rents, service charges and fees shall be paid prior to the initiation of service by the Town, regardless of who owes said charges or fees. (Ord. 247 §3, 1994; Ord. 316 §1, 1997)

Sec. 13-2-100. Security deposit required; refund allowed.

A deposit of seventy-five dollars (\$75.00) shall be required with each application for initiation of utility services, except that when the applicant is the owner of the premises to be served, no deposit shall be required. This sum is to be retained by the Town to ensure payment of all bills. When service to the customer is discontinued on a permanent basis, the deposit, less any amount still due the Town for water services provided, shall be refunded to the customer. No interest will be paid by the Town upon refund of the deposit. (Ord. 247 §4, 1994)

Sec. 13-2-110. Security deposit required for reinstatement.

In any case where utility services have been terminated because of delinquency and service is to be reinstated, a deposit of seventy-five dollars (\$75.00) shall be required with each application for restoration of service. This sum is to be retained by the Town to ensure payment of all bills. When service to the customer is discontinued on a permanent basis, the deposit, less any amount still due the

Town for water services provided, shall be refunded to the customer. No interest will be paid by the Town upon refund of the deposit. (Ord. 247 §5, 1994; Ord. 316 §1, 1997)

Sec. 13-2-120. Standard tap size; service pipe; stopcock.

Except as provided by this Article, all taps shall be three-fourths ($\frac{3}{4}$) of an inch and shall be of brass. Service pipe connected with such tap shall extend from the main to such point on the property line as the Town shall direct. A stopcock shall be placed on the service line at the property line so that it is accessible to the Town for the purposes of turning on or shutting off the water. (Prior code 23-3-1)

Sec. 13-2-130. Service pipe requirements.

Service pipe required by this Article shall be copper or other suitable material to be determined by the Town. (Prior code 23-3-2)

Sec. 13-2-140. Charges for extra inspections.

Where the installation of water services under paving or where other exceptional conditions occur, the Town shall make an additional charge, sufficient to cover the cost of additional inspections. (Prior code 23-3-3)

Sec. 13-2-150. Meter size required for multiple-family developments.

There shall be a limit on the number of living units allowed per tap in residential units as follows:

<u>Meter Size</u>	<u>Number of Units</u>
$\frac{3}{4}$ "	1-3
1"	4-5
1½"	6-12
2"	13-23

(Prior code 23-3-4)

Sec. 13-2-160. Separate taps/meters required for individual ownership.

The Town may require separate taps and/or meters for premises with multiple occupancies under individual ownerships. The requirement for separate taps and/or meters may be imposed by the Town upon the application for a tap permit or during the review of minor or major impact permit under Chapter 16 of this Code. (Prior code 23-3-5; Ord. 316 §1, 1997)

Sec. 13-2-170. Tapping permit required.

No water tap or connection shall be made to the Town water system unless a permit is first obtained from the Town Clerk for such tap or connection and all applicable charges set forth in this Article have been paid. (Prior code 23-4-1)

Sec. 13-2-180. Tapping to be done by licensed plumber.

All connections or taps shall be made by a licensed plumber and shall be at the sole expense of the applicant. The applicant shall furnish at its sole expense all materials and labor necessary for the tap or connection, except that the Town shall furnish the necessary water meter pit, water meter, meter yoke, remote readout and cable, the price of which is included in the fee set forth herein. (Prior code 23-4-2)

Sec. 13-2-190. Tapping requirements.

All connections or taps shall be made in conformance with specifications as may be promulgated by the Board of Trustees and shall be made under the supervision of the Building Inspector, Town Engineer or other authorized person. (Prior code 23-4-3)

Sec. 13-2-200. Ownership and maintenance of service lines.

After such tap or connection is made and accepted, the Town shall own and maintain the service line from the water main to the property line. The Town shall also own and maintain the stopcock at the property line, the meter pit, yoke, meter and remote readout associated with the service. The property owner shall own and maintain the service line from the property line to the premises. If at any time the Town determines that the service line owned by the owner is defective in any manner or in need of repair or replacement, the owner shall cause such repairs or replacement to be made within ten (10) days of notification by the Town of said defect. The repairs or replacement shall be at the owner's sole expense and shall be performed in accordance with a plumbing permit issued by the Building Inspector. (Prior code 23-4-4)

Sec. 13-2-210. Uniform capital investment, water acquisition and connection fees.

(a) There are hereby imposed a uniform capital investment and repair fee, a water acquisition fee and a connection fee, payable upon application for a water tap in the Town as follows. In the event that water rights were dedicated to the Town at the time of annexation or final platting, in the amount then required, the water acquisition fee shall be waived.

Residential – Single-Family and Multi-Family					
Meter Size	Connection Fee	Multiplier Based on Meter Flow	Capital Investment and Repair Fee	Water Acquisition Fee	Total
¾"	\$650.00	1.0	\$2,700.00	(1 CBT Unit + \$1,650)/DU	Variable
1"	\$800.00	1.67	\$4,500.00	(1 CBT Unit + \$1,650)/DU	Variable
1½"	\$2,000.00	3.33	\$9,000.00	(1 CBT Unit + \$1,650)/DU	Variable
2"	\$3,000.00	5.33	\$14,400.00	(1 CBT Unit + \$1,650)/DU	Variable

DU means dwelling unit

Commercial and Industrial

Meter Size	Connection Fee	Multiplier Based on Meter Flow	Capital Investment and Repair Fee	Water Acquisition Fee	Total
¾"	\$650.00	1.0	\$2,700.00	(1 CBT Unit + \$1,650)/SFE	Variable
1"	\$800.00	1.67	\$4,500.00	(1 CBT Unit + \$1,650)/SFE	Variable
1½"	\$2,000.00	3.33	\$9,000.00	(1 CBT Unit + \$1,650)/SFE	Variable
2"	\$3,000.00	5.33	\$14,400.00	(1 CBT Unit + \$1,650)/SFE	Variable
3"	\$7,000.00	10.0	\$27,000.00	(1 CBT Unit + \$1,650)/SFE	Variable
4"	Variable	16.67	\$45,000.00	(1 CBT Unit + \$1,650)/SFE	Variable
6"	Variable	33.33	\$90,000.00	(1 CBT Unit + \$1,650)/SFE	Variable
8"	Variable	53.33	\$144,000.00	(1 CBT Unit + \$1,650)/SFE	Variable
Fire Service	Variable	Variable	Variable	(1 CBT Unit + \$1,650)/SFE	Variable

SFE means the equivalent of a single-family dwelling unit as determined by the Town.

(b) A meter installation of one and one-half (1½) inches or larger may require a specially constructed vault, the cost to be determined by the Town Engineer on a case-by-case basis. The connection fee may be adjusted as appropriate on a case-by-case basis if the vault is provided by the Town.

(c) The costs for a commercial fire service meter installation will be determined by the Town Engineer on a case-by-case basis. (Prior code 23-5-1; Ord. 309 §1, 1997; Ord. 313 §1, 1997; Ord. 410 §1, 2001)

Sec. 13-2-220. Fees paid when.

The uniform capital investment fees for water, water resource fees and water connection fees shall be paid in full at the time a building permit is issued; however, such fees shall be paid only upon the issuance of a building permit. No one shall be permitted to pay any portion of these fees in advance of the issuance of a building permit. (Ord. 305 §1, 1996)

Sec. 13-2-230. Time limits.

These provisions shall be governed by the time limits set forth in Section 13-2-70. (Ord. 305 §1, 1996)

Sec. 13-2-240. Water Capital Expansion Fund.

There is created a fund to be known as the Water Capital Expansion Fund, and all moneys received from the collection of water plant investment fees shall be paid into such fund. The fund shall be kept separate and apart from all other funds of the Town, and expenditures therefrom shall be made only for the purposes of paying the costs of improvement, expansion or extension of the water treatment system of the Town; provided that in the event the Board of Trustees determines that an emergency exists affecting the immediate health, peace, safety and welfare of the citizens, such funds may be used as necessary to alleviate the emergency if provisions are made for repayment to the fund, together with reasonable interest thereon, of the funds so used. (Ord. 316 §1, 1997)

Sec. 13-2-250. Rate setting procedures.

(a) Purpose. The purpose of this rate setting procedure shall be to generate sufficient revenue to pay all costs for the operation and maintenance of the complete water system. The costs shall be distributed to all users of the system in proportion to each user's system capacity requirements and/or total water used as measured by the customer's water meter.

(b) Determining the total annual cost of operation, maintenance and capital depreciation. Annually, the Town shall estimate for the succeeding year the total costs of operation, maintenance and capital depreciation of the water system which is necessary to maintain the capacity and performance, during the service life of the facilities, for which they were designed and constructed.

(c) Determining the water usage fees. Not less than annually, the Town will revise the user fees as necessary to assure equity of the user fee system established herein and to assure that sufficient funds are obtained to adequately operate and maintain the water system. Any changes in the user fee charges shall be made by ordinance in the manner provide by state law and this Code. Individual water user fees shall be based on the size of the water meter serving the property and the amount of water used by the customer.

(d) Water Capital Depreciation Fund. Reserve funds called the "Water Capital Depreciation Fund" are hereby established within water utility funds for the purpose of providing sufficient funds to be expended for obtaining and installing equipment, accessories and appurtenances to maintain the capacity and performance for which such facilities are designed and constructed.

(e) Notification of changes in usage fees. Each user will be notified at least annually, in conjunction with a regular bill, of the user fee rate to be charged for water usage. (Ord. 247 §1, 1994)

Sec. 13-2-260. Water fees.

Effective immediately, and each month thereafter, the water user fees are hereby levied and assessed at a monthly rate as determined by the rate study provided in Section 13-2-250, which is hereby found, determined and declared to be equitable and just.

<i>Classification of User</i>	<i>Base Rate Monthly Water User Fee</i>
$\frac{5}{8}$ " - $\frac{3}{4}$ " meter	\$8.67
Water Usage Fee – for each 1,000 gallons of metered usage, 1-	\$1.20 per 1,000 gallons

19,000 gallons in a month.	
Water Usage Fee – for each 1,000 gallons of metered usage, 19,001-48,000 gallons in a month	\$1.52 per 1,000 gallons
Water Usage Fee – for each 1,000 gallons of metered usage, 48,001-95,000 gallons in a month	\$1.75 per 1,000 gallons
Water Usage Fee – for each 1,000 gallons of metered usage, 95,001 gallons and over in a month	\$1.87 per 1,000 gallons
1" meter	\$13.33
Water Usage Fee – for each 1,000 gallons of metered usage, 1-48,000 gallons in a month.	\$1.20 per 1,000 gallons
Water Usage Fee – for each 1,000 gallons of metered usage, 48,001-120,000 gallons in a month	\$1.52 per 1,000 gallons
Water Usage Fee – for each 1,000 gallons of metered usage, 120,001-239,000 gallons in a month	\$1.75 per 1,000 gallons
Water Usage Fee – for each 1,000 gallons of metered usage, 239,001 gallons and over in a month	\$1.87 per 1,000 gallons
2" meter	\$33.67
Water Usage Fee – for each 1,000 gallons of metered usage, 1-152,000 gallons in a month.	\$1.20 per 1,000 gallons
Water Usage Fee – for each 1,000 gallons of metered usage, 152,001-380,000 gallons in a month	\$1.52 per 1,000 gallons
Water Usage Fee – for each 1,000 gallons of metered usage, 380,001-760,000 gallons in a month	\$1.75 per 1,000 gallons
Water Usage Fee – for each 1,000 gallons of metered usage, 760,001 gallons and over in a month	\$1.87 per 1,000 gallons
3" meter	\$62.33
Water Usage Fee – for each 1,000 gallons of metered usage, 1-333,000 gallons in a month.	\$1.20 per 1,000 gallons
Water Usage Fee – for each 1,000 gallons of metered usage, 333,001-832,000 gallons in a month	\$1.52 per 1,000 gallons
Water Usage Fee – for each 1,000 gallons of metered usage, 832,001-1,664,000 gallons in a month	\$1.75 per 1,000 gallons
Water Usage Fee – for each 1,000 gallons of metered usage, 1,664,001 gallons and over in a month	\$1.87 per 1,000 gallons
Tank Truck Bulk Rate	\$10.00 per 1,000 gallons
Utility service initiation or transfer of billing with water turn on	\$25.00
Utility service initiation transfer of billing without water turn on	\$7.50
Utility service security deposit	\$75.00
Utility turn-off notice delivery – service fee	\$25.00
Second and each subsequent turn-off notice delivered in a 12-month period – service fee	\$50.00
Utility service restoration – service fee	\$25.00
Water usage estimation – service fee	\$10.00
Tax lien certification notice – service fee	\$25.00
Payment with insufficient funds or no account instrument – service fee	\$25.00

(Ord. 247 §1, 1994; Ord. 294 §1, 1996; Ord. 336 §1, 1998; Ord. 366 §1, 1999; Ord. 442 §1, 2002)

Sec. 13-2-270. Liability for minimum user fees.

For the purpose of user fee assessments, each premises shall be considered occupied and the tap active from the time of service initiation until the tap is declared abandoned by the Town. Monthly user fees shall be charged in accordance with Section 13-2-260. (Ord. 247 §2, 1994)

Sec. 13-2-280. Water usage charges due and payable; penalty for late payment.

Water usage charges shall be due upon billing. The utility bill becomes delinquent if not paid in full on or before the twentieth day of the month in which the bills are mailed, and a penalty of ten dollars (\$10.00) shall be assessed the utility user. If the customer receives both water and sewer service, only one (1) penalty shall be applied. After the imposition of the above penalty and in addition thereto, if the bill is not paid in full by the fifth day of the following month, service to such delinquent account shall be discontinued until the utility user charges are paid in full. The Town Clerk is authorized to adjust any utility bill that is found to be in error. (Ord. 247 §2, 1994)

Sec. 13-2-290. Payment with an insufficient funds or no account instrument.

Payment of utility user charges with an insufficient funds or no account instrument shall cause the account to become delinquent, and service shall be discontinued until the utility user charges are paid in full. In addition to all other remedies available to the Town, the Town shall charge the utility customer twenty-five dollars (\$25.00) for any insufficient funds or no account instruments returned to the Town by any bank, depository or person. Any person who pays utility user charges with an insufficient funds or no account instrument commits a misdemeanor and may be summoned into Municipal Court to answer such charges. Each day that such violation continues to exist shall be considered a separate offense. This is in addition to all other remedies available to the Town. (Ord. 247 §2, 1994)

Sec. 13-2-300. Delinquent utility user charges become a lien against property.

(a) Upon becoming delinquent, all utility user charges shall become and remain a lien upon any such building, or lot, until such user charges shall be paid in full. Such delinquent charges shall be certified to the County Treasurer for collection in the same manner as taxes are authorized to be by law, and no such lien shall be removed by the Town once it is so certified. Any such lien attachable to any building, lot or other premises, shall extend to the whole of such building, and likewise to the whole of each and every lot upon which such building may be situated. Until all usage charges and penalties due by reason of the use of the Town's utility facilities are paid and discharged, no utilities shall be supplied for use upon the premises against which said lien shall exist.

(b) At least seven (7) days prior to certification of the delinquent utility bill to the County Treasurer for collection, the Town shall mail notice to the property owner advising him or her that the delinquent utility bill will be certified if payment is not made by the date required in the notice. Notice shall be by certified mail, return receipt requested. Failure of the property owner to accept delivery of said notice within the seven-day notice period shall not prevent the certification of the delinquent utility charges for collection. When notice is given to the property owner in compliance with this Section, there shall be added to the delinquent utility user charges a fifteen-dollar administrative fee to cover the cost of notification. (Ord. 247 §2, 1994; Ord. 316 §1, 1997)

Sec. 13-2-310. Water meter required.

(a) Installation at expense of owner. Water meters shall be installed at the expense of the owner for all new water users served by the Town water utility, including all new structures, or until the owner of any previously constructed structure not equipped with a water meter voluntarily installs a meter, or when a line is renewed.

(b) Water meters required when. Water meters shall be installed in all units including, but not limited to, single family, duplex, commercial and industrial, where there is no existing meter, upon change of ownership. Such meters shall be installed within forty-five (45) days of change of ownership, and upon such installation metered rates shall be charged for the next billing period following installation. If water meters are not installed by the owner pursuant to the above, the Town shall install the meter subject to reimbursement of cost plus a twenty-five percent (25%) surcharge. Any refusal to permit such meter installation shall subject the user to suspension of water services until compliance is obtained. For the purpose of this Section, *change of ownership* shall include all ownership transfers except transfers of ownership interests between spouses, whether made during the lifetime of the transferor or by operation of law.

(c) Water meters shall be installed for any unit whenever service lines are renewed. The cost of the meter, appurtenances, remote readout and installation shall be included in the cost of the renewal and shall be paid by the owner. Metered rates shall be charged starting the first billing period after the renewal is completed. *Renewal* is replacement of any portion of the line from the curb stop to the home building.

(d) New building permits. The applicant for a new building permit shall purchase from the Town and at the cost to the Town the required water meter, including the remote readout where needed, at the time of the issuance of such permit. Water meter pits and all other appurtenances shall be purchased from vendors other than the Town. All meter pits and appurtenances must be as indicated in the Town public improvements design standards and construction specifications.

(e) Installation of water meter.

(1) Water meters shall be installed outside a unit in a water meter pit. There shall be no permanent obstructions placed or built within six (6) inches of the meter. Meter pits and vaults shall be located as indicated in the Town public improvements design standards and construction specifications.

(2) All installations must have the meter placed so that all water used by that property is measured.

(3) Town utility personnel shall be allowed access to all utility-related equipment during any reasonable hour for the purpose of inspection, maintenance or repair. Any refusal to allow such access will be cause for suspension of water service.

(f) Meters and appurtenances the property of the Town. All meters and appurtenances shall be the property of the Town although initially paid for by the building permit applicant. Meters and yokes shall be maintained by the Town except in the event of neglect by or willful abuse of the user. The cost of any repair required because of neglect or willful abuse shall be billed to the consumer.

(g) Maintenance of water service line. The Town shall maintain the water service line from the mainline to the curb stop, excluding the curb stop valve and box, where a curb stop exists. In instances where no curb stop or outside meter exists, the Town will maintain the service line from the main to the right-of-way line. In instances where an outside meter exists without a separate curb stop, the Town will maintain the service line from the main to the meter, provided that the meter is within fifteen (15) feet of the right-of-way line. All remaining portions of the service line are to be maintained by the property owner. (Ord. 307 §1, 1996)

Sec. 13-2-320. Meters to be read monthly.

Insofar as practicable, water meters at each premises served by the Town's water system shall be read on a monthly basis. The meters shall be read at approximately the same time each month with the readings supplied to the Town Clerk no later than the third day of each month. (Ord. 247 §2, 1994)

Sec. 13-2-330. Inaccessible meters.

In the event that a meter is inaccessible to the meter reader, the meter reader shall post a notice on the premises advising the user that he or she was unable to read the meter due to its inaccessibility. The user is required to contact the Town Hall to make arrangements for a specific time before the third day of the month when the user will be on the premises to allow the meter reader to read the water meter. There shall be assessed a ten-dollar service fee (water usage estimation fee) against a user who has failed to make arrangements to have the meter read before the third day of the month, or who fails to keep the appointment with the meter reader. The service fee is to cover the cost of estimating the usage and making adjustments to the account. It shall be nonrefundable and shall be in addition to the water usage charge otherwise levied against the user. In the event that the meter is inaccessible for three (3) consecutive months, the Town shall have the right to relocate the meter to a point on the property or the public right-of-way that will be accessible to the meter reader. (Ord. 247 §2, 1994; Ord. 316 §1, 1997)

Sec. 13-2-340. Estimation of water usage.

The Town Clerk shall provide for the estimation of water usage by a customer whose meter is inaccessible to the meter reader and who has failed to make arrangements to have the meter read before the third day of the month, or who fails to keep the appointment with the meter reader. The Town Clerk shall provide for the estimation of water usage by a customer when, due to inclement weather or other factors beyond the control of the Town, the meter reader is unable to provide meter readings by the third day of the month. Said estimation may be based upon previous usage by the customer, the average usage of similar customers during the same time period, or upon any other reasonable method as determined by the Town Clerk. No service fee for estimating water usage shall be charged to customers when the Town is unable to read meters due to inclement weather or other factors beyond the control of the Town. (Ord. 247 §2, 1994)

Sec. 13-2-350. Service restoration fees.

Any case where a utility account is delinquent and the water supply has been turned off, or the water has been turned off at the request of the owner or agent due to a vacancy, the water shall not be

turned on again until all delinquent user fees have been paid and until a service restoration (turn-on) fee of fifteen dollars (\$15.00) shall have been paid to the Town Clerk. (Ord. 247 §2, 1994)

Sec. 13-2-360. Discontinuance of utility services by the Town.

(a) Utility service to a customer shall be terminated upon the failure of such customer to pay the amount due on the utility bill on or before the fifth day of the month following the date of billing, for the payment of a utility bill with an insufficient fund or no account instrument, for failure to comply with the conditions of an installment payment plan, for unsafe or hazardous service lines, for tampering in any manner with the Town's utility facilities, or for violation of any of the provisions of this Article. Advance notice of the pending termination shall be given only in the instance of the failure of a customer to pay the amount due on the utility bill or for the payment of a utility bill with an insufficient fund or no account instrument.

(b) Notice of pending termination of utility service. Notice of the pending termination shall be served upon the customer and/or owner of the property owing a delinquent (past due) utility account at least seven (7) days prior to the date the service is to be terminated. The depositing of the notice in the U.S. Mail, first class, postage paid, with a certificate of mailing or its equivalent, to the address listed in the utility billing records shall be sufficient to satisfy this requirement. The notice shall contain the following information:

- (1) The account number.
- (2) The amount of the unpaid bill and the original billing date.
- (3) The date on which the utility service will be terminated if the unpaid bill is not paid in full.
- (4) The officer of the Town to be contacted to inquire about the notice, the telephone number and normal office hours during which such officer can be reached.
- (5) The availability of an installment plan to pay the past due balance.
- (6) That an additional twenty-five-dollar service fee will be added to the bill if a turn-off notice is delivered. The service fee is fifty dollars (\$50.00) for the second and each subsequent turn-off notice delivered in a twelve-month period.

(c) Turn-off notice. A turn-off notice shall be given the customer at least twenty-four (24) hours before utility service is terminated for the failure of the customer to pay the amount due on the utility bill. This requirement may be met by the hanging of a door hanger on the door or at any access point of the property listed on the utility billing records. No further delivery of notice shall be required. The door hanger shall contain the following information:

- (1) The account number.
- (2) The amount of the unpaid bill and the original billing date.
- (3) The date on which the utility service will be terminated if the unpaid bill is not paid in full.

(4) The officer of the Town to be contacted to inquire about the notice, the telephone number and normal office hours during which such officer can be reached.

(5) The availability of an installment plan to pay the past due balance.

(6) That an additional twenty-five-dollar service (turn-off notice) fee has been added to the bill for deliverance of the turn-off notice. The service fee is fifty dollars (\$50.00) for the second and each subsequent turn-off notice delivered in a twelve-month period.

(7) That an additional fifteen-dollar service restoration fee will be added to the bill if a service is terminated and later restored.

(d) Termination of service. Utility service to a customer shall be terminated by turning off the water at the stopcock or the meter, or by removal of the meter.

(e) Restoration of service. Service to a customer shall not be restored until:

(1) The customer pays in full the amount due, including any service fees for delivering the turn-off notice and the service restoration fee;

(2) The customer pays, at a minimum, the service fee for delivering the turn-off notice and the service fee for restoring service, enters into an installment payment plan with the Town and pays the required security deposit if one is not already in effect; or

(3) The cause for termination has been corrected. (Ord. 247 §2, 1994; Ord. 316 §1, 1997)

Sec. 13-2-370. Installment payment plan for delinquent accounts.

The Town Clerk is authorized to provide an installment payment plan for delinquent accounts and for other reasons approved by the Board of Trustees on a case-by-case basis. An installment payment plan shall consist of two (2) or more equal payments over a period of sixty (60) days for the full amount of the delinquent account, plus the security deposit if required. To enter into an installment payment plan, the customer shall pay the following fees if applicable: the service fee for delivering the turn-off notice, and the turn-on fee for restoring service. In addition, the customer shall be required to sign a binding contract detailing the conditions under which the delinquent account will be paid in full. If a customer fails to make an installment payment when due, or fails to pay the current billing payment when due, the Town may terminate service to the customer immediately and without further notice being given. The time limit of sixty (60) days may be adjusted by the Board of Trustees on a case-by-case basis. (Ord. 247 §2, 1994; Ord. 316 §1, 1997)

Sec. 13-2-380. Correction of errors in a customer's account.

The Town Clerk is authorized to correct billing errors or make other adjustments to a customer's account as may be appropriate to comply with this Article. (Ord. 247 §2, 1994; Ord. 316 §1, 1997)

Sec. 13-2-390. Allocation of utility payments.

Payment of utility fees received by the Town shall be allocated in the following manner:

- (1) Delinquent sewer user fees;
- (2) Monthly sewer user fees;
- (3) Utility turn-off notice delivery, service fees;
- (4) Utility service restoration, service fees;
- (5) Tax lien certification notice, service fee;
- (6) Utility usage estimation, service fee;
- (7) Payment with insufficient funds or no account instrument, service fee;
- (8) Delinquent water user fees; and
- (9) Monthly water user fees.

If partial payment is made by the customer, such payment shall be allocated to each of the above in turn and any shortage shall be allocated to the monthly water user fees. (Ord. 247 §2, 1994)

Sec. 13-2-400. Sprinkling, water scarcity.

The Board of Trustees shall have the authority to establish such rules and regulations so as to limit the days and hours of outdoor watering or sprinkling or to limit the use of water in such manner as it shall deem necessary. Such regulations may be adopted by resolution and shall become effective immediately upon passage. (Prior code 23-8-1)

Sec. 13-2-410. Terms and conditions of annexation.

The owner, as a condition of annexation, must agree to furnish to the Town the following minimum water rights in connection with his or her annexation:

(1) Residential. There shall be one (1) acre foot of water required of the owner or his or her assignee or successor in interest for every living unit in areas to be developed for residential purposes in the annexation. Title to the requisite water shares shall be deliverable to the Town at the time of final platting of any residential area in the annexation. No plat shall receive final approval until the Town is possessed of all shares required for the platted area. An owner, his or her assignee or successor in interest, having furnished to the Town the requisite water shares pursuant to this requirement, shall receive full credit therefor against any water acquisition fee required by the Town upon application for a water tap or building permit.

(2) Commercial and industrial. The owner shall furnish three (3) acre feet of water for every gross acre of annexation zoned commercial or industrial. This requirement shall be met at the time of annexation. At the time a building permit is applied for on any subdivided lot in an industrial or commercial area, the applicant for the building permit shall be required to pay the water acquisition fee then in force by the Town but shall receive credit against the water acquisition fee according to the following formula: area of the parcel for which the building permit is applied for, divided by the net developable area (zoned commercial or industrial) in the

initial annexation, times two thousand five hundred dollars (\$2,500.00), times the number of shares contributed for the commercial and industrial land annexed. (Prior code 23-9-1)

Sec. 13-2-420. Remaining water rights on land annexed.

In addition, the owner shall offer to sell all remaining water rights appurtenant to his or her property to the Town at the fair market value to be determined by a competent appraiser chosen jointly by the owner and the Town. Furthermore, the land owner shall petition for inclusion of the property in the Northern Colorado Water Conservancy District if the property sought to be annexed is not already in that District. (Prior code 23-9-2)

Sec. 13-2-430. Water rights approved by Board of Trustees.

All water shares required under this Section shall be Northern Colorado Water Conservancy District water shares or such shares as the Town may agree to accept in lieu thereof. (Prior code 23-9-3)

Sec. 13-2-440. Purpose for cross-connection control.

The purpose of the following sections is as follows:

(1) To protect the public water systems from the possibility of contamination or pollution by isolating within its customers' internal distribution systems or its customers' private water systems such contaminants or pollutants which could backflow or backsiphon into the public water systems.

(2) To promote the elimination or control of existing cross-connections, actual or potential, between its customers' in-plant potable water systems and nonpotable water systems, plumbing fixtures and industrial piping systems.

(3) To provide for the maintenance of a continuing program of cross-connection control which will systematically and effectively prevent the contamination or pollution of the potable water system. (Prior code 23-11-1; Ord. 316 §1, 1997)

Sec. 13-2-450. Water system.

(a) The water system shall be considered as made up of two (2) parts: the utility system and the customer system.

(b) The utility system shall consist of the source facilities and the distribution system; and shall include all those facilities of the water system under the complete control of the utility, up to the point where the customer's system begins.

(c) The source shall include all components of the facilities utilized in the production, treatment, storage and delivery of water to the distribution system.

(d) The distribution system shall include the network of conduits used for the delivery of water from the source to the customer's system.

(e) The customer's system shall include those parts of the facilities beyond the termination of the utility distribution system which are utilized in conveying utility-delivered domestic water to points of use. (Prior code 23-11-3)

Sec. 13-2-460. Policy.

(a) No water service connection shall be installed or maintained by the water purveyor unless the water supply is protected as required by state laws and regulation and this Article. Service of water to any premises shall be discontinued by the water purveyor if a backflow prevention device required by this Article is not installed, tested and maintained, or if it is found that a backflow prevention device has been removed or bypassed or if an unprotected cross-connection exists on the premises. Service will not be restored until such conditions or defects are corrected.

(b) The customer's system should be open for inspection at all reasonable times to authorized representatives of the Mayor to determine whether cross-connections or other structural or sanitary hazards, including violations of those regulations, exist. When such a condition becomes known, the Mayor shall deny or immediately discontinue service to the premises by providing for a physical break in the service line until the customer has corrected the conditions in conformance with state and "agency" statutes relating to plumbing and water supplies and the regulations adopted pursuant thereto.

(c) An approved backflow prevention device shall be installed depending on degree of hazard. Such a device shall be installed at or near the property line or immediately inside the building being served but, in all cases, before the first branch line leading off the service line wherever the following conditions exist:

(1) In the case of premises having an auxiliary water supply which is not or may not be of sanitary, etiological or chemical quality and which is not acceptable as an additional source by the Mayor, the public water system shall be protected against backflow from the premises by installing a backflow prevention device in the service line appropriate to the degree of hazard.

(2) In the case of premises on which any industrial fluids or any other objectionable substance is handled in such a fashion as to create an actual or potential hazard to the public water system, the public system shall be protected against backflow from the premises by installing a backflow prevention device in the service line appropriate to the degree of hazard. This shall include the handling of process waters and waters originating from the utility system which have been subject to deterioration in quality.

(3) In the case of premises having: (a) internal cross-connections that cannot be permanently corrected and controlled, or (b) intricate plumbing and piping arrangements or where entry to all portions of the premises is not readily accessible for inspection purposes, making it impracticable or impossible to ascertain whether or not dangerous cross-connections exist, the public water system shall be protected against backflow from the premises by installing a backflow prevention device in the service line.

(d) The type of protective device required under Subsections (c)(1), (2) and (3) above shall depend upon the degree of hazard which exists as follows:

(1) In the case of any premises where there is an auxiliary water supply as stated in Subsection (c)(1) above and it is not subject to any of the following rules, the public water system shall be protected by an approved air-gap separation or an approved reduced pressure principal backflow prevention device.

(2) In the case of any premises where there is water or substance that would be objectionable but not hazardous to health, if introduced into the public water system, the public water system shall be protected by an approved double check valve assembly.

(3) In the case of any premises where there is any material dangerous to health which is handled in such a fashion as to create an actual or potential hazard to the public water system, the public water system shall be protected by an approved air-gap separation or an approved reduced pressure principal backflow prevention device. Examples of premises where these conditions will exist include sewage treatment plants, sewage pumping stations, chemical manufacturing plants, hospitals, mortuaries and plating plants.

(4) In the case of any premises where there are "uncontrolled" cross-connections, either actual or potential, the public water system shall be protected by an approved air-gap separation or an approved reduced pressure principal backflow prevention device at the service connection.

(5) In the case of any premises where, because of security requirements or other prohibitions or restrictions it is impossible or impractical to make a complete in-plant cross-connection survey, the public water system shall be protected against backflow or back siphonage from the premises by the installation of a backflow prevention device in the service line. In this case, maximum protection will be required; that is, an approved air-gap separation or an approved reduced pressure principal backflow prevention device shall be installed in each service to the premises.

(6) Any backflow prevention device required herein shall be of a model and size approved by the Mayor. The term *approved backflow prevention device* shall mean a device that has been manufactured in full conformance with the standards established by the American Water Works Association entitled:

AWWA C506-78 Standards for Reduced Pressure Principal and Double Check Valve Backflow Prevention Devices:

and, have met completely the laboratory and field performance specifications of the Foundation for Cross-Connection Control and Hydraulic Research of the University of Southern California established by:

Specifications of Backflow Prevention Devices - #69-2 dated March 1969 or the most current issue.

Said AWWA and FCCC & HR standards and specifications have been adopted by the Town. Final approval shall be evidenced by a "Certificate of Approval" issued by an approved testing laboratory certifying full compliance with said AWWA standards and FCCC & HR specifications.

The following testing laboratory has been qualified by the Mayor to test and certify backflow preventers:

Foundation for Cross-Connection
Control & Hydraulic Research
University of Southern California
University Park
Los Angeles, California 90007

Testing laboratories other than the laboratory listed above will be added to an approved list as they are qualified by the Mayor.

Backflow preventers which may be subjected to back pressure or back siphonage that have been fully tested and have been granted a Certificate of Approval by said qualified laboratory and are listed on the laboratory's current list of "Approved Devices" may be used without further test or qualification.

(7) It shall be the duty of the customer/user at any premises where backflow devices are installed to have certified inspections and operational tests made at least once per year. In those instances where the Mayor deems the hazard to be great enough, he or she may require certified inspections at more frequent intervals. These inspections and tests shall be at the expense of the water user and shall be performed by a certified inspector/tester. These devices shall be repaired, overhauled or replaced at the expense of the customer/user whenever said devices are found to be defective. Records of such tests, repairs and overhauls shall be kept and made available to the Mayor. The attached form shall be submitted to the agency within thirty (30) days after the device has been tested and/or inspected. (Prior code 23-11-4; Ord. 316 §1, 1997)

Sec. 13-2-470. Existing cross-connections.

Within a reasonable time following the adoption of the regulation, existing cross-connections between a public water system and any secondary water system shall be eliminated or protected by means of an approved backflow preventer. The following will install devices within one (1) year: sewage treatment plants, hospitals, mortuaries and industrial establishments that manufacture materials that can exhibit health hazards. (Prior code 23-11-5; Ord. 316 §1, 1997)

Sec. 13-2-480. Specific system requirements.

(a) Irrigation systems. The following guidelines relating to backflow prevention devices for irrigation systems shall apply:

(1) Atmospheric vacuum breakers shall be installed after the last control valve of each sprinkler circuit and at a minimum of six (6) inches above the highest irrigation head. The atmospheric vacuum breaker shall be installed only on irrigation circuits with heads that will not return any pressure in the circuit when the circuit control valve is closed.

(2) Pressure vacuum breakers shall be installed at the beginning of each irrigation circuit and at a minimum of twelve (12) inches above the highest irrigation head on the circuit. Individual irrigation circuits having quick coupling valves or other similar type heads that will permit pressure to be retained in the circuit shall have a pressure vacuum breaker installed as a minimum requirement for each circuit. Irrigation systems using the subsurface drip method shall have a pressure vacuum breaker on each circuit. A pressure vacuum breaker may not be installed where a

double check valve assembly, reduced pressure principal backflow prevention device or air-gap separation is required.

(3) A double check valve assembly may be installed to serve multiple irrigation circuits in lieu of vacuum breakers on each individual irrigation circuit.

(4) A reduced pressure principal backflow preventer or air-gap separation shall be required before any piping network in which fertilizers, pesticides and other chemicals or toxic contaminants are injected or siphoned into the irrigation system.

(b) Fire systems.

(1) Water systems for fighting fire, derived from a supply that cannot be approved as safe or potable for human use shall, whenever practicable, be kept wholly separate from drinking water pipelines and equipment. In cases where the domestic water system is used for both drinking and fire-fighting purposes, approved backflow prevention devices shall be installed to protect such individual drinking water lines as are not used for fire-fighting purposes. It is hereby declared that it is the responsibility of the person causing the introduction of said unapproved or unsafe water into the pipelines to see: (a) that a procedure be developed and carried out to notify and protect users of this piping system during the emergency; and (b) that special precautions be taken to disinfect thoroughly and flush out all pipelines which may have become contaminated before they are again used to furnish drinking water. In the event the means of protection of water customers is by disinfection of the auxiliary fire-fighting supply, the installation and its use shall be thoroughly reliable.

(2) When disinfection of the auxiliary supply itself is depended upon to render the water safe, the means of applying the disinfectant under this regulation shall be automatic with operation of the pump employed with the dangerous water in question. Adequate supplies of chlorine or its compounds must be kept on hand at all times. Chlorine dosing equipment shall be tested daily and kept in good operating condition.

(3) The public water supply must be protected against backflow from dual domestic fire systems. (Prior code 23-11-6; Ord. 316 §1, 1997)

Sec. 13-2-490. Violations and penalties.

(a) The Mayor shall notify the owner, or authorized agent of the owner, of the building or premises in which there is found a violation of these regulations. The Mayor shall set a specific time for the owner to have the violation removed or corrected. If the owner fails to correct the violations in the specified time, the Mayor may, if in his or her judgment an imminent health hazard exists, request that the water service to the building or premises be terminated. Additional fines or penalties may also be invoked following termination of service.

(b) Violations of the provisions of this Article shall be punishable in accordance with Section 1-4-20 of this Code.

(c) In addition to any of the foregoing remedies, the Town Attorney, acting in behalf of the Board of Trustees, may institute injunction, abatement or any other appropriate action to prevent,

enjoin, abate or remove such violations. In the event such action is instituted, the Town shall be entitled to recover all costs incurred, including attorney's fees. The remedy provided for herein shall be cumulative and not exclusive and shall be in addition to any other remedies. (Prior code 23-11-7; Ord. 316 §1, 1997)

Sec. 13-2-500. Meter pits and curb stop valves; maintenance by owner.

The owner of the premises shall keep meter pits and curb stop valves in good condition, so that such meter pits and curb stop valves are fully accessible for servicing. No landscaping or other obstruction shall prohibit access to meter pits or curb stop valves. (Ord. 318 §1, 1997)