

CHAPTER 13

Municipal Utilities

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ARTICLE I

Legislative Purpose

Sec. 13-1-10. General purpose.

(a) Pursuant to the powers vested in the Town by the Section 31-15-708, C.R.S., the Board of Trustees ordains this Chapter 13 to ensure that the citizens of the Town receive municipal utilities that are safe and adequate and promote their health, safety and welfare.

(b) In addition to these general purposes, the Board of Trustees wishes to:

(1) Protect the public health and welfare by ensuring the provision of water supply, treatment and distribution; wastewater (sanitary sewer) collection and treatment; and other municipal utilities on a uniform basis to all citizens within the Town;

(2) Provide for the efficient administration, maintenance and repair of the Town's municipal utilities;

(3) To the extent that is reasonably possible, distribute the total cost of providing municipal utility services to the customers based on the cost of providing that service. (Ord. 570 §2, 2007)

ARTICLE II

Water System

Division 1 General

Sec. 13-2-10. Water connection required.

(a) All buildings constructed or occupied after the effective date of the ordinance codified herein, whose occupancy requires domestic water, shall be connected to the Town's water mains by the means, manner and method specified by the Town. No building requiring domestic water shall be constructed or occupied unless the Town has first issued a water tap.

(b) The Town may require that any existing building within the Town whose occupancy requires domestic water and is or becomes within four hundred (400) feet of a Town water main shall be connected to the Town water system at the owner's expense. Said owner shall have six (6) months' written notice from the Town before said connection must be made and all fees paid.

(c) A building shall require domestic water if plumbing fixtures are required by the current plumbing code accepted by the Town.

(d) Not more than one (1) building may be supplied water from the same service connection unless permission is first obtained, in writing, from the Town, except that a detached residential garage may be connected to a single-family residence, provided that the garage is not inhabited or used for any commercial or industrial purpose. (Ord. 570 §2, 2007)

Sec. 13-2-20. Independent water supplies.

It is unlawful for any person to develop or use, for any purpose, including domestic and irrigation uses, any independent water supply within the Town limits, except that:

(1) Privately owned residential wells will be permitted for irrigation if the well is located on the same property and there is no connection of any kind between the well and Town water service;

(2) Privately owned residential wells will be permitted for domestic supply, provided that all of the following prerequisites are met:

- a. The building and the well predate the ordinance codified herein;
- b. The building is located more than four hundred (400) feet from a Town water main; and
- c. There is no Town water service to the building.

(3) The Town's wells and the associated nonpotable infrastructure may provide nonpotable water to properties as deemed appropriate by the Town.

(4) Nonpotable water will be permitted for irrigation if there is a physical disconnection between the nonpotable water system and the Town water service. An interconnection separated by a valve or "backflow preventor" is not sufficient separation of the two (2) systems. (Ord. 570 §2, 2007)

Sec. 13-2-30. Sale of water.

It is unlawful for any person to sell Town water, except that a property owner may charge a renter for Town water provided that the charge does not exceed that billed by the Town. It is unlawful for any person to distribute Town water except on the premises. (Ord. 570 §2, 2007)

Sec. 13-2-40. Protection of Town water supply.

(a) It is unlawful for any person to introduce, infiltrate, commingle or otherwise connect, either directly or indirectly, any water derived from a source other than the Town water supply system, to the Town water supply system or privately owned extensions or connections to the Town water supply system.

(b) It is unlawful for any person to trespass upon the property of the water supply system; tap any water mains or make any connections therewith; in any manner interfere with the water supply system or the property, equipment, mains, valves, hydrants or any other appliances of the water supply system; or change or alter the position of any valve or appliance regulating the flow of water in any water utility main, unless previously authorized in writing to do so by the Town.

(c) It is unlawful for any person to tamper or interfere with any water meter, remote meter, remote meter wiring, meter seal or meter bypass so that the use of water will not be accurately recorded by the water meter. Nothing in this Subsection shall, however, be construed to prohibit the owner of the property from closing any valve located between the Town water main and the meter in order to prevent property damage or other injury.

(d) It is unlawful for any person to open any fire hydrant except with permission of the Town, unless that person is an employee or representative of the Town or the Milliken Fire Protection District in the performance of his or her official duties, a private contractor hired by the Town for construction, street sweeping or other purposes, or a private contractor who has been issued a temporary (construction) fire line meter by the Town.

(e) It is unlawful for a person to use or obtain water through an unmetered tap without the prior written permission of the Town. There shall be a rebuttable presumption that such person intentionally and knowingly used water without the authority of the Town if an unmetered tap exists without said permission.

(f) It is unlawful for a person to gain access or use water without permission of the Town after the Town has discontinued water service for any reason to the premises owned or occupied by such person. There shall be a rebuttable presumption that such person intentionally and knowingly used water without the authority of the Town if the premises to which water service was discontinued is subsequently found to have water service without the authority of the Town.

(g) It is unlawful to interfere with or prevent any Town employee from any duty necessary for the repair, maintenance or operation of the Town's water system. (Ord. 570 §2, 2007)

Sec. 13-2-50. Water waste prohibited.

(a) Consumers shall prevent avoidable or controllable waste of water and keep all water outlets closed when not in actual use.

(b) It is unlawful for any person using Town-treated water to use said water to allow or permit water to run to waste upon his or her premises, buildings, houses or lots, in, through or out of any water closet, lavatory, urinal, bathtub, hose, hydrant, faucet or other fixtures, appliances or apparatus whatsoever, or in any manner through neglect or by reason of faulty or imperfect plumbing fixtures.

(c) It is unlawful for any person, partnership, company or corporation or other entity using Town-treated water to allow, either manually or automatically, the sprinkling or watering of "hard surface"; to allow excessive run-off of water from the premises, building, house or lot; and/or to allow the excessive pooling of water upon or adjacent to the premises, houses or lots.

(d) Washing of vehicles shall be allowed with the use of a positive shutoff device attached to the hose and the use of a bucket. Vehicle washing shall be permitted at any time, unless otherwise prohibited by the Town.

(e) Penalties.

(1) Any person who violates any of the provisions provided in this Section is guilty of violation of this Section and may be subject to a Municipal Court summons and applicable fines.

(2) Each day of violation shall constitute a separate offense.

(3) The violations described in this Section are strict liability offenses. (Ord. 570 §2, 2007)

Sec. 13-2-60. Sprinkling restrictions.

(a) The use of Town-treated water, both potable and nonpotable, for sprinkling and/or watering, irrigation of private property, business, church or other nonprofit and/or governmental organization lawns, gardens and trees will be permitted in accordance with the schedule in this Section.

(b) Properties with the following property addresses may use water for sprinkling on the following schedule only:

(1) Addresses ending in numerals 0, 2, 4, 6 and 8 shall be allowed sprinkling of lawns every Monday, Wednesday and Friday from 12:01 a.m. to 9:00 a.m. and from 7:00 p.m. to 12:00 midnight only.

(2) Addresses ending in numerals 1, 3, 5, 7 and 9 shall be allowed sprinkling of lawns every Tuesday, Thursday and Saturday from 12:01 a.m. to 9:00 a.m. and from 7:00 p.m. to 12:00 midnight only.

(3) Hand-watering and drip irrigation shall be permitted Monday through Sunday and not be restricted by the above-mentioned lawn-sprinkling restrictions. *Hand-watering* shall mean holding in the hand a hose with an attached positive shutoff nozzle or a bucket and does not include operating a hose with a sprinkler or manually operating an irrigation controller.

(4) Town-treated water shall not be used for lawn sprinkler irrigation between 9:00 a.m. and 7:00 p.m. daily.

(5) No automatic sprinkler irrigation shall occur between November 1 and March 1 of each calendar year.

(c) Variances. The use of water for sprinkling large areas with multiple addresses, such as homeowners' associations or other special circumstances, may be allowed during the times and days of the week as determined by the Town Administrator or his or her designee, and defined by a permit for the same. Such written permits shall be posted on the property.

(d) Privately owned wells are exempt from this Section. However, if a property owner is using a private well for irrigation, such owner must post the property with a sign stating that well water is being used for irrigation. The sign must include the state well permit number.

(e) The use of water for construction purposes is prohibited unless specifically approved by written permit from Town staff. All use of Town water shall require the use of a Town-issued temporary (construction) fire line meter. Water approved by permit for construction purposes, to include, but not be limited to, water line testing, fire hydrant testing, fire system testing, compaction control, dust control, masonry work, concrete construction and cleanup shall be billed reflective of actual usage on the meter as approved by the Town staff.

(f) Penalties.

(1) Any person who commits an act or fails to perform an act required by this Section may be subject to a Municipal Court summons and applicable fines.

(2) Each day of violation shall constitute a separate offense. (Ord. 570 §2, 2007; Ord. 608 §1, 2009)

Sec. 13-2-70. Special permits for newly placed sod or seed.

(a) The use of water for sprinkling newly seeded or sod lawns less than one (1) month old shall be permitted during the times and days of the week determined by Town staff, pursuant to a permit for the same.

(b) The permit shall be required and obtained prior to the placement of seed or sod.

(c) Generally, lawns with newly placed sod may be watered for three (3) consecutive weeks following placement.

(d) Generally, lawns which have been newly planted may be watered for four (4) consecutive weeks following seeding. (Ord. 570 §2, 2007)

Sec. 13-2-80. Drought conservation surcharges.

(a) In order to protect water service to the Town, the Board of Trustees shall have the authority to impose restrictions and/or surcharge fees on the use of water as it deems necessary. It shall be unlawful for any person to fail to comply with those restrictions, or pay the appropriate surcharge.

(b) When drought conditions are declared, the Town will establish the respective drought levels (1, 2 or 3) and impose the following restrictions and drought conservation surcharge according to the Town's Fee Schedule.

(1) Level 1:

a. Designation: Non-drought.

b. General description: In a typical year, water availability is normal. The Board of Trustees feels the water supply is sufficient to end the calendar year in a stable condition. Possible criteria could include: Northern Colorado Water Conservancy District established an allotment at seven-tenths (0.7) acre-foot per share or better, or other Town-controlled water sources, for example wells, available irrigation water, stored water reserves, reverse osmosis treatment facility, etc., are capable of providing a stable and adequate water supply.

c. Restrictions: None.

(2) Level 2:

a. Designation: Moderate drought.

b. General description: Water is available, but at a reduced allotment. The Board of Trustees has concerns that the water supply may not be available to complete the calendar year. Possible criteria could include: Northern Colorado Water Conservancy District established an allotment in the range of three-tenths (0.3) acre-foot per share to sixty-five hundredths (0.65) acre-foot per share, or other Town-controlled water sources, for example wells, available irrigation water, stored

water reserves, reverse osmosis treatment facility, etc., are not likely to provide the desired water supply. Outside watering is available, but at a restricted level.

c. Restrictions: Established restrictions, as approved by the Board of Trustees. Drought conservation surcharge rates are listed in the Town's Fee Schedule.

(3) Level 3:

a. Designation: Extreme drought.

b. General description: Water not readily available. The Board of Trustees is extremely concerned that the water supply may not complete the calendar year. Possible criteria could include: Northern Colorado Water Conservancy District established an allotment below three-tenths (0.3) acre-foot per share, or other Town-controlled water sources, for example wells, available irrigation water, stored water reserves, reverse osmosis treatment facility, etc., will not provide the necessary water supply. Outside watering is not allowed.

c. Restrictions: Established restrictions, as approved by the Board of Trustees. Drought conservation surcharge rates are listed in the Town's Fee Schedule. (Ord. 570 §2, 2007)

Sec. 13-2-90. Emergency water use restrictions

The Mayor, or the Mayor Pro Tem in the absence of the Mayor, may in the case of an emergency take one (1) or more of the following actions for a period not to exceed fourteen (14) days to protect domestic water service to the residents of the Town:

- (1) Prohibit irrigation during certain periods.
- (2) Prohibit irrigation completely.
- (3) Discontinue water service to all commercial and industrial customers.
- (4) Discontinue water service to certain areas of the Town on a rotating basis.
- (5) Discontinue water service Town-wide for certain periods of time.
- (6) Take other actions that may be deemed necessary to protect water service to the citizens of the Town.

During the time period in which an emergency has been declared, it shall be unlawful to obtain water from the Town except in conformance with the above restrictions. (Ord. 570 §2, 2007)

Sec. 13-2-100. Water system maintenance and repairs.

Nothing in this Article shall limit the Town staff from discontinuing water service to make repairs or maintain the water distribution system. (Ord. 570 §2, 2007)

Sec. 13-2-110. Unlawful acts.

Where this Article requires an affirmative act or prohibits an act, then conduct which is not in conformance with this Article is unlawful and each act or each day which a violation continues shall be subject to a Municipal Court summons and applicable fines. (Ord. 570 §2, 2007)

Sec. 13-2-120. Severability.

If any provision of this Section or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications; and, to this end the provisions of this Section are declared to be severable. (Ord. 570 §2, 2007)

*Division 2
Water Taps*

Sec. 13-2-210. Water tap application.

(a) The application for any new water tap is typically included in the building permit application process. In the event an individual requests to upgrade an existing water tap, the applicant shall submit an application in the name of the property owner accompanied by a fee listed in the Fee Schedule. The application shall include all information reasonably required by the Town in order to process the application and make the determinations required by Section 13-2-220 below, and shall include:

- (1) Address of the premises;
- (2) Name and address of all the owners;
- (3) A preliminary site map showing the proposed building and all Town water mains serving the property;
- (4) The number of residential units (for multi-family only);
- (5) The maximum number and type of water fixtures to be served and the maximum area (in square feet) to be irrigated (not required for single-family residential);
- (6) An analysis of the water service size required by the Plumbing Code (not required for single-family residential).

(b) A water tap application may be filed prior to obtaining zoning or subdivision approval or a building permit. However, the tap shall not be issued until all these are completed and the certifications required by Section 13-2-220 obtained. (Ord. 570 §2, 2007)

Sec. 13-2-220. Issuance of water tap.

Upon receipt of the completed application and processing fee, the Town shall process the application and may issue a water tap (in the form of a letter to the applicant) after all of the following conditions are met:

- (1) The Town staff certifies in writing that:

- a. The property to be served is within the Town or the Town's defined water service area;
- b. The proposed use is authorized by the zoning regulations, or the Board of Adjustment has granted a permanent variance authorizing such use;
- c. The approval of the Town's treated water supplier is not required or said approval has been obtained in writing;
- d. If the property is in the Town's wastewater treatment boundary, a sewer tap has been obtained, or a waiver has been granted;
- e. All required water tap fees have been paid; and
- f. The raw water tap fee has been paid, or required water rights transferred.

(2) The Town's staff certifies in writing that the proposed service line, meter size and tap are of adequate size under the current accepted Plumbing Code, except that such certification will not be required for single-family residential dwellings which meter size shall be five-eighths (5/8) inch. Except for a single-family residential tap, a meter size shall not be smaller than the size of a service line that would be required by the Plumbing Code if the service line were less than one hundred (100) feet long.

(3) Town Staff certifies in writing that:

- a. The connection will be made to a Town-owned water main;
- b. All the requirements of Division 8 of this Article have been met with regard to water system extensions; and
- c. The water main is of adequate size. (Ord. 570 §2, 2007)

Sec. 13-2-230. Availability of water taps.

Nothing contained in this Article shall in any way guarantee or indicate the availability of water taps. Only the Town shall determine if water taps are available. Where there are applications for more taps than are available, the Town shall determine the distribution of the available taps. In making that determination, the Town shall consider the total and peak demand of each applicant, and the impact of the proposed development on the health, safety and welfare of the community. Where all factors are considered equal by the Town, the taps shall issue in the order that the applications were received. (Ord. 570 §2, 2007)

Sec. 13-2-240. Water tap upgrade.

(a) An existing water tap may be upgraded to a larger size if requested or required by the Plumbing Code through the same process as used for the issuance of a new water tap. The water tap fee shall be the difference in the current water tap fees for the two (2) tap sizes. The raw water tap fee shall be the difference in the current raw water tap fees, or number of shares required, between the two (2) tap sizes.

(b) In the event that the metered usage of water for any individual meter exceeds the Town's treated water supplier's maximum annual allotment for that meter size or customer classification, and if the Town is therefore required to pay an additional tap fee, a water tap upgrade shall be required.

(c) Fees for water tap upgrade are listed in the Fee Schedule. (Ord. 570 §2, 2007)

Sec. 13-2-250. Water tap downgrade.

At the sole election of the property owner, an existing water tap may be downgraded in size, provided that the Town staff certifies in writing that the smaller meter is adequate for the intended use pursuant to the Plumbing Code, and provided that the property owner pays for all costs to install a smaller meter. The property owner shall be entitled to no payment or credit from the Town for the downgrade, other than from the time of the downgrade, the monthly service fees shall be calculated based on the rates in effect for the smaller meter. (Ord. 570 §2, 2007)

Sec. 13-2-260. Water tap transfer.

All residential water tap runs with the property and cannot be transferred to another lot or parcel. Commercial/industrial water taps may be transferred from one (1) commercial/industrial lot to another commercial/industrial lot or parcel, provided that the Board of Trustees reviews and approves the request for the tap transfer. A request for water tap transfer on commercial/ industrial lots or parcels shall adequately address the following:

- (1) There will be no significant impact on the utility service by the removal or reinstallation of the utility service;
- (2) There will be no significant adverse impact on the capacity of the line for future development;
- (3) The Town will derive significant economic benefit as a result of the transfer of the utility tap to the new location and will suffer not significant economic detriment from the transfer;
- (4) The account associated with the water tap is in good standing with the Town and all previous fees and charges are paid in full; and
- (5) The appropriate fees are paid for processing the water tap transfer, the meter disconnect and the meter reconnect. All costs associated with modifications to the meter pit, piping, fittings, valves, etc., are the responsibility of the applicant.

Fees for water tap transfer are listed in the Fee Schedule. (Ord. 570 §2, 2007)

Sec. 13-2-270. Limitation.

The grant of a water tap does not provide any other rights not expressed by this Article, or supersede any other limitation or regulation, including but not limited to zoning, occupancy, building codes, subdivision and annexation. Failure on the part of the Town or its employees to properly administer this Article shall not constitute a waiver of any regulation or requirement. (Ord. 570 §2, 2007)

Sec. 13-2-280. Water tap fees (water capital investment fees).

(a) The water tap fees required for the Town are based on meter size, and are listed in the accepted Fee Schedule.

(b) The tap size required for each permit shall be determined through review of the permit application by Town staff.

(c) The standard single-family residential lot requires a five-eighths-inch water tap. Single-family residential lots greater than fifteen thousand (15,000) square feet in overall lot size will require a three-fourths-inch tap and meter to be installed.

(d) The tap fee (i.e., "capital investment fee") for the potable water system is reserved for the construction or replacement of treatment facilities, payment of system development charges or impact fees levied by other water providers. Also, the capital investment fee is reserved for the construction or replacement of all elements of the Town's water distribution and storage systems, including but not limited to pipes, valves, fittings, vaults, casings, easements, permits, engineering fees, construction fees, equipment rental or purchase. Additionally, the capital investment fee is reserved for any other expense that is directly related to the improvement or replacement of existing distribution and storage system infrastructure or the construction of new distribution and storage system infrastructure as they are needed to provide improved services to the Town's water utility customers. (Ord. 570 §2, 2007)

Sec. 13-2-290. Supplemental water impact fees.

(a) Appropriate supplemental impact fees shall be charged if the new single-family equivalent structure is located within any development under which the Town holds a development agreement or development reimbursement agreement obligating the Town to pay for infrastructure, or for future capital improvements which benefit only a portion of the Town's water utility customers.

(b) These supplemental impact fees replace all other sources of repayment previously listed in any other existing development agreements or development reimbursement agreements. At its discretion, the Board of Trustees may direct staff to draft for its review and approval additional supplemental impact fees for additional development or development reimbursement agreements. (Ord. 570 §2, 2007)

Sec. 13-2-300. Water administration fee.

A fee is applied to all new water tap applications, for review of the necessary documentation and determination of tap sizes, and applicable capital investment, supplemental impact and raw water fees. (Ord. 570 §2, 2007)

Sec. 13-2-310. Raw water requirements.

(a) New developments and/or construction within the Town are required to provide raw water to mitigate its impact on the water supply of the Town. The standard unit for raw water as established in other Town ordinances is based on units or shares of Northern Colorado Water Conservancy District (C-BT) water. The raw water requirements for the Town are based on meter size, and an assumed ten-year average delivery rate on a share of C-BT water is seventy percent (70%) of one (1) acre-foot. The raw water requirements are listed in the accepted Fee Schedule.

(b) Units of Northern Colorado Water Conservancy District (C-BT) shares must be furnished to the Town in compliance with the raw water table included in the Fee Schedule. The water rights shall be transferred to the Town free and clear of any liens or encumbrances, and all costs and expenses attendant to the conveyance and transfer, change of class or other actions or approvals required of the Northern Colorado Water Conservancy District shall be borne by the applicant. The Town reserves the right to consider cash payment or providing other water rights, in lieu of C-BT shares.

(c) A *Town-approved nonpotable water system* is defined as a water system which has provided sufficient information to guarantee a reliable water supply, augmentation plan and distribution system. All concerns of the Town must be met before approval of the nonpotable water system is granted by the Town.

(d) If a residence or building owner exceeds the acre-foot volume provided for raw water use in any given year, the Town reserves the right to require said owner to provide the additional raw water as calculated by documented usage.

(e) Commercial and industrial raw water requirements will vary to reflect actual uses. The determination and possible adjustments of raw water requirements and capital investment fees are subject to review and adjustment by Town staff. (Ord. 570 §2, 2007)

Sec. 13-2-320. Alternative (irrigation) raw water units in lieu of C-BT.

(a) The Town has established mechanisms by which specific irrigation water rights are usable for domestic (potable) and irrigation (nonpotable) purposes. Current irrigation water rights previously evaluated are listed in the Fee Schedule.

(b) Transferring irrigation water rights from original agricultural usage to a municipal usage involves resolution of issues of return water flows and consumptive use. When water is applied to an agricultural field, a certain percentage of water is actually used by the plant or evaporated into the atmosphere – this water is considered consumed or used up (i.e., consumptive use). The remaining water either returns to the natural stream through surface runoff or shallow percolation – this water is considered return flow.

(c) The amount of consumptive use that is beneficially used by a water right holder is the limit of a saleable water right and is a function of various factors, including historic crop planted, the location, the type of soil and the method used to irrigate the property.

(d) Tables contained in the Fee Schedule provide a basic guideline and starting point for negotiations between developers, landowners and Town staff. In general, alternative raw water rights will only be considered for a maximum of fifty percent (50%) of the development's overall water requirements. Consideration and negotiations for alternative raw water rights and C-BT water rights will be considered on a case-by-case basis in accordance with the Town's overall water right desires. (Ord. 570 §2, 2007)

Sec. 13-2-330. Cash in lieu of raw water units (C-BT).

(a) The Town establishes cash-in-lieu costs as seventy-five percent (75%) of the current "Actual Cash in Lieu Rate" (dollars per acre-foot) established by the City of Greeley Water and Sewer Board. This percentage will convert the unit basis of "dollars per acre-foot" to "dollars per share." The percentage of seventy-five percent (75%) is set to account for the typical seventy percent (70%) delivery

rate on a share of C-BT, plus an additional five percent (5%) to account for transfer fees, change of class fees and other cost associated with the eventual purchase of raw water.

(b) The Town staff will review the City of Greeley Water and Sewer Board rate and apply the calculation established above. The Town staff will review available information periodically and adjust the cash in lieu listed in the Fee Schedule. (Ord. 570 §2, 2007)

Sec. 13-2-340. Water meter.

A fee is applied to all new water meter installations, for the cost of the meter and staff time to schedule and install the meter. (Ord. 570 §2, 2007)

Sec. 13-2-350. Permanent fire line meter.

The Town will permit a separate permanent fire line tap and meter with no water tap fee or raw water tap fee if all of the following conditions are met:

- (1) This Code requires that the building be sprinkled or be equipped with other fire protection requiring a meter larger than that which would be required based on all other uses;
- (2) No connections other than those required for the fire protection system are made to the fire line system;
- (3) The entire system will be open to inspection by Town personnel; and
- (4) The Town's water supplier has approved, in writing, the waiver of any tap fee to the Town for the permanent fire line meter. (Ord. 570 §2, 2007)

Sec. 13-2-360. Temporary (construction) fire line meter.

(a) The Town has temporary (construction) fire line meters available, upon request and agreement by the Town. The Town considers use of these temporary (construction) fire line meters on a case-by-case basis. Requests to use temporary (construction) fire line meters will only be considered if all other reasonable alternatives, including well water and water directly from rivers or lakes, are in the Town's consideration not practical.

(b) Approved use of temporary (construction) fire line meters may have requirements placed upon it, such as only specific hydrants in Town may be used, usage limitations and possibly time restrictions. Town staff shall approve and issue temporary (construction) fire line meters. Deposits and fees associated with temporary (construction) fire line meters are listed in the Fee Schedule. (Ord. 570 §2, 2007)

Division 3
Service Connection

Sec. 13-2-410. Service connection.

(a) Upon issuance of a water tap and a building permit, a service connection may be made to the Town's water mains only under the provisions of this Division.

(b) An application for a service connection is made to the Town staff containing the name of the applicant, the address of the property to be served and an accurate site map showing the proposed locations of the tap to the Town's main, the meter pit or vault, the property lines adjacent to the meter installation and any easement in favor of the Town.

(c) Town staff shall review the application, and approve it if the following is met:

(1) The Town has issued a water tap and all required fees have been received.

(2) The proposed installation conforms to the provisions of this Article and the Town's specifications for meter installations.

(3) The meter pit and service between the Town main and the meter is on Town property, right-of-way or perpetual easement in favor of the Town.

(4) The proposed location minimizes damage to paved Town streets or other Town facilities.

(5) The proposed location provides safe and convenient access for meter reading.

(d) All service lines, taps, meter pits, meter and appurtenances from the Town's water main to the building shall be installed by, and at the expense of, the property owner, except that the Town at its sole option may choose to make the actual tap to the Town's main at the Town's expense.

(e) The installation shall conform to the specifications adopted by the Town.

(f) Water service connections made in a paved street where the main is located on the far side of the centerline of the street shall be installed by boring, rather than open cut, except as authorized in advance in writing by the Town staff.

(g) If a paved street cut is necessary to complete the installation, the property owner shall be responsible for restoring the backfill, pavement, curb, gutter and sidewalk as close as possible to the original condition.

(h) Town staff shall be notified and may be present during tapping, backfill and paving operations, and the property owner shall be responsible to correct any failure or deficiency in the water tap, water connection, water service or repairs to the pavement, curb, gutter and sidewalk for a period of five (5) years. In the event that a property owner does not adequately correct any failure or deficiency, the Town may give the property owner thirty (30) days' written notice, after which the Town may make the necessary repairs, with the cost of the repairs an obligation of the property owner, collectable as any other water service charge.

(i) No water may be obtained from the water tap or service until a customer account has been established by the Town under the provisions of Division 4 of this Article. (Ord. 570 §2, 2007)

Sec. 13-2-420. Water service repairs.

(a) The Town shall maintain the service line up to the user side of the meter if the meter and service line up to the meter are all on Town property or easement.

(b) If the service line up to the meter is not on Town property, the Town shall maintain the lesser of:

(1) The service line from the main to the property line; or

(2) The service line from the main to the curb stop.

(c) The Town shall maintain the water meter.

(d) The property owner shall maintain the portion of the service line not maintained by the Town. (Ord. 570 §2, 2007)

Sec. 13-2-430. Water service leaks.

If the property owners' portion of the service line (defined in Section 13-2-420 above) is found to be leaking, Town staff may take one (1) or more of the following actions based on the severity of the leak and the particular circumstances that exist:

(1) Immediately discontinue service until the leak is repaired.

(2) Notify the property owner in writing to repair the leak within a specified period of time that is reasonable under the circumstances. If repairs are not completed by that time, the Town has the option to repair the leak, with the cost of repairs an obligation of the property owner collectable as any other water service charge.

(3) Notify the property owner in writing to repair the leak within a specified period of time that is reasonable under the circumstances. If repairs are not completed by that time, the Town may install a meter and meter pit on Town property or right-of-way, with the cost of the installation an obligation of the property owner collectable as any other water service charge.

(4) If the leakage is not being recorded by the Town's water meter, to estimate the quantity of the leakage and cause that amount to be billed and collected as any other water service charge. (Ord. 570 §2, 2007)

Sec. 13-2-440. Maintenance around meter pit.

It is the responsibility of the property owner to maintain the grade of the ground around the meter pit or vault servicing that property even with the top of the meter pit, and keep it free from debris, vegetation, vehicles or other obstacles which would impair the efficient reading and servicing of the meter. If such maintenance is not performed, the Town may provide the property owner a notice by first-class mail to complete the work. If the maintenance is not completed within thirty (30) days, the Town may complete the necessary work and add the actual cost to the monthly charges due, which shall be collected as the

regular charges for water service. Meter pits are not allowed in gravel, paved or concrete driveways. (Ord. 570 §2, 2007)

Sec. 13-2-450. Access to water meters on private property.

In the event that a water meter is located on private property (due to procedures in effect prior to the adoption date of the ordinance codified herein), it is the responsibility of the property owner, renter, lessee and licensee to provide to the Town personnel convenient and safe access to the meter and to any remote read-out if so equipped, for the maintenance, repair, replacement and reading of the meter. The continued use of water after enactment of the ordinance codified herein constitutes an implied grant to the Town of a license for installation, maintenance and repair of the necessary water delivery equipment. In the event that safe and convenient access is not provided to any Town employee each time it is necessary to perform one (1) or more of the above-mentioned duties, the Town may use the following procedure:

(1) The property owner shall be notified by first-class mail and the renter, lessee or licensee shall be notified by delivery to the service address, of the date and time the Town was unable to gain safe and convenient access. The letter shall contain three (3) dates where the Town personnel will be available to access the meter. These dates shall fall in the period between twelve (12) and thirty (30) days from the date the letter was mailed; two (2) of these shall be regular business hours of the Town, and the third shall be an evening or weekend. The letter shall also contain the language of this Section.

(2) If the Town is notified of the acceptability of one (1) or more dates and access is provided at that time, the work shall be performed or the meter readings obtained.

(3) If, within ten (10) days of the date the Town mailed the notice specified by Paragraph (1) above, the property owner, renter, lessee or licensee does not notify the Town of the acceptability of one (1) or more dates or access is denied at the chosen time, the Town may discontinue water service in substantial conformance to the provisions of Section 13-2-810 of this Article.

(4) If water service is discontinued pursuant to Paragraph (3) above, it shall only be reconnected after safe and convenient access is provided. (Ord. 570 §2, 2007)

Sec. 13-2-460. Protection of inside water meter.

It is the responsibility of the property owner, renter, lessee and licensee to protect a water meter installation located inside a building from damage, tampering, alteration or any other actions, whether intentional or accidental, which would impair the accuracy or integrity of the installation. The water meter installation shall include the water meter, water meter seal and all water meter wiring located inside the building. In the event that evidence of damage, tampering or other action which impairs the accuracy or integrity of the water meter installation inside a building exists, in addition to any action which may be taken pursuant to this Article, the Town may discontinue water service. Once water service is discontinued pursuant to this Section, it shall only be reconnected by the Town receiving sufficient evidence that reoccurrence of the damage, tampering, alteration or other actions are unlikely to reoccur. (Ord. 570 §2, 2007)

*Division 4
Establishing an Account*

Sec. 13-2-510. Customer account required.

Prior to receiving or obtaining water from the Town water system, an account shall be established in the name of the property owners, who shall be jointly and severably obligated for the payment of all charges established by this Article. (Ord. 570 §2, 2007)

Sec. 13-2-520. Establishing a new account with history.

If Town staff finds that the property address had a previous active account, a new account may be established by:

- (1) The property owner provides the Town staff with the name and address of the property owners; and
- (2) The Town staff finds that the previous account balance for that address has been paid in its entirety, including all accumulated standby charges specified by Section 13-2-610, below; or
- (3) The Town staff is provided with a transfer from the escrow company and the appropriate transfer fee has been paid as listed in the accepted Fee Schedule. (Ord. 570 §2, 2007)

Sec. 13-2-530. Establishing a first-time account.

If no previous account existed at that address, a new account may be established by:

- (1) The property owners provide the Town staff with the name and address of the property owners;
- (2) The Town staff certifies that a tap has been issued and all required fees paid, including all applicable accumulated standby charges specified by Section 13-2-610 below; and
- (3) The Town staff certifies that the tap, service, meter pit, meter and pavement replacement have been installed in accordance with this Article. (Ord. 570 §2, 2007)

Sec. 13-2-540. Property rental accounts.

An account may be established only in the name of a property owner. However, the property owner may authorize that the monthly utility statement be sent to a renter, lessee or licensee at the service address if the property owner signs a statement prepared by the Town that the property owner accepts complete responsibility for all charges in this Article. (Ord. 570 §2, 2007)

Sec. 13-2-550. Duplicate utility statement charge.

A property owner who has authorized that the monthly utility statement be sent to another party pursuant to Section 13-2-540 above may request that a photocopy of the utility statement be sent to the property owner. The charge for this service is listed in the accepted Fee Schedule. (Ord. 570 §2, 2007)

*Division 5
Water Service Charges*

Sec. 13-2-610. Base standby charge.

There shall be a monthly charge for each connection to the Town water system based on the size of the authorized tap and meter, and if the customer is located in or out of the Town. The monthly base standby charge shall be according to Table 13-5-1.

**TABLE 13-5-1
BASE STANDBY CHARGE**

| <i>Description</i> * | <i>In Town</i> | <i>Out of Town</i> |
|---|----------------|--------------------|
| Single-family residential (per dwelling unit) | | |
| 5/8" meter | \$20.62 | \$32.40 |
| 3/4" meter | \$32.40 | \$50.07 |
| Multi-family residential (per constructed dwelling unit) | \$20.62 | \$32.40 |

| <i>Description</i> * | <i>In Town</i> | <i>Out of Town</i> |
|--|----------------|--------------------|
| Commercial/industrial and all other | | |
| 5/8" meter | \$20.62 | \$32.40 |
| 3/4" meter | \$32.40 | \$50.07 |
| 1" meter | \$44.18 | \$67.74 |
| 1 1/2" meter | \$55.96 | \$90.53 |
| 2" meter | \$79.52 | \$120.75 |
| Permanent fire line meter authorized by 10-3-13 | \$30.00 | \$30.00 |
| Temporary (construction) fire line meter authorized by 10-3-14 | \$130.00 | \$130.00 |

* Larger sizes (established by further legislation).

(Ord. 570 §2, 2007; Ord. 615 §2, 2010; Ord. 651 §2, 2012)

Sec. 13-2-620. Minimum charge.

No minimum charge for monthly usage will be assessed. (Ord. 615 §2, 2010; Ord. 651 §2, 2012)

Sec. 13-2-630. Usage charge.

In addition to the base standby charge, all water used shall be charged at the following stepped rate structure. Refer to Tables 13-5-3A, 13-5-3B and 13-5-3C.

**TABLE 13-5-3A
USAGE CHARGE FOR SINGLE-FAMILY
RESIDENTIAL UNITS (PER DWELLING UNIT)**

| <i>Description</i> | <i>Usage (in gallons)</i> | <i>Charge In & Out of Town (\$ per 1,000 gal.)</i> |
|--------------------|-------------------------------|--|
| 5/8" meter | 0—5,000 | \$3.02 |
| | 5,000—10,000 | \$3.53 |
| | 10,000—20,000 | \$4.17 |
| | 20,000—40,000 | \$4.82 |
| | 40,000—75,000 | \$5.78 |
| | > 75,000 | \$6.42 |

TABLE 13-5-3A (Cont'd)

| <i>Description</i> | <i>Usage (in gallons)</i> | <i>Charge In & Out of Town (\$ per 1,000 gal.)</i> |
|--------------------|-------------------------------|--|
| 3/4" meter | 0—10,000 | \$3.02 |
| | 10,000—15,000 | \$3.53 |
| | 15,000—25,000 | \$4.17 |
| | 25,000—45,000 | \$4.82 |
| | 45,000—75,000 | \$5.78 |
| | > 75,000 | \$6.42 |

**TABLE 13-5-3B
USAGE CHARGE FOR MULTI-FAMILY RESIDENTIAL UNITS
(PER CONSTRUCTED DWELLING UNIT)**

| <i>Description</i> | <i>Usage (in gallons)</i> | <i>Charge In & Out of Town (\$ per 1,000 gal.)</i> |
|--------------------|-------------------------------|--|
| 5/8" meter | 0—5,000 | \$3.02 |
| | 5,000—10,000 | \$3.53 |
| | 10,000—20,000 | \$4.17 |
| | 20,000—40,000 | \$4.82 |
| | 40,000—75,000 | \$5.78 |
| | > 75,000 | \$6.42 |

**TABLE 13-5-3C
USAGE CHARGE FOR COMMERCIAL/
INDUSTRIAL AND ALL OTHER
(PER DWELLING UNIT)**

| <i>Description*</i> | <i>Usage (in gallons)</i> | <i>Charge In & Out of Town (\$ per 1,000 gal.)</i> |
|---------------------|-------------------------------|--|
| 5/8" meter | 0—5,000 | \$3.02 |
| | 5,000—10,000 | \$3.53 |
| | 10,000—20,000 | \$4.17 |
| | 20,000—40,000 | \$4.82 |
| | 40,000—75,000 | \$5.78 |
| | > 75,000 | \$6.42 |

| <i>Description*</i> | <i>Usage (in gallons)</i> | <i>Charge In & Out of Town (\$ per 1,000 gal.)</i> |
|---------------------|-------------------------------|--|
| 3/4" meter | 0—10,000 | \$3.02 |
| | 10,000—15,000 | \$3.53 |
| | 15,000—25,000 | \$4.17 |
| | 25,000—45,000 | \$4.82 |
| | 45,000—75,000 | \$5.78 |
| | > 75,000 | \$6.42 |
| 1" meter | 0—15,000 | \$3.02 |
| | 15,000—20,000 | \$3.53 |
| | 20,000—30,000 | \$4.17 |
| | 30,000—50,000 | \$4.82 |
| | 50,000—75,000 | \$5.78 |
| | > 75,000 | \$6.42 |
| 1½" meter | 0—20,000 | \$3.02 |
| | 20,000—25,000 | \$3.53 |
| | 25,000—35,000 | \$4.17 |
| | 35,000—55,000 | \$4.82 |
| | 55,000—80,000 | \$5.78 |
| | > 80,000 | \$6.42 |
| 2" meter | 0—30,000 | \$3.02 |
| | 30,000—35,000 | \$3.53 |
| | 35,000—45,000 | \$4.17 |
| | 45,000—65,000 | \$4.82 |

| | | |
|--|---------------|--------|
| | 65,000—90,000 | \$5.78 |
| | > 90,000 | \$6.42 |

* Larger sizes (established by further legislation).

(Ord. 570 §2, 2007; Ord. 602 §2, 2009; Ord. 615 §2, 2010; Ord. 651 §2, 2012)

Sec. 13-2-640. Water used.

The amount of water used shall be established by the Town based on the actual water meter readings. If the Town determines that a water

meter is inoperative or unreadable, the usage shall be estimated by the Town using a reasonable basis for that estimate. (Ord. 570 §2, 2007)

Sec. 13-2-650. Remote readout units.

If a water meter is equipped with a remote readout unit, the Town may use the readings of the remote unit in lieu of an actual water meter reading. In such case, the Town shall have the right to read the actual water meter at periodic intervals and include any necessary adjustment on the next available billing. (Ord. 570 §2, 2007)

Sec. 13-2-660. Estimated readings.

Due to weather conditions, shortage of personnel or other conditions, the Town may choose not to read some or all of the water meters for one (1) or more months. When a water meter is not read due to these conditions, the Town may choose either to:

- (1) Bill only the base standby charge and minimum usage with any additional use billed after the next meter reading; or
- (2) Estimate the usage using a reasonable formula, and adjust the actual usage after the next meter reading. (Ord. 570 §2, 2007)

*Division 6
Water Billing*

Sec. 13-2-710. Combined utility statement.

The monthly utility statement may include charges for water specified by this Article and charges for sewer service and trash service as authorized by action of the Board of Trustees, jointly described as utility charges. (Ord. 570 §2, 2007)

Sec. 13-2-720. Mailing period.

A monthly utility statement shall be issued by the Town between the twenty-sixth of the initial month and the sixth day of the following month. The billing period shall be from the previous meter reading or statement, as applicable, until the current meter reading or statement. The action of the Town placing the statement in the United States mail, bearing adequate postage and properly addressed to the customer shall constitute prima facie evidence that such customer has received said statement. (Ord. 570 §2, 2007)

Sec. 13-2-730. When charges due.

The due date for all utility charges shall be the twenty-fourth of the month following the issuance of the utility statement. Charges not paid by the due date are delinquent. (Ord. 570 §2, 2007)

Sec. 13-2-740. Payments applied.

Payments received by the Town shall first be credited against outstanding sewer service charges, next to water charges, next to interest charges and finally to trash service charges without regard to the date of the obligation. (Ord. 570 §2, 2007)

Sec. 13-2-750. Delinquent interest.

If any utility charge is not paid when due, twelve percent (12 %) per annum of the delinquent charges shall be assessed on the balance, as of the date payment is delinquent. Delinquent interest is not compounded. (Ord. 570 §2, 2007)

Sec. 13-2-760. Late payment fee.

If any utility charge is not paid by 5:00 p.m. the 24th day of the month, a late fee will be charged to the account. If the 24th day of the month occurs on a weekend or Town-observed holiday, the late fee will be applied on the next business day. The late payment fee is listed in the accepted Fee Schedule. (Ord. 570 §2, 2007)

Sec. 13-2-770. Testing meter.

Any Town water meter shall be tested for accuracy by the Town upon the request of a customer, accompanied by payment of a fee to pay the costs of said test. The fee shall be established from time to time by the Town staff, based on the actual cost of testing each meter size. If the meter is inaccurate by four percent (4%) or more in favor of the Town, the testing fee shall be refunded to the customer. Nothing in this Section shall prevent the Town from testing a customer's meter without charge to the customer should the Town question the accuracy of the meter. The meter testing fee is listed in the accepted Fee Schedule. (Ord. 570 §2, 2007)

*Division 7
Collection*

Sec. 13-2-810. Disconnection of water service.

In the event that any charge for utilities (water, sewer and trash) remains unpaid by the twenty-fourth of the month after it is due, the Town may commence the disconnection of water service as follows:

- (1) The Town shall notify the property owner by first-class mail and the renter, lessee or licensee by delivery to the service address of the following:
 - a. The amount of the delinquency that remains unpaid which resulted in said notice;

b. That service disconnection may be avoided by paying the amount of the delinquency that resulted in the notice, plus any interest charges and late fees as applicable;

c. The date on or after which utility service will be disconnected. Utilities will be disconnected by the third business day after the 24th. Payment in full must be received by 5:00 p.m. on the 24th business day in order to avoid disconnection.

(2) Utility service shall be disconnected only between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday.

(3) Should utility service be disconnected, a reconnection will not be provided until the second business day after payment.

(4) The disconnection fee is listed in the accepted Fee Schedule.

(5) Payment arrangements cannot be negotiated.

(6) Payment arrangements are possible for advance payments (i.e., if a customer will be out of town for an extended period of time – payment can be made in advance of the typical billing cycle and create a credit on the account. Another example would be if a customer wishes to make multiple payments within the billing period – ensuring that the total amount of payment has been paid by the required date). (Ord. 570 §2, 2007)

Sec. 13-2-820. Reconnection of water service.

Once utility service has been disconnected under the provisions of Section 13-2-450, 13-2-460 or 13-2-810 above, there shall be a charge to reconnect water service. It shall be reconnected only by receipt of the amount to be paid pursuant to Paragraph 13-2-810(1)a above, plus payment of the reconnection charge as listed in the accepted Fee Schedule. (Ord. 570 §2, 2007)

Sec. 13-2-825. Unauthorized reconnection fee.

If the water service has been turned on prior to the Town's reconnection of water service to a property there shall be a one-hundred-dollar fee assessed for tampering with the meter. This fee shall be due and payable by the owners of the property, jointly and severally, prior to the reconnection of the property to the Town's water system. In the event of an emergency involving the health or safety of the occupants of the dwelling, the payment of this fee may be delayed or reduced in the reasonable discretion of the Town Administrator or his or her designee. In the event there is a second reconnection required to the same property, if owned by one (1) or more of the same parties, the reconnection fee shall be assessed pursuant to Section 13-2-820 above, plus a two-hundred-dollar tampering fee. In the event there is an unauthorized reconnection, three (3) or more times, each subsequent reconnection fee shall be three hundred dollars (\$300.00). The Town may condition providing water service to residents who have made unauthorized reconnections or have been untimely in the payment of their water or wastewater fees upon the advance deposit with the Town of up to six (6) months' utility fee. This deposit may be refunded in whole or in part upon the timely payment of the utility fee for one (1) year. (Ord. 605 §1, 2009)

Sec. 13-2-830. Lien on property.

Every utility charge shall be a lien upon the respective lots or parcels of land and buildings where the service is used from the time the charge becomes due until paid. In the event any charge is not paid when due, the Town may, in addition to or in lieu of initiating a disconnection of service or pursuing other remedies, certify any delinquent charge to the County Treasurer, to be collected and paid over by the County Treasurer in the same manner as though it were part of the general property taxes on the property. Such lien may also be enforced by the Town by action at law or suit. In case the tenant in possession of the lot or parcel of land or building pays the charge, the property owner shall be relieved from the lien, and the Town shall not be required to look to any person whatsoever other than the property owner for the payment of any water charge. The failure of any owner to learn that the owner purchased property against which a lien for utility service exists does not affect the owner's liability for payment in full and is not a basis for any claim of any kind whatsoever against the Town for refusing to turn on service until the charges have been paid in full. For the purposes of this Chapter, *charge* includes all fees, charges and interest established by this Article. (Ord. 570 §2, 2007)

Division 8
Water System Extensions

Sec. 13-2-860. Responsibility of developers.

(a) Extensions to new subdivisions. The property owners, developers and subdividers are responsible to install all necessary water system extensions to all subdivisions approved after the effective date of the ordinance codified herein. A water tap shall not be issued nor a building permit be granted until all of the water system improvements required to provide water service to the subdivision have been installed. Water system extensions shall include water mains, valves, water hydrants and other necessary appurtenances. The Town will not participate in the cost of any of these system improvements unless the Board of Trustees determines by resolution that the general welfare of the Town is served and that adequate funds are budgeted and available.

(b) Extensions in new subdivisions. The property owners, developers and subdividers are responsible to install at their cost all necessary water system extensions within all subdivisions approved after the effective date of the ordinance codified herein. A water tap shall not be issued nor a building permit be granted until all of the water system improvements required for the subdivision have either been installed or the Board of Trustees has approved a development contract providing for their construction without cost to the Town. Water system extensions shall include water mains, valves, water hydrants and other necessary appurtenances. The Town will not participate in the cost of any of these system improvements.

(c) Extension in existing subdivisions. Prior to the issuance of a building permit or water tap for a new building, the property owner, developer and builder are responsible to extend the Town's water system from the nearest adequate water main along the length of the property so that future development will not need to make said extension, or that the Board of Trustees has determined by resolution that such extension is not required, that only a portion of such extension is required or that a contract with the property owner for the future extension has been approved by the Board of Trustees. Water system extensions shall include water mains, valves, water hydrants and other necessary appurtenances. The Town will not participate in the cost of any of these system improvements unless the Board of Trustees

determines by resolution that the general welfare of the Town is served and that adequate funds are budgeted and available.

(d) Sizing of mains. The size of all water mains and valves required by this Article shall be the size necessary to serve the new building, subdivision and development, including adequate fire-flows at all hydrants, and not less than:

(1) Eight (8) inches inside diameter for all water mains inside a subdivision;

(2) Twelve (12) inches inside diameter for all water mains located in rights-of-way along the section lines, to the limits of a subdivision;

The Town may require larger mains, provided that the Town pays the additional, incremental cost. Individual service connections serving no more than two (2) water meters shall not be considered water mains.

(e) Construction standards. All water mains shall be an approved class of ductile iron. The construction of all water system extensions shall conform to the Town's standard specifications adopted by resolution. Until such standards are adopted, all system extensions shall conform to the requirements of a qualified civil engineer retained by the Town to review any proposed construction.

(f) Acceptance by Town. Water mains and all other water system improvements required by this Article will not be considered installed until inspected by the Town, accepted by resolution of the Town Board of Trustees and all conveyed to the Town with all required easements and land dedications. (Ord. 570 §2, 2007)

Division 9
Agreements With Other Water-Related Entities

Sec. 13-2-910. Northern Colorado Water Conservancy District.

(a) To the extent that the Town relies on Colorado-Big Thompson (C-BT) water for a portion of the Town's water supply, the Town must maintain a contract with the Northern Colorado Water Conservancy District.

(b) The Town will from time to time purchase or be given C-BT water shares. When new shares are acquired, the Town will apply to the Northern Colorado Water Conservancy District and contract for beneficial use of the water.

(c) Under the Water Conservancy Act of Colorado, Title 37, Article 45, C.R.S., it will be necessary for the Board of Trustees to approve an ordinance authorizing and directing the Mayor and Town staff to apply to the Board of Directors of the Northern Colorado Water Conservancy District for such water allotment, in order to obtain an allotment contract for beneficial use of water from the District. (Ord. 570 §2, 2007)

Division 10
Water Finances

Sec. 13-2-960. Issuance of bonds.

To the extent permitted by state statutes, water revenue bonds may be issued in the name of the Town of Milliken Water Fund. (Ord. 570 §2, 2007)

Division 11
Nonpotable Water Regulations

Sec. 13-2-1050. Adoption.

(a) Pursuant to part 2 of Article 16 of Title 31, C.R.S., there is hereby adopted by reference Division 11, Nonpotable Water Regulations. The subject matter of Division 11 establishes rules and regulations for the implementation, regulation and maintenance of a nonpotable water system. The purpose of this Division and the Code adopted herein is to promote the conservation of the Town's potable water resources and to ensure maximum public benefit from the use of the Town's nonpotable water supply by regulating its use in accordance with applicable federal, state and local regulations. Three (3) copies of Division 11, Nonpotable Water Regulations, adopted herein, are now filed in the office of the Town Clerk of Milliken, Colorado, and may be inspected during regular business hours.

(b) The Nonpotable Water Code addresses: Definitions, Appropriate Uses, Applicability, Utility Permit Required, Tap Fee Collection, Specifications, Water Rate Schedule, Computation Of Rate, Tampering Or Bypass Prohibited, Duty Of User, Using Water From Another Connection Prohibited, Water Tap Fee Credits and Waste Of Water. (Ord. 622 §1, 2010)

Sec. 13-2-1060. Deletions.

There are no deletions to the Code as adopted. (Ord. 622 §2, 2010)

Sec. 13-2-1070. Additions or modifications.

There are no additions or modifications to the Code as adopted. (Ord. 622 §3, 2010)

Sec. 13-2-1080. Penalties.

The following penalties, herewith set forth in full, shall apply to this Article:

(1) It is unlawful for any person to violate any of the provisions adopted in this Article.

(2) Every person convicted of a violation of any provision adopted in this Article shall be punished by a fine not exceeding three hundred dollars (\$300.00) or by imprisonment not exceeding ninety (90) days, or by both such fine and imprisonment.

(3) Each day or portion of a day that a violation of this Code continues shall constitute a separate violation. (Ord. 622 §4, 2010)

ARTICLE III

Cross Connections

Sec. 13-3-10. General policy.

The Public Works Department shall be responsible for the protection of the Town's potable distribution system from contamination or pollution due to the backflow of contaminants or pollutants through the water service connection. If, in the judgment of the Public Works Department, an approved backflow prevention assembly is required at the consumer's water service connection, or, within the consumer's private water system for the safety of the water system, the Public Works Department, shall give notice in writing to said consumer to install such an approved backflow prevention assembly at a specific location on his or her premises. The consumer shall install such approved assembly within the time frame set forth in the notice and at his or her own expense; and, failure, refusal, or inability of the consumer to install, have tested and maintain said assembly shall constitute grounds for discontinuing water service to the premises until such requirements have been satisfactorily met. (Ord. 611 §2, 2010)

Sec. 13-3-20. Definitions.

The definitions of terms used in this Article are those contained in the Colorado Cross Connection Control Manual, Colorado Department of Public Health and Environment's latest edition unless otherwise defined below.

Approved Backflow Device means a backflow device or air gap meeting the standards and installation requirements of the A.S.S.E. (American Society of Sanitary Engineers), the latest edition of the Colorado Department of Public Health and Environment's (CDPHE) Colorado Cross Connection Control Manual and/or the requirements of the Public Works Department. Approval by the Department will be dependent upon the hazard assessed, but shall not be less than the CDPHE Colorado Cross Connection Control Manual requirements for potable water system protection. "Approved" status shall also be contingent on inspection, testing and passing of such test by a Certified Cross Connection Control Technician. Any variation or exception may be by direction from the current edition of the CDPHE Colorado Cross Connection Control Manual.

Certified Cross Connection Control Technician means a person who has passed and possesses a current certification for one (1) of the following national certification councils: American Society of Sanitary Engineers (A.S.S.E.), the American Backflow Association (A.B.P.A.), the American Boards of Certifications (A.B.C.) for backflow tester and repairer. Any variation or exception will be by direction from the current edition of the CDPHE Colorado Cross Connection Control Manual.

Containment means the installation of an approved backflow device isolating the premises and all plumbing connections to the service connection therein from the Town's potable water supply. At the Department's discretion, installation of the approved backflow device shall, at a minimum, be placed at or near the property line with all necessary equipment/ enclosures to ensure uninterrupted service and meet all installation safety codes at the consumer's expense.

Cross Connection means a connection or potential connection between any part of the Town's potable water system and any other environment containing other substances in a manner that, under any circumstances would allow such substances to enter the Town's potable water system. Other

substances may be gases, liquids or solids, such as chemicals, waste products, steam, water from other sources (potable or nonpotable) or any matter that may change the color or add odor to the water.

Department means the Town of Milliken Public Works Department

Service Connection means the terminal end of the water supplier service connection from the Town's potable water distribution system to the threads on the corporation stop where the Public Works Department loses jurisdiction and sanitary control and consumer ownership begins. *Service connection* shall also include water service connection from a fire hydrant and all other temporary or emergency water service connections from the Town's potable water system. (Ord. 611 §2, 2010)

Sec. 13-3-30. Requirements.

(a) New Connection. All new connections to the Town's water system shall have an approved backflow device. The Department will provide on-site evaluation and/or plan review in order to determine the type of backflow device that will be required as a condition of service. All new connections requiring a backflow device shall be inspected and tested by a Certified Cross Connection Control Technician.

(b) Changes in Service. Any changes in service including, but not limited to, reconnection, change in the number of future valves or change in the type of water service, shall require installation of an approved backflow device.

(c) Existing Installations. For connections or premises without a backflow device existing prior to September 1, 2004, the Department will perform on-site evaluations and/or plan reviews and inform the consumer by letter of any corrective action deemed necessary, the method of correction and the time allowed for correction as a condition of service. Up to sixty (60) days will be allowed but may be shortened depending upon the degree of hazard (pollutant or contaminant) involved. The Department does not waive the right to require a backflow device if future conditions require such.

(d) Testing. All backflow devices shall be tested at least annually by a Certified Cross Connection Control Technician using the latest test procedures as specified by one (1) of the following councils (A.S.S.E., A.B.C., A.B.P.A), and is not a failed device.

(e) Emergency Disconnection. At the Department's discretion, severing the service connection will be performed if the degree of hazard warrants such action in order to protect the Town's potable water supply. Discontinuance of service may be summary, immediate and without written notice whenever, in the judgment of the Department, such action is necessary to protect the Town's potable water supply or the distribution system.

(f) Failure to Comply. If, after a first notice by letter or direct delivery of notice, the consumer fails to comply with the Department's directive or fails to allow access to premises for inspection, immediate termination of service will occur, or at the Department's discretion, no more than an additional ten (10) days shall be granted to comply with said directive. Failure to allow access by the consumer, or those designated by him or her, to premises for inspection by the Department will automatically classify the premises as a high hazard risk to the Town's potable water supply. Appeal of any notice shall be directed to the Public Works Director. An appeal shall not stay the execution of the Failure to Comply order by the Department in order to protect the Town's potable water supply. The Failure to Comply Order may be reversed if the appeal is upheld.

(g) Record Keeping. The Department shall maintain records of all backflow device inspections and test results for a minimum of three (3) years.

(h) Variance. Upon written application by the consumer, the Department may vary any of the requirements of this Section upon the finding by the Department that an approved backflow device is not necessary to protect the Town's potable water supply. The Department may approve the variance with or without conditions. (Ord. 611 §2, 2010)

Sec. 13-3-40. Requirements of consumer.

(a) Cross Connections. The consumer shall be responsible for the elimination or protection of all crossconnections (known or unknown by the Department) on his or her premises by an approved backflow device at his or her expense. Such backflow device expenses shall include, but not be limited to installation, maintenance, protection, testing, repair, removal or replacement of said device as required by the Department as a condition of service.

(b) Backflow Device. The consumer or those occupying any premises shall not bypass, disable, remove or modify any backflow device without written consent by the Department. Any such modifications shall result in termination of service.

(c) Fire Suppression System Design and Installation. The consumer or those designated by him or her will comply with current National Fire Protection Association (N.F.P.A.) standards and/or current Public Works Department Design and Construction Specifications latest version when designing, installing and maintaining any fire suppression system as a condition of service. (Ord. 611 §2, 2010)

ARTICLE IV

Identity Theft Prevention Program

Sec. 13-4-10. Short Title.

This Article shall be known as the Identity Theft Prevention Program. (Ord. 628 §1, 2010)

Sec. 13-4-20. Purpose.

The purpose of this Article is to comply with 16 C.F.R. §681.2 in order to detect, prevent and mitigate identity theft by identifying and detecting identity theft red flags and by responding to such red flags in a manner that will prevent identity theft. (Ord. 628 §1, 2010)

Sec. 13-4-30. Definitions.

For the purposes of this Article, the following definitions apply:

Covered account means (i) An account that a financial institution or creditor offers or maintains, primarily for personal, family or household purposes, that involves or is designed to permit multiple payments or transactions, such as a credit card account, mortgage loan, automobile loan, margin account, cell phone account, utility account, checking account or savings account; and (ii) Any other account that the financial institution or creditor offers or maintains for which there is a reasonably

foreseeable risk to customers or to the safety and soundness of the financial institution or creditor from identity theft, including financial, operational, compliance, reputation or litigation risks.

Credit means the right granted by a creditor to a debtor to defer payment of debt or to incur debts and defer its payment or to purchase property or services and defer payment therefor.

Creditor means any person who regularly extends, renews or continues credit; any person who regularly arranges for the extension, renewal or continuation of credit; or any assignee or an original creditor who participates in the decision to extend, renew or continue credit and includes utility companies and telecommunications companies.

Customer means a person that has a covered account with a creditor.

Identity theft means a fraud committed or attempted using identifying information of another person without authority.

Person means a natural person, a corporation, government or governmental subdivision or agency, trust, estate, partnership, cooperative or association.

Personal identifying information means a person's credit card account information, debit card information, bank account information and drivers' license information and for a natural person includes their social security number, mother's birth name and date of birth.

Red flag means a pattern, practice or specific activity that indicates the possible existence of identity theft.

Service provider means a person that provides a service directly to the Town.

Town means Town of Milliken. (Ord. 628 §1, 2010)

Sec. 13-4-40. Findings.

(a) The Town is a creditor pursuant to 16 C.F.R. §681.2 due to its provision or maintenance of covered accounts for which payment is made in arrears.

(b) Covered accounts offered to customers for the provision of Town services include water, sewer and trash collection.

(c) The Town does not have any previous experience with identity theft related to covered accounts.

(d) The processes of opening a new covered account, restoring an existing covered account and making payments on such account have been identified as potential processes in which identity theft could occur.

(e) The Town limits access to personal identifying information to those employees responsible for or otherwise involved in opening or restoring covered accounts or accepting payment for use of covered accounts. Information provided to such employees is entered directly into the Town's computer system and is not otherwise recorded.

(f) The Town determines that there is low risk of identity theft occurring in the following ways:

(1) Use by an applicant of another person's personal identifying information to establish a new covered account;

(2) Use of a previous customer's personal identifying information by another person in an effort to have service restored in the previous customer's name;

(3) Use of another person's credit card, bank account or other method of payment by a customer to pay such customer's covered account or accounts; and

(4) Use by a customer desiring to restore such customer's covered account or another person's credit card, bank account or other method of payment. (Ord. 628 §1, 2010)

Sec. 13-4-50. Process of establishing a covered account.

(a) As a condition to opening a covered account, each applicant shall apply for the account in person.

(b) Each applicant shall provide a valid driver's license or alternate government-issued identification card containing a photograph of the customer or, for customers who are not natural persons, a photograph of the customer's agent opening the account. Such information shall be entered directly into the Town's computer system and shall not otherwise be recorded.

(c) Each account shall be assigned an account number which shall be unique to that account. (Ord. 628 §1, 2010)

Sec. 13-4-60. Access to covered account information.

(a) Access to customer accounts shall be password protected and shall be limited to authorized city personnel.

(b) Such passwords shall be changed by the Finance Manager on a regular basis.

(c) Any unauthorized access to or other breach of customer accounts is to be reported immediately to the Town Administrator and the password changed immediately.

(d) Personal identifying information included in customer accounts is considered confidential and any request or demand for such information shall be immediately forwarded to the Town Administrator and the Town Attorney. (Ord. 628 §1, 2010)

Sec. 13-4-70. Credit card payments.

(a) In the event that credit card payments that are made over the Internet are processed through a third-party service provider, such third-party service provider shall certify that it has an adequate identity theft prevention program in place that is applicable to such payments.

(b) All credit card payments made over the telephone or the Town's website shall be entered directly into the customer's account information in the computer database.

(c) Account statements and receipts for covered accounts shall include only the last four (4) digits of the credit or debit card or the bank account used for payment of the covered account. (Ord. 628 §1, 2010)

Sec. 13-4-80. Sources and types of red flags.

All employees responsible for or involved in the process of opening a covered account, restoring a covered account or accepting payment for a covered account shall check for red flags as indicators of possible identity theft. Such red flags may include:

- (1) Alerts from consumer reporting agencies, fraud detection agencies or service providers.
- (2) Suspicious documents. Examples of suspicious documents include:
 - a. Documents provided for identification that appear to be altered or forged;
 - b. Identification on which the photograph or physical description is inconsistent with the appearance of the applicant or customer;
 - c. Identification on which the information is inconsistent with the information provided by the applicant or customer;
 - d. Identification on which the information is inconsistent with readily accessible information that is on file with the financial institution or creditor such as a signature card or recent check; or
 - e. An application that appears to have been altered or forged, or appears to have been destroyed and reassembled.
- (3) Suspicious personal identification, such as suspicious address change. Examples of suspicious identifying information include:
 - a. Personal identifying information that is inconsistent with external information sources used by the financial institution or creditor.
 - b. Personal identifying information provided by the customer is not consistent with other personal identifying information provided by the customer, such as a lack of correlation between social security number ("SSN") range and date of birth.
 - c. Personal identifying information or a phone number or address is associated with known fraudulent applications or activities as indicated by internal or third-party sources used by the creditor.
 - d. Other information provided, such as fictitious mailing address, mail drop addresses, invalid phone numbers, pager numbers or answering services is associated with fraudulent activity.
 - e. The SSN provided is the same as that submitted by other applicants or customers.
 - f. The applicant or customer fails to provide all required personal identifying information on an application or in response to notification that the application is incomplete.

g. The applicant or customer cannot provide authenticating information beyond that which generally would be available from a wallet or consumer report.

(4) Unusual use or suspicious activity relating to a covered account. Examples of suspicious activity include:

a. A new account is used in a manner commonly associated with known patterns of fraud. For example: Nonpayment when there is no history of late or missed payments.

b. Mail sent to a customer is returned repeatedly as undeliverable although transactions continue to be conducted in connection with the customer's account.

c. The Town is notified that the customer is not receiving paper account statements.

d. The Town is notified by a customer, law enforcement or another person that it has opened a fraudulent account for a person engaged in identity theft.

(5) Notice from customers, law enforcement, victims or other reliable sources regarding possible identity theft or phishing relating to covered accounts. (Ord. 628 §1, 2010)

Sec. 13-4-90. Prevention and mitigation of identity theft.

In the event that any Town employee responsible for or involved in opening a new account, restoring an existing covered account or accepting payment for a covered account becomes aware of red flags indicating possible identity theft with respect to existing covered accounts, such employee shall use his or her discretion to determine whether such red flag or combination of red flags suggests a threat of identity theft. If, in his or her discretion, such employee determines that identity theft or attempted identity theft is likely or probable, such employee shall immediately report such red flags to the Finance Manager. If, in his or her discretion, such employee deems that identity theft is unlikely or that reliable information is available to reconcile red flags, the employee shall convey this information to the Town Administrator, who may in his or her discretion determine that no further action is necessary. If the Town Administrator in his or her discretion determines that further action is necessary, a Town employee shall perform one (1) or more of the following responses, as determined to be appropriate:

(1) Request additional identifying information from the applicant;

(2) Deny the application for the new account;

(3) Contact the customer;

(4) Close the account;

(5) Notify law enforcement;

(6) Take other appropriate action to prevent or mitigate identity theft. (Ord. 628 §1, 2010)

Sec. 13-4-100. Updating the program.

Annually the Program Administrator will consider the Town's experiences with identity theft, changes in identity theft methods, changes in identity theft detection and prevention methods, changes in types of accounts the Town maintains and changes in the Town's business arrangements with other entities. After considering these factors, the Town will determine if changes to the program are warranted. If warranted, the Program Administrator will update the program or present the Town Council with his or her recommended changes and the Town Council will make a determination of whether to accept, modify or reject those changes to the program. (Ord. 628 §1, 2010)

Sec. 13-4-110. Program administration.

Responsibility for developing, implementing and updating this program lies with the Program Administrator. The Program Administrator will be responsible for the program administration, for ensuring appropriate training of Town Staff, for reviewing Staff reports regarding the detection of red flags and the steps for preventing and mitigating identity theft, determining which steps of prevention and mitigation should be taken in particular circumstances and considering periodic changes to the program. (Ord. 628 §1, 2010)

Sec. 13-4-120. Service providers arrangements.

In the event that the Town engages a service provider to perform an activity in connection with one (1) or more accounts, the Town will take the following steps to ensure the service provider performs its activity in accordance with reasonable policies and procedures designed to detect, prevent and mitigate the risk of identity theft.

(1) Require, by contract, that service providers have such policies and procedures in place; and

(2) Require, by contract, that service providers review the Town's program and report any red flags to the Program Administrator. (Ord. 628 §1, 2010)