

CHAPTER 13

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ARTICLE I

Street Lighting

Sec. 13-1-10. Policy and purpose.

The Board of Trustees hereby finds, determines and declares that considering the beneficial effects of street lighting upon the general municipal welfare, considering the cost thereof to the Town and considering all other proper matters, the imposition upon the owners of property within the Town of reasonable, proper, uniform and nondiscriminatory charges for street lighting is a necessary and appropriate means of distributing the cost of street lighting within the Town. (Prior code 7-4-1)

Sec. 13-1-20. Rates.

The rate of charge for street lighting within the Town shall be as established from time to time by resolution of the Board of Trustees and set forth in Appendix A to this Code for each dwelling unit, school, church or business establishment, provided that hotels and motels within the Town shall be considered as business establishments, and provided further that no charges for street lighting shall be imposed upon owners of property fronting on or abutting streets within the Town which have street lighting service which is not billed to the Town by the electrical utility company. (Prior code 7-4-2; Ord. 522 §2, 2001)

Sec. 13-1-30. Billing and collection of charges.

(a) The rate established in Section 13-1-20 above shall be charged to the owner or occupant of each dwelling unit, school, church or business establishment provided in said Section, as evidenced by the Town records pertaining to ownership of the water tap serving such premises. In addition, such charges shall be a lien against the lot or parcel of real property to which they are assessed, and the same may be collected as provided in Section 31-15-401(1)(d), C.R.S.

(b) The amount due to the Town by the parties described in Subsection (a) above for street lighting charges shall be included on the water bill as a separate item. The provisions of this Code governing the billing, payment and collection of water charges shall apply with equal force to the billing, payment and collection of the charges imposed by this Article. (Prior code 7-4-3)

Sec. 13-1-40. Disposition and use of funds.

All revenues generated from the charges imposed by this Article shall be used exclusively to pay for the installation, operation, maintenance, repair and improvement of street lighting systems and facilities within the Town, including all costs incidental thereto. (Prior code 7-4-4)

ARTICLE II

Water and Sewer General Provisions

Division 1 General

Sec. 13-2-10. Applicability.

The provisions of this Article apply generally to both the water and sewer systems. The system-specific regulations set forth in Articles III and IV below are additional regulations for each of said systems, respectively. (Prior code 10-1-1)

Sec. 13-2-20. Authorizations.

This Chapter is promulgated pursuant to the authority granted in Articles 15 and 35 of Title 31, C.R.S., as a comprehensive body of regulations governing the operations of the Town systems, and shall supersede and have priority over any and all informal practices or policies of the Town, whether in written form or otherwise. (Prior code 10-1-2)

Sec. 13-2-30. Definitions.

As used in this Chapter, unless the context clearly indicates otherwise, the words defined below shall have the respective meanings set forth for them:

Actual costs means all direct and indirect costs attributable to any project or undertaking. Actual costs to the Town shall include its engineering, legal, labor, material, equipment, administrative and overhead expenses, and all direct payments to third parties, at cost.

BOD (Biochemical Oxygen Demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty degrees Celsius (20°C), expressed in milligrams per liter.

Contractor means any person who performs any work, either for himself, herself or another, on any public utility, including water and sewer, public or private, within the Town, including all subcontractors, agents, employees, officers and other representatives of such person.

Customer facilities means water and wastewater facilities, including service lines and interior plumbing, which are designed, constructed, installed, owned, operated, maintained and repaired exclusively by the property owner.

Design standards means the technical specifications/design and engineering standards, as now or hereafter constituted, adopted by the Board of Trustees, which prescribe the minimum technical standards and related requirements for the design, installation, construction, operation, use, maintenance, repair and replacement of water and sewer facilities within the Town.

Equivalent residential unit (EQR) means the measure of demand placed upon the Town systems by an average single-family detached residence, determined as provided in Section 13-2-490 below.

Facility means a component part of the Town water or sewer system.

Foreign materials means objects or substances not appropriate for transmission by a sanitary sewage system, including without limitation paving or construction materials or debris, furniture, appliances, clothing, bicycles, rocks, dirt, trash, grease, oil or sand, and grass, bush or tree clippings.

Industrial user means any person who discharges wastewater from industrial manufacturing processes, trade or business as distinct from sanitary wastewater.

License means the written authority to make a tap for water or sewer service.

Licensed premises or *premises* means the land area and improvements thereto to which water or sewer service is limited under any particular license.

Main means those pipes and appurtenant facilities used for distributing water or carrying wastewater along public streets, easements or rights-of-way deeded or licensed to the Town.

Main extension means the construction of retail facilities of any kind whatsoever, wherever located, or the facilities themselves, including replacements and enlargements, which are designed and intended to serve particular local areas or land development, and which are intended to become or have become a part of the Town system upon acceptance by the Town.

Owner or *property owner* means any person who, whether solely or with others, owns real property within the Town. When property is owned by more than one (1) person, the term includes all owners thereof. As used in this Chapter, the term shall apply to such person only in connection with his or her ownership of any specific parcel of real property involved in any specific matter governed by this Chapter.

Person includes associations, corporations, firms, partnerships and bodies politic and corporate, as well as individuals.

Record or as-built drawings means a separate set of full-scale construction plans marked to indicate completely and accurately the field-installed condition of facility construction in progress.

Retail facilities means water and wastewater facilities, of any kind whatever and wherever located, which serve a particular portion of the Town service area in which property owned or being developed by the property owner is located; are designed, constructed and installed by and at the sole cost of the property owner; and are conveyed at no cost to the Town for operation and maintenance, all as provided by Section 13-2-260 below. Collection sewers and water distribution pipelines, with appurtenances, are typical retail facilities.

Service lines means:

- a. All pipe, fittings and appurtenances, owned by the property owner, which convey water from the Town system to the plumbing of the licensed premises. The dividing point between the Town system and privately owned service lines is the edge of the right-of-way or the curb stop

or inlet to the water meter in a meter pit if the curb stop or meter pit is located in the right-of-way, as provided in Subsection 13-3-100(b).

b. Any sewer lines or portions thereof located upstream from the upstream end of the wye or saddle fitting on the Town's main, and intended or used to convey wastewater from licensed premises to the Town system.

Sewage: See *wastewater* below.

Stub-in means a connection to a water main made for the purpose of installing a water service line prior to the paving of streets. Such connection shall include fittings necessary to extend the service line to the valve at the property line.

Tap means the physical connection to a Town main which, together with the license for same, affects water or sewer service to any licensed premises.

Town, subject to the provisions of Sections 13-3-10 and 13-4-10, means the Town of Platteville, Colorado, its employees, agents, officers, directors, insurers and professional consultants.

Town system means the plant, facilities, supplies, systems, assets and appurtenant property rights owned or directly controlled by the Town. That portion of the Town system used and useful to supply treated water for domestic and other municipal uses may be referred to as the *Town water system* or *water system*. That portion of the Town system used and useful to collect, transmit, treat and discharge wastewater may be referred to as the *Town sewer system* or *sewer system*.

User means any person who discharges or causes the discharge of wastewater to the Town sewer system, or who takes water from the Town water system.

Wastewater means the combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions, including polluted cooling water.

a. *Sanitary wastewater* means the combination of liquid and water-carried wastes discharged from toilet and other sanitary plumbing facilities.

b. *Industrial wastewater* means the combination of liquid and water-carried wastes discharged from any industrial establishment and resulting from any trade process carried on in that establishment, including the wastewater from pretreatment facilities and polluted cooling water.

Wholesale facilities means water and wastewater facilities which are designed, constructed, installed, operated, maintained and repaired exclusively by and at the sole cost of the Town; which serve the entire service area of the Town or major regions or portions thereof; and which are funded by system investment charges and rates and fees for service. Where major water or sewer transmission lines also serve a direct distribution or collection function, only the oversize costs of such lines shall be considered wholesale facilities. (Prior code 10-2-1; Ord. 532, 2001; Ord. 673 §§1, 2, 2011)

Sec. 13-2-40. Town systems.

(a) Ownership. The Town exercises the responsibilities of full ownership of the existing Town systems and, in the future, shall only accept ownership responsibilities for additional facilities which have been formally conveyed to and accepted by the Town in accordance with Chapter 17, Article VII of this Code.

(b) Operation and maintenance. The Town operates, maintains, repairs and replaces the Town systems. Such services include without limitation inspections of private premises to ensure compliance with this Chapter, in addition to periodic, systematic inspection and maintenance of Town facilities. All inspections, observations, testing and reviews performed by the Town are for the sole and exclusive benefit of the Town. No liability shall attach to the Town by reason of any inspections, observations, testing or reviews required or authorized by this Chapter or the design standards by reason of the issuance of any approval or permit for any work subject to the authority or jurisdiction of the Town.

(c) Interconnections and cross-connections. No person shall connect any other water or sewer system to any component part of any Town system, nor shall water or wastewater from any other system be introduced or permitted to enter the Town system, except with the express written approval of the Town under written agreement approved by the Board of Trustees. The Town may immediately and without notice disconnect any unauthorized cross-connection or interconnection and charge the actual costs thereof to any person responsible therefor.

(d) Repair shut-offs. The Town may, without notice and without liability to anyone, suspend service or modify water pressure for the purpose of making repairs or extensions to the Town systems, or for other useful or necessary purposes. (Prior code 10-1-3; Ord. 532, 2001)

Sec. 13-2-50. Extraterritorial service.

Nothing in this Chapter shall limit the Town's ability to provide services outside its legal boundaries under such terms and conditions as the Board of Trustees may determine. No such service shall be extended except by written contract, which may be included within an annexation agreement. No such service will be construed to impose upon the Town any obligation to provide additional service outside of its legal boundaries, nor shall the existence of such service constitute an offer by the Town to serve outside of its boundaries generally. Except as expressly authorized in specific cases, the Town has no obligation whatever to provide any service outside of its legal boundaries. (Prior code 10-1-4)

Sec. 13-2-60. Connection required.

(a) Requirement. Unless exempted by the Board of Trustees for good cause and in conformity with applicable statutes and regulations, all improvements generating wastewater and all improvements requiring potable water shall be connected to the appropriate Town system if Town facilities are within four hundred (400) feet of the boundary of the parcel of property on which such improvements are located. Such connection shall be made or any necessary main extension commenced within sixty (60) days after written notice to the property owner by the Town, and any existing private water or wastewater disposal facilities shall thereupon be properly emptied, cleaned, chlorinated and filled with sand or dirt.

(b) Exemptions. During the construction of any improvements, temporary toilet facilities may be used in accordance with the regulations of the Weld County Health Department or of the Colorado Department of Health, but as soon as such improvement is connected to Town facilities, such use shall be abandoned and all evidence of such use properly covered or disposed of. Further, the Board of Trustees may authorize a private wastewater disposal system upon approval thereof by the County Health Department and upon a determination by the Board of Trustees that the construction and use of such system will not jeopardize public health. (Prior code 10-1-5; Ord. 673 §3, 2011)

Sec. 13-2-70. Duty to report.

(a) It is unlawful for any person to commit any of the following acts:

- (1) Destroy, damage or alter any Town facility;
- (2) Cause or permit any foreign materials to enter a Town system;
- (3) Cause any obstruction in the flow of water or wastewater in any Town facility; or
- (4) Cause or permit water or wastewater to escape from a Town system;

(b) Any person who commits any of the foregoing acts, and any person who discovers, observes or has reasonable cause to believe that any of the foregoing has occurred, shall immediately report the same to the Town. (Prior code 10-1-6; Ord. 532, 2001)

Sec. 13-2-80. Other water systems prohibited.

(a) Supplies. No person shall furnish or supply treated water from any water system within the Town except from the Town system.

(b) Use. No person shall take, use or consume any treated water within the Town for any purpose from any water system other than the Town system.

(c) The provisions of Subsections (a) and (b) above do not apply to those portions of the water system of Central Weld County Water District lawfully being operated in areas newly annexed to the Town. (Prior code 10-1-7; Ord. 532, 2001)

*Division 2
Conditions of Service; Licenses*

Sec. 13-2-200. License required; application; penalty.

(a) License required; application; penalty. No person shall cause or permit any connection to any Town facility without first obtaining a license therefor as provided in this Article. Any person who desires to obtain new service to property within the Town shall make written application therefor at the office of the Town Clerk upon such forms as may be prescribed and furnished by the Town. Such person shall also furnish such additional information about the premises as may be required by the Town to calculate the estimated demand of such premises upon the Town system.

(b) Unauthorized connection; penalty. Any person who makes, causes, permits, solicits, aids or abets any other person to make or cause any connection to the Town system without a proper license therefor is subject to a civil penalty in an amount equal to twice the amount of the system investment charge for the connection made, calculated as provided below, in addition to any system investment charge regularly imposed pursuant thereto for the connection when the same is made in conformity with this Chapter. (Prior code 10-3-1; Ord. 532, 2001)

Sec. 13-2-210. Approval standards; revocation.

(a) Approval standards. Upon a determination that all of the following conditions exist or have been met with respect to the application, the Town shall issue its license for the service requested:

(1) The written application and information submitted therewith is accurate, complete and proper as to form;

(2) The person making application has the authority or consent to do so from the property owner;

(3) All applicable fees and charges imposed by or through the Town are paid at the time of application;

(4) The property proposed for service is within the legal boundaries of the Town or another area authorized for service by the Board of Trustees;

(5) The main on which the tap will be made has been accepted by the Town and all conditions necessary under Chapter 17, Article VII of this Code for conditional acceptance of Town facilities used or useful to serve the tap exist at the time application for service is made. Prior acceptance of such facilities by the Town does not conclusively establish that this requirement is met;

(6) The Town system is adequate to serve the proposed tap; and

(7) For a water tap only, water conveyance requirements imposed in Article III below have been met.

(b) Conformity with Town standards. Notwithstanding any other provision of this Chapter to the contrary, the Town may terminate or withhold licenses or approvals for service from any facilities, public or private, which do not conform to this Chapter, the design standards or any plan approvals.

(c) Revocation. The Town may revoke any license, before or after the tap is activated, upon a determination that the application therefor contained false or inaccurate information and, but for such misinformation, the application would have been denied when made. (Prior code 10-3-2; Ord. 532, 2001)

Sec. 13-2-220. Expiration.

Every license shall expire one hundred eighty (180) days after the date of its issue unless the tap is made and activated within that time. Upon any such expiration, the owner shall be entitled to a refund of the amount of the system investment charge previously paid, less an administrative fee in an

amount determined from time to time by resolution of the Board of Trustees and set forth in Appendix A to this Code. (Prior code 10-3-3; Ord. 532, 2001)

Sec. 13-2-230. Nontransferability of license.

Each license applies only to the premises identified thereon and is not deemed in any sense to be personal property. No license may be transferred from one (1) premises to another without the approval of the Town, but a license shall be deemed to follow any transfer or sale of the fee ownership of the licensed premises. (Prior code 10-3-4)

Sec. 13-2-240. Multiple structures.

(a) Each independent structure requiring water or wastewater service shall be individually licensed and metered, and served by a single tap, whether or not under common ownership with another such structure unless, except as to structures located on a lot used for single-family residence purposes, the Town, in the exercise of its reasonable discretion, determines that other means are more suitable in the operation of the Town system. For the purposes of this Section, structures shall be considered to be independent if they do not have a common foundation, walls and roof. Any Town authorization for more than one (1) structure on the same service line, meter or tap must be in writing by the Board of Trustees and must specifically identify all structures so served and the reasons it was authorized.

(b) Upon the divestiture of ownership of two (2) or more independent structures served by a common service line and tap, a new service line and tap shall be installed so that each structure receives service independent of the other unless, except as to structures located on a lot used for single-family residence purposes, the Town, in the exercise of its reasonable discretion, determines that other means are more suitable in the operation of the Town system. The property owners shall be solely responsible for all costs for the disconnection of the common service line and installation of separate service lines and taps. Unless all affected property owners agree otherwise in writing, the owner of that part of the licensed premises closest to the tap, following the route taken by the existing service line, shall be entitled to keep the original tap, and the owner of each other part shall be required at his or her sole expense to obtain a new and separate license for his or her premises. Such arrangements shall be completed within sixty (60) days after the date of divestiture of common ownership. Any violation of this Section shall be deemed an unauthorized tap or service connection to the Town system. Any Town authorization for more than one (1) structure to continue on the same service line, meter or tap must be in writing by the Board of Trustees and must specifically identify all structures so served and the reasons it was authorized.

(c) Independent structures located on a lot used for single-family residence purposes shall be individually licensed, metered and served by a single tap, whether or not under common ownership with another such structure. (Prior code 10-3-5; Ord. 532, 2001; Ord. 665 §1, 2011; Ord. 673 §4, 2011)

Sec. 13-2-250. Installation standards.

Property owner shall make the tap in accordance with the design standards, at his or her sole cost, and subject also to the following:

(1) Inspection. No tap shall be activated until it has been accepted by the Town. The property owner shall notify the Town not less than two (2) business days before making a tap to set a time for the Town's observation thereof.

(2) Record drawing. The property owner shall supply the Town with a record drawing of the installation within two (2) weeks after the tap has been completed, showing the location of the tap and service line. (Prior code 10-3-6)

Sec. 13-2-260. Main extensions.

(a) Design and construction. Any property owner subject to a notice to connect issued pursuant to Section 13-2-60 of this Chapter, or who desires water or sewer service, shall at his or her sole cost and expense design, construct and install all main extensions, including without limitation frontage extensions reasonably required by the Town to serve his or her property. All such work shall be in conformity with and subject to the Town's master plan, this Chapter, the design standards and Town approvals.

(b) Conveyance and acceptance. In accordance with the provisions of Chapter 17, Article VII of this Code, the property owner shall at no cost to the Town convey to the Town all main extensions constructed by him or her.

(c) Approval required, improvements agreement. No property owner shall commence any construction upon a main extension without the prior written approval of the Town. If required by the Town, the property owner shall enter into a written improvements agreement with the Town setting forth any or all terms and conditions applicable to any main extension.

(d) Plan review and approval. No construction of any main extension shall begin until after the plans and design therefor have been reviewed and approved by the Town as conforming with the Town's master plan, this Chapter, the design standards and any other applicable standards, and until a preconstruction meeting has been held. The Town shall inform the property owner in writing of the reasons for any disapproval. Upon approval of the plans and design, the Town will schedule the preconstruction meeting.

(e) Construction observation. The property owner shall notify the Town at least two (2) business days before commencing construction and at any and all other times specified by the Town in any plan approvals or otherwise for observation, inspection or testing.

(f) Stop work orders.

(1) Order. The Town may revoke any approval for work and issue a stop work order upon a determination that the owner or his or her contractor has violated or is about to violate any condition of any plan approval, any provisions of this Chapter, or any other standard, specification, rule or regulation imposed by the Town. A stop work order shall take effect immediately upon the entry thereof by the Town and notice to the owner or his or her contractor, and shall remain in full force and effect until rescinded in writing by the Town.

(2) Effect. It is unlawful for any person to do any work in violation of the terms any stop work order issued pursuant to this Section, except such as may be permitted by the Town in order to render the construction site safe and secure.

(g) Location. Main extensions shall be located only in easements deeded to the Town, or in roads or streets which the Town or the County has accepted for maintenance as a public right-of-way.

(h) Deeded easements. Deeded easements necessary to cover main extensions not located in public rights-of-way shall be granted at no cost by the property owner to the Town at such time and upon such terms as the Town may reasonably require. To facilitate the Town's preparation of appropriate conveyance instruments, the property owner shall comply with the following minimum requirements:

(1) Legal description. The property owner shall furnish the Town with a legal description of all easement parcels to be granted by any single conveyance instrument, consisting of a printed legal description, certified by a land surveyor registered in the State, and an accurate survey drawing of each parcel, including north arrow and scale, tying each parcel to a survey land corner or corner of a platted parcel of land.

(2) Evidence of title. The property owner shall furnish suitable evidence of title, consisting of a commitment for or a title insurance policy, an attorney title opinion, a subdivision certificate or a written ownership and encumbrance report, dated within thirty (30) days before the date of submission to the Town. Evidence of title must show all current mortgages and deeds of trust, liens and other encumbrances against the property. The Town may require reasonable evidence of the authority of the individuals executing the conveyance instrument to bind the property owner thereto.

(3) Release of encumbrances. The Town may require a properly executed and acknowledged release or other suitable instrument to exempt an easement parcel from prior liens or encumbrances. If such is required, the Town will not accept the main extensions or other facilities for maintenance until it receives all required releases. The Town reserves the right to require additional or supplemental evidence of title after the release is recorded.

(i) Right-of-way acquisition costs. The property owner shall be responsible for and pay all costs and expenses of whatever kind associated with the acquisition and approval of all easements required hereunder. These expenses may include those associated with eminent domain proceedings, but this shall not be construed as imposing any obligation whatever upon the Town to commence or prosecute any such action.

(j) Town main extensions. Notwithstanding any of the foregoing, the Town reserves the right to extend mains in any case in which it determines such action may be in the best interests of the Town and its constituents, upon such terms and conditions as the Town may reasonably determine. (Prior code 10-3-7; Ord. 532, 2001)

Sec. 13-2-270. Reconveyance of easements.

As a condition of continued service to any licensed premises, the owner of such premises shall, to the extent of his or her legal ability, upon written request by the Town, reconvey at no cost to the

Town any and all easements or other property interests covering Town facilities used or useful to serve such premises which may have been lost due to the foreclosure of any senior lien of any description, by the failure of any description, or by the failure of the Town's title thereto for any other reason. (Prior code 10-3-8)

Sec. 13-2-280. Redevelopment; consolidation of taps.

Whenever the property owner desires to eliminate two (2) or more existing taps serving the site of a future project containing one (1) or more new buildings, the transferability of existing taps and credits for Town system investment charges and raw water conveyance requirement to the new project shall be determined by the Town on a case-by-case basis. (Prior code 10-3-9)

*Division 3
Fees and Charges*

Sec. 13-2-400. Purposes and liability.

(a) Purposes. The purpose of the fees and charges provided in this Article is to defray the costs of constructing, operating, maintaining, repairing, replacing and expanding the Town systems, including the repayment of debt and funding of reasonable reserves to accomplish any or all of said purposes, and for contingencies. Revenues generated by and collected from operations of the water system shall be used exclusively by and for the water system; revenues generated by and collected from operations of the sewer system shall be used exclusively by and for the sewer system. Nothing in this Section prohibits either Town system from cooperating to share common expenses and resources on a fair and equitable basis with the other, or with other agencies or enterprises of the Town.

(b) Liability. The fees and charges provided in this Chapter are the personal, joint and several obligation of the owners of the property for which service is furnished or the charge made, but the full amount of any such fees and charges shall also be a perpetual lien against such property. The Town assumes no responsibility for any agreement made between property owners and tenants, regardless of how made and regardless of whether the Town has notice thereof. Notwithstanding the foregoing, however, any system or plan review, observation, inspection, disconnection or reconnection fee shall also be the personal obligation of any person who orders or requests the Town to perform such work, even though such person may have acted in a representative capacity when doing so. (Prior code 10-4-1; Ord. 532, 2001)

Sec. 13-2-410. System review fee.

Any person who requests the Town to review the feasibility, costs and methods of Town service to a new development shall pay all of the actual costs incurred by the Town to perform such review. If required by the Town, the person requesting the review shall pay a fee in the amount set forth in Appendix A, as the same may be amended from time to time by the Board of Trustees, which fee shall be an amount reasonably estimated by the Town to cover said costs when the request for review is made. The Town need not perform or continue any review services for such person without an adequate amount to pay the costs thereof being on deposit. Any deficit will be invoiced to the person

liable therefor within forty-five (45) days after the review is completed or terminated. (Prior code 10-4-2; Ord. 673 §5, 2011)

Sec. 13-2-420. Disconnection and reconnection charges.

Whenever any service is physically disconnected, interrupted or reconnected by the Town for any reason, the property owner or any other person liable therefor shall reimburse the actual costs incurred by the Town for such work. (Prior code 10-4-3)

Sec. 13-2-430. Plan review fee.

Whenever any provision of this Chapter requires Town review of plans and design, the person liable therefor shall reimburse the actual cost incurred by the Town for such plan review. At the time the plans or designs are presented, the person requiring such plan review shall pay a plan review fee to the Town in an amount determined from time to time by resolution of the Board of Trustees and set forth in Appendix A to this Code. If the fee for the actual cost of the plan review exceeds the initial fee paid to the Town, the Town may estimate and require an additional amount before incurring plan review costs in excess of amounts already paid. Any deficit will be invoiced to and paid by the person requesting the plan review. (Prior code 10-4-4; Ord. 532, 2001; Ord. 673 §6, 2011)

Sec. 13-2-440. Inspection and observation fees.

Whenever any provision of the design standards or this Chapter requires or provides for observation or inspections of any kind by the Town, the person liable therefor shall reimburse the actual costs incurred by the Town for such observation or inspection. If required by the Town, the person requesting or needing the observation shall pay an amount reasonably estimated by the Town to cover the fee when the request for or notice of the needed observation is made. Any deficit will be invoiced to the person liable therefor within thirty (30) days after the observation. (Prior code 10-4-5; Ord. 673 §7, 2011)

Sec. 13-2-450. Cure charges.

Whenever the Town cures any defect, deficiency, nonconformity or violation as provided in this Chapter, any person who is responsible under this Chapter to cure such condition, or whose act or omission resulted in the necessity for the curative action, shall be liable and obligated to reimburse the actual costs incurred by the Town for such undertaking. (Prior code 10-4-6)

Sec. 13-2-460. Civil fines pass-through.

Any person who, by act or omission, causes the Town to incur any fine or penalty assessment imposed by state or federal authorities shall be fully liable to the Town for the total amount of the fine so assessed. (Prior code 10-4-7)

Sec. 13-2-470. Billing; late charges and interest; collection.

(a) Water rates and sewer service charges imposed and established in this Chapter, together with any other charges provided elsewhere in this Code to be invoiced with water rates, shall be billed monthly. Water and sewer consumption and use charges are billed in arrears and all other utility

charges, including water and sewer service charges, are billed in advance. Charges or fees for disconnection, reconnection, plan review, construction observation, repair, cure of defects, owner-initiated temporary shut-offs and meter reads imposed under this Chapter shall be invoiced on the first monthly statement following completion of the work, and shall thereupon be deemed for all purposes to be charges for water or sewer service, depending upon which system is involved. If payment in full is not received by the Town on or before the tenth day of the month next following the month in which the charges were billed, they shall be deemed delinquent.

(b) When any utility charges become delinquent, a late charge of ten dollars (\$10.00) shall be added to the amount thereof. Further, any delinquent amount of one hundred dollars (\$100.00) or more shall draw interest at the rate of one and three-quarters percent (1¾%) per month, compounded monthly, from the date of delinquency until paid. Any person liable for such fees and charges shall also be obligated to pay the costs of collection, including reasonable attorney fees and court costs, actually incurred by the Town.

(c) When any check tendered for and pursuant to this Chapter is returned due to insufficient funds, a service charge as set forth in Appendix A to this Code will be charged and invoiced on the first monthly statement following the return of the check and shall thereupon be deemed for all purposes to be charges for water service.

(d) Late charges, interest and collection costs provided herein are the obligation of the person liable for the fees or charges whose nonpayment gave rise thereto, as provided in Subsection 13-2-400(b), and the full amount thereof shall also be a charge and a lien upon the real property involved from the date such charges, interest and costs become due until they are paid in full.

(e) Any and all monies received by the Town as payment for Town utility charges shall be applied first to delinquent amounts for street lighting, refuse removal, sanitary sewer service and domestic water service, and then to current amounts for street lighting, refuse removal, sanitary sewer service and domestic water service, in the order stated, the term charges to include penalties where applicable.

(f) In addition to and without waiving any other available remedies, the Town may also certify any and all delinquent charges imposed pursuant to this Chapter, together with penalties and accrued interest, to the County Treasurer, to be collected in the same manner as are general taxes. (Prior code 10-4-8; Ord. 532, 2001)

Sec. 13-2-480. Withholding approval and permits.

Notwithstanding any provision of this Chapter to the contrary, the Town may withhold permits, approvals or other authorizations from any person until all sums then due to the Town from such person are paid in full. (Prior code 10-4-9)

Sec. 13-2-490. Calculation of EQR value for premises.

(a) Routine case values. For the purpose of calculating system investment charges for water and sewer service, and of calculating the raw water conveyance requirement set forth in Section 13-3-310 below, the number of EQRs for any premises shall, subject to the provisions of Subsection (b) below,

be determined by the size and type of the water meter serving such premises, according to the following schedule:

<i>Meter Size and Type</i>	<i>Equivalency</i>
5/8" Displacement or Multi-Jet	1.0
3/4" Displacement or Multi-Jet	1.5
1" Displacement or Multi-Jet	2.5
1 1/2" Displacement or Class I Turbine	5.0
2" Compound Displacement or I & II Turbine	8.0
3" Displacement	15.0
3" Compound	16.0
3" Class I & II Turbine	17.5
4" Displacement or Compound	25.0
4" Class I Turbine	30.0
6" Displacement or Compound	50.0
6" Class I Turbine	62.5
8" Compound	80.0
8" Class I Turbine	90.0
10" Compound	115.0
10" Class I Turbine	145.0

(b) Special case values. Notwithstanding anything in Subsection (a) above to the contrary, the Town may establish the number of EQRs for any premises or development whose characteristics are inconsistent or incompatible with the assumptions upon which the values in Subsection (a) above are established, or which would impose a greater demand upon the Town system than would normally be recognized by the values set forth in said Subsection (a). The Town shall have reasonable discretion to determine the EQR value of any development or premises based upon anticipated loading patterns, total or peak demands, unusual waste constituents, etc., in lieu of using said Subsection (a) for such purpose in any case in which strict adherence to Subsection (a) would not produce a reasonable measure of the amount of demand such development or premises will place upon the Town systems.

(c) Subsequent increases not related to increased meter size. Before the effective date of any change in the use or configuration of a licensed premises which could reasonably be expected to increase the number of EQRs for such premises as determined pursuant to Subsection (b) above, the property owner shall notify the Town of the change. Any increase in the EQR value for the licensed premises resulting from such change shall be determined by the Town and notice thereof given to the property owner. The property owner shall, within ten (10) days after receipt of such notice, apply for licenses for the increased service and shall, in connection therewith, pay any and all additional system investment charges and convey any and all additional raw water to the Town, in the amounts determined pursuant to Subsection (d) below. Such application shall be treated as an application for new service to the extent of the increase. A property owner whose increased service is sufficiently large to require a main extension is subject to the provisions of Section 13-2-260 of this Chapter for

both water and sewer facilities. If a property owner fails to notify the Town as required herein before the change in use or configuration occurs, the Town may, after giving the property owner notice and an opportunity to be heard, determine the new EQR value for the premises and calculate increased system investment charges and water conveyance requirements therefor, and charge the property owner the amount due for same, plus interest at twelve percent (12%) per annum from the date of the change in use.

(d) Calculation of new charges and conveyance requirement. The amount of the system investment charges to be paid and the raw water required to be conveyed in connection with an increase in the EQR value for any premises, whether determined pursuant to Subsection (a) or Subsection (b) above, shall be determined by subtracting the current amount of the system investment charges and the raw water conveyance requirement for the premises based upon its prechange or preapplication EQR value from the current amount of the system investment charges and the current raw water conveyance requirement for the premises based upon its increased EQR value. No refund of any system investment charge or raw water conveyance shall be made in connection with reduction in the EQR value of any premises. (Prior code 10-4-10; Ord. 532, 2001; Ord. 542 §5, 2002)

*Division 4
Administration and Enforcement*

Sec. 13-2-600. Prohibited acts.

It is unlawful for any person to cause, attempt to cause or permit, solicit, aid or abet any other person to cause or attempt to cause, by act or omission, any of the following:

- (1) Failure to comply with Code. Fail or refuse to comply with any requirement imposed in this Chapter.
- (2) Groundwater; storm runoff. Cause or allow any groundwater or storm runoff to enter the Town sewer system.
- (3) Unauthorized connection. Make any connection to any Town facility without a required license or permit.
- (4) Unauthorized discharge. Discharge into the Town sewer system in violation of the terms of any permit.
- (5) Unauthorized use of water. Take or use water from the Town system without a valid license or permit therefor, including the taking or use of water from a licensed premises for service to any premises not covered by the license.
- (6) Violation of license or permit. Take or use water from the Town system in violation of the terms of any license or permit, including the supplying of water from a licensed premises for service to any other premises not covered by the license.
- (7) Unauthorized supply. Supply, take or use treated water within the Town from any water system other than the Town system.

(8) Escape or waste of water. Cause or allow the escape of water from the Town system in such a way that such water is wasted or lost to beneficial use. Sprinkling water running onto a street is hereby declared to be prima facie evidence of water waste.

(9) Violation of conservation or curtailment order. Take or use water from the Town system in violation of any order of the Town relating to the curtailment or conservation of water.

(10) Interconnection; cross-connections. Make any physical connection between the Town system and any other water system without the written approval of the Town.

(11) Violation of termination or suspension order. Take, use or consume any water from the Town system in violation of a suspension or termination order under Section 13-2-630.

(12) Escape of wastewater. Cause or allow the escape of any wastewater from the Town system.

(13) Unauthorized entry. Open or enter into any Town facility without Town authorization.

(14) Foreign materials. Cause or allow the entry of any foreign materials into any water or sewer facility, public or private.

(15) Discharge through taps only. Cause or allow the entry of any wastewater into the Town system except through a tap or other connection duly authorized by the Town for the uses actually made thereof. This provision shall specifically include, without limitation, discharging any wastewater into the Town system through manholes.

(16) Easement violations. Construct, install or place any structures or improvements of any kind, surface or subsurface, temporary or permanent, or plant any tree, woody plant or nursery stock of any kind within the boundaries of any Town easement in violation of the terms or conditions of such easement, without express written authorization from the Town. For the purposes of this provision, the term structures includes but is not necessarily limited to improved walkways, roads, curbs, gutters, sprinkling systems, other utility facilities including those for cable TV, fences, walls, pools, ponds, water features, athletic playing fields or courts, and any and all earthen improvements such as berms and grades providing lateral support to any building or other structure, whether or not such structure is itself within the boundaries of the right-of-way or easement.

(17) Interference. Interfere with employees or agents of the Town in the performance of their duties.

(18) Tampering. Bypass, break, damage, destroy, remove, uncover, alter, deface or otherwise tamper with any portion of the Town system.

(19) Obstructing flow. Perform any act that obstructs or is reasonably likely to obstruct the flow of water or wastewater in the Town system.

(20) Violation of termination or suspension order. Cause the entry of any wastewater into the Town system in violation of a suspension or termination order under Section 13-2-630.

(21) False official statement, report. Make or file with the Town any statement, report or application while knowing or having reasonable cause to know the same is false or substantially inaccurate; or omitting any material fact in connection with such statement, report or application when the omission leaves the remainder of the information given misleading or substantially inaccurate.

(22) Removal of notices or orders. Remove, conceal, deface, damage or destroy, without authorization, any written notice or order posted, delivered or issued by the Town, including without limitation stop work orders, suspension or termination orders and cure orders. (Prior code 10-5-1; Ord. 532, 2001)

Sec. 13-2-610. Town agents and representatives.

Employees or agents of the Town designated by the Board of Trustees shall have full authority to act for and on behalf of the Town in any matter affecting the administration or enforcement of this Chapter. (Prior code 10-6-1)

Sec. 13-2-620. Right of entry for inspections.

Duly authorized representatives of the Town, bearing proper credentials and identification, shall be permitted to enter upon all property at reasonable times for the purpose of inspecting, observing, measuring, sampling and testing in connection with the enforcement and administration of this Chapter. (Prior code 10-6-2)

Sec. 13-2-630. Suspension or termination of service.

In addition to and without waiving any other available remedy, the Town shall have and may exercise the right to suspend or terminate service to any property where or as to which a violation of this Chapter, or of any license, permit, approved plans or applicable contract occurs or continues, in accordance with the following:

(1) Immediate suspension or termination. The Town may immediately terminate service upon revocation of any license or permit, or suspend service when such suspension is necessary to stop or prevent 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, or interference with or damage to Town facilities, or violation of any condition of the Town's NPDES permit; or when suspension is necessary to stop or prevent any use or escape of water which presents or may present a risk of substantial loss of water or any imminent and substantial endangerment to the property, health or welfare of any person. The property owner shall have the right to a prompt hearing following such termination or suspension as provided in Paragraph (2) below.

(2) Notice and opportunity for hearing.

a. When it appears that any fees or charges imposed under this Chapter have become delinquent, or that any other cause for suspension or termination of service exists, the Town may mail or deliver to the owner of the property where or as to which the deficiency occurs, at the service address or a known current mailing address for the owner, a notice advising him or her of the following:

1. The alleged deficiency;
2. That service to the property will be suspended or terminated on account of such deficiency on a date not less than ten (10) days from the date of the notice unless the stated deficiency is sooner cured;
3. That he or she has the right to a hearing at which he or she may be heard concerning the alleged deficiency; and
4. That if he or she desires a hearing, he or she must request the same before the suspension or termination date specified in the notice.

Posting the notice conspicuously at the service address shall constitute delivery thereof to the owner.

b. If the owner does not cure the stated deficiency or request a hearing within the time provided, the Town shall forthwith order the service to be suspended or terminated, as appropriate.

c. If the owner makes timely request for hearing, the Town shall promptly schedule and hold such hearing, at which the owner may be represented by counsel at his or her expense, to be held before a neutral and detached hearing officer. The hearing officer shall state the reasons supporting his or her decision. Except as provided in Paragraph (1) above, suspension or termination of service shall be stayed until the hearing officer holds the hearing and renders his or her decision.

d. Upon an adequate showing of mitigating circumstances by the owner, the hearing officer may extend the stay for up to ten (10) days following the date of his or her decision. If the deficiency is not cured as required within such period, the Town shall forthwith order the service suspended or terminated, as appropriate.

(3) Execution of order. Any person notified of a suspension or termination of sewer service shall immediately stop or eliminate the discharge of any and all wastewater from the property affected by such order. Any person notified of a suspension or termination of water service shall immediately stop or eliminate the taking of water from the water system at the property affected by the order. The Town may take such steps as deemed necessary, including a physical interruption or disconnection of service, in order to enforce the suspension or termination order.

(4) Grounds for termination; effect. Service shall be terminated and not merely suspended if:

- a. The license or permit therefor is revoked;
- b. The connection providing such service was not authorized when made; or
- c. The service was suspended at least two (2) times within the preceding five (5) years as a consequence of the acts or omissions of the same property owner. Any service terminated under this Section may not be reinstated. The owner of any property served by a service which

has been so terminated may apply for new service for such property as provided in Division 2 of this Article.

(5) Reinstatement of suspended service. Any suspension shall be rescinded by the Town upon a determination that the deficiency forming the basis for such suspension has been cured and that no further or other nonconforming conditions or uses of the Town system are evident on the property. The Town shall not reinstate service until the person requesting reinstatement has paid the full amount of any applicable disconnection charge and the Town's reasonable estimate of any applicable reconnection charge imposed under Division 3 above, and any and all other amounts then due to the Town from such person pursuant to this Chapter. (Prior code 10-6-3; Ord. 532, 2001)

Sec. 13-2-640. Cure of violations.

(a) Order to cure. If the Town determines that any facilities are not in conformity with this Chapter, the design standards or any plan approval, or that the terms of any easement or other agreement between the Town and a property owner are being violated, it may give written notice thereof to the property owner at the service address or any other address for such person known to the Town. Such notice shall specify the nonconformity, direct the property owner at his or her cost to perform specified curative work, and specify the period of time determined by the Town to be reasonably necessary for completion of the curative work.

(b) Town cure at owner cost. If the property owner fails within the specified time following such notice to cure the nonconformity stated therein, the Town may, in addition to and without waiving any other remedy, perform the work and charge the property owner for its actual costs incurred in connection therewith. (Prior code 10-6-4)

Sec. 13-2-650. Appeals.

Any orders, directives or decisions of Town employees or agents relating to the administration or enforcement of this Chapter may be appealed in writing to the Board of Trustees, within ten (10) days after the effective date of the order, directive or decision. (Prior code 10-6-5)

Sec. 13-2-660. Civil damages.

In addition to and without waiving any other available remedy, the Town may recover civil damages from any person liable under the laws of the United States or the State to the Town as a result of any violation of this Chapter or other unlawful act or omission. Such damages shall include the Town's actual costs of discovering, investigating, curing, mitigating and repairing the consequences of such violation or other unlawful acts or omissions. (Prior code 10-6-6)

Sec. 13-2-670. Injunctive relief.

In addition to and without waiving any other available remedy, the Town may seek injunctive relief from any act or omission which violates this Chapter or which otherwise jeopardizes the property or health of any person, including the Town. (Prior code 10-6-7)

Sec. 13-2-680. Remedies cumulative.

The remedies available to the Town under this Chapter, and under state law shall be deemed cumulative, and the utilization by the Town of any single such remedy or combination thereof shall not preclude the Town from utilizing any other remedy or combination thereof. (Prior code 10-6-8)

Sec. 13-2-690. Unmetered water service lines.

In addition to and without waiving any other available remedy, the Town may take the following action with respect to unmetered water service lines:

(1) When any unmetered water service line is discovered, the Town shall mail or deliver notice pursuant to this Section, notifying the property owner of the action required to be taken on the unmetered water service line.

(2) The property owner shall have thirty (30) days from the date of the notice to take one (1) of the following actions:

a. Install a water meter on the unmetered water service line at the property owner's expense; or

b. Request that the unmetered water service line be disconnected by the Town at the Town's expense.

(3) If the property owner takes no action within thirty (30) days of the date of the notice, the Town shall disconnect the unmetered water service line at the Town's expense.

(4) No delinquent charges for past usage of the unmetered water service line shall be imposed by the Town; however, regular Town charges shall begin to accrue as of the date of the installation of the required water meter. (Ord. 649 §1, 2010)

ARTICLE III

Water Regulations

Division 1

General

Sec. 13-3-10. Platteville Water Enterprise.

The municipal water system of the Town is owned and operated by the Platteville Water Enterprise pursuant to Ordinance 414, adopted and approved December 7, 1993. In the context of water service, all references in this Chapter to the *Town*, the *Town system* and the *Board of Trustees* mean the Town of Platteville, acting by and through the Platteville Water Enterprise, the municipal water system owned and operated by the Enterprise and the governing body of the Enterprise, respectively, all as provided by said Ordinance 414. (Prior code 10-9-1)

Sec. 13-3-20. Incorporation of standards by reference.

Federal Safe Drinking Water Act. All water services furnished by the Town are subject to the provisions of the *Safe Drinking Water Act*, as it exists as of the effective date of this Chapter and as subsequently amended from time to time. Such provisions are incorporated into this Chapter by reference in all particulars, and made a part hereof as if set forth herein verbatim to the extent that such provisions may apply to or affect the design, construction, installation, operation, maintenance or use of the Town system. (Prior code 10-9-2)

Sec. 13-3-30. Applicability of provisions.

Water service furnished by the Town is generally subject to the Water Service Agreement between the Town and the Central Weld County Water District (the *Water Service Agreement*), executed April 14, 1994, and any amendments thereto or successor or replacement agreements. The provisions of the Water Service Agreement are hereby incorporated into these rules and regulations verbatim to the extent that such provisions may apply to or affect the design, construction, installation, operation, maintenance or use of Town water facilities or the water furnished or taken from them. Additionally, no property shall be entitled to receive Town water service unless the same is included within the boundaries of the Northern Colorado Water Conservancy District, in conformity with the rules and regulations of said District. (Prior code 10-9-3)

Division 2
User Requirements

Sec. 13-3-100. Service lines.

(a) Construction. Separate and independent service lines, together with the tap and the extension from it to the water meter, shall be designed, installed and constructed by the property owner at his or her sole cost and expense for every improvement requiring water service. Such service lines and any other water facilities located on the property shall be designed in accordance with the design standards and shall be installed and constructed in accordance with plans and design approved by the Town.

(b) Ownership maintenance. Service lines are owned solely by the property owner. Subject only to the provisions of Subsection 13-3-110(c) below, the Town shall maintain the service line up to (but not including) the user side of the meter if the meter and service line extending to the meter are on Town property or an easement owned by the Town. If the meter and service line extending to the meter are not on Town property, the Town shall maintain either: (1) the service line from the main to the owner's property line; or (2) the service line from the main to the curb stop, whichever is closer to the main. For the portion of the service line not maintained by the Town, the property owner shall be exclusively responsible for maintaining, repairing and replacing all plumbing fixtures, water-using appliances and pipes. The property owner shall be exclusively responsible for maintaining, repairing and replacing all plumbing fixtures, water-using appliances and pipes, including the service line, on his or her side of the inlet to the water meter. The property owner shall cause any and all leaks or other nonconformities in his or her privately owned facilities to be repaired promptly at his or her sole expense. He or she shall further ensure that the meter pit and stop box for the curb stop on his or her service line are free from any materials which may obstruct or hinder access thereto by authorized

personnel. The Town may repair or otherwise cure any violation of this Subsection and charge the property owner the costs thereof as provided in Section 13-2-450, but nothing in this Section shall obligate the Town to effect any repairs or curative work on property owner's service line.

(c) Town relocation. When proper management, operation or maintenance of the Town system requires, the Town may relocate the service line and fittings through which a property owner receives water service at Town expense. All service lines and fittings so relocated shall become the property of the property owner when installed.

(d) Responsibility for damage. The Town is not responsible or liable for damage from any cause whatsoever to privately owned piping, fixtures and water-using appliances, and no property owner is entitled to reimbursement for damages or payment of refunds by reason of pressure changes or stoppage of the flow of water through the Town system. The protection of water-using devices and systems which require limited or sustained water pressure or a continual water supply is the sole and exclusive responsibility of the owner, and he or she shall provide suitable protection devices for such apparatus at his or her own expense. Further, the property owner shall be solely responsible for all damage to persons or property resulting from leaks on his or her service line or from any apparatus owned by him or her.

(e) Abandonment. No person shall abandon any service line or connection without first obtaining a written permit therefor. The property owner shall at his or her sole cost uncover the service line and effectively seal the service line or connection with a plug as directed by the Town. (Prior code 10-10-1; Ord. 532, 2001; Ord. 665 §2, 2011)

Sec. 13-3-110. Water meters.

(a) Requirement. Every licensed premises shall be required to have a water meter of a size, type and quality approved by the Town to be read for billing purposes. Such meter shall be owned by and installed at the expense of the property owner.

(b) Location. All meters shall be located as provided in the design standards: in a meter pit/vault outside the building as close as possible to the curb stop.

(c) Maintenance. Regardless of location, the Town shall maintain Town water meters. In order to provide for the accurate measurement of water through each meter, the Town maintains all meters which are read for billing purposes against ordinary wear and tear. Meters one (1) inch or smaller in size in need of maintenance, testing or replacement because of obsolescence will be removed or replaced with a properly maintained and tested meter of corresponding size and type by the Town. Upon installation, the replacement meter will become the property of the property owner. Meters larger than one (1) inch in capacity shall be replaced by the property owner at his or her expense when necessary.

(d) Damage. The property owner shall be financially responsible for any damage to or loss of the meter caused by vandalism, malicious mischief, theft, freezing, hot water, tampering, water hammer or casualty other than ordinary wear and tear. When a meter has been damaged as a result of any of such causes, the property owner shall bear the entire expense of removing, repairing, resetting and replacing his or her meter.

(e) Access to water meters inside of a structure or on private property not in a public right-of-way or easement. In the event that a water meter is located inside of a structure or on private property not in a public right-of-way or easement (due to procedures in effect prior to March 15, 2011), it is the responsibility of the property owner, renter, lessee and/or licensee to provide to 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 March 15, 2011, 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 when Town personnel will be available to access the meter. These dates, when possible, shall fall in the period between five (5) and ten (10) days from the date the letter was mailed and shall be during regular business hours of the Town. The letter shall also refer to 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.

(4) If water service is discontinued pursuant to Paragraph (3) above, it shall only be reconnected after safe and convenient access is provided to the Town.

(f) Protection of inside water meter. It is the responsibility of the property owner, renter, lessee and/or 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 recur.

(g) Relocation. When required for the proper management, operation or maintenance of the Town system, the Town may, at its expense, relocate meters or modify meter settings. (Prior code 10-10-2; Ord. 532, 2001; Ord. 665 §3, 2011; Ord. 673 §8, 2011)

Sec. 13-3-120. Water restrictions; violation; penalty.

(a) The Board of Trustees may by resolution or ordinance adopt, amend, impose and suspend water conservation and curtailment orders and other rules and regulations concerning the delivery and use of potable water within the Town.

(b) A violation of any order, rule or regulation adopted pursuant to this Section shall constitute a prohibited act under Section 13-2-600 (a) of this Code, subject to the general penalty provision of Section 1-4-20. Nothing herein shall be construed to prohibit the Town from pursuing any additional remedy available under this Chapter or state or federal law in the case of such a violation. (Prior code 10-10-3; Ord. 532, 2001; Ord. 541 §2, 2002)

Sec. 13-3-130. Hydrant permit.

(a) Authorized use. The only use for which water may be taken from hydrants without a permit is for the fighting of fires.

(b) Permits for authorized use. Water to be used for purposes other than fighting fires, such as construction water or temporary irrigation uses, may be withdrawn from fire hydrants only if a permit authorizing the special use for which such water may be withdrawn has been issued by the Town. Permits shall be valid only during the dates and only for the purposes specified therein. (Prior code 10-10-4)

Sec. 13-3-140. Tap and meter sizing; increases.

(a) Sizing. The size of the meter shall be determined by the property owner, subject to the approval of the Town, provided that the size of the meter serving any premises shall not be larger than the size of the tap.

(b) Subsequent increases. An application for an increase in the size of any existing meter shall be treated as an application for new service to the extent of the increase. A property owner who requests an increased service which is sufficiently large to require a main extension is subject to the provisions of Section 13-2-260 of this Code for both water and sewer facilities. (Prior code 10-10-5)

Sec. 13-3-150. Stub-in.

An agreement may be issued for a stub-in in order to allow the installation of a service pipe prior to the paving of streets. A stub-in shall include all fittings and pipe necessary to extend the service pipe to and including a valve at the property line. Use of water from a stub-in is prohibited, and any taking of water from a stub-in shall cause the agreement therefor to be canceled. The owner shall be required to execute a stub-in agreement upon a form provided by the Town. Once a stub-in has been converted to a tap, it is no longer considered a stub-in. Stub-ins shall be valid only for a period of two (2) years from the date of application, after which, if the stub-in has not been converted to a tap, the agreement shall be canceled. Issuance of agreements under this paragraph does not guarantee water service will be activated to the premises, nor shall it be construed to give any preference for activated service. (Prior code 10-10-6)

Sec. 13-3-160. Voluntary termination.

Any property owner desiring to have water service terminated shall apply to the Town for a cut-off permit. Upon approval thereof, the property owner shall at his or her sole expense physically disconnect his or her service line from the main and plug the main as directed by the Town. From and after Town approval of said work, the Town shall not assess any service charges for the property so terminated. Any reinstatement of a service terminated pursuant to this Section shall be treated as an application for new service, except that credit shall be allowed against the then current amount of the system investment charge and water conveyance requirements for any system investment charge previously paid and water conveyance actually made for service at the premises. (Prior code 10-10-7)

Sec. 13-3-170. Test samples.

Any user desiring a sample and test of water taken from the Town system for the purposes of determining lead or copper content shall coordinate the same directly with the Town's contractor and shall be solely responsible for paying all costs thereof. (Prior code 10-10-8)

Sec. 13-3-180. Fire protection.

The right to tap a Town main, or to take and use water from the Town system, for private fire protection service other than from a hydrant is granted only upon all of the following conditions:

(1) License. The property owner has secured a license for such tap or service from the Town and has paid an administrative fee in an amount determined from time to time by resolution of the Board of Trustees and set forth in Appendix A to this Code.

(2) From service line. If the water for fire protection is to be supplied through the same service line through which water is supplied for other purposes for the licensed premises, the fire protection facilities shall include a meter and backflow prevention equipment conforming to the design standards, and shall be installed so as to prevent the use of water through such fire protection facilities for any purpose other than fighting fires.

(3) Adequacy of service. The Town assumes no obligation or responsibility for adequacy of private fire protection service.

(4) Limited use. The only use for which water may be taken from private fire protection facilities under license is to extinguish fires. Any other use of water, except for routine testing, from such facilities shall be deemed unauthorized use of water for which a license for fire protection service may be suspended or terminated.

(5) Flow detection. Fire protection systems served by a service line dedicated to fire protection shall be equipped with a flow detection device and backflow prevention equipment as specified in the design standards. (Prior code 10-10-9; Ord. 532, 2001)

Sec. 13-3-190. Swimming pool permit.

(a) Permit required. Any property owner who desires to use the Town water system to fill a swimming pool located on his or her premises shall make written application for a swimming pool permit upon such forms as may be prescribed and furnished by the Town.

(b) General conditions. The Town may impose such reasonable restrictions as to frequency, times, volume and rates for the filling of the swimming pool as may be appropriate to reduce the risk of supply, pressure or other potential problems in the Town water system. If such conditions are imposed, the property owner shall post and maintain a permanent sign stating the conditions in a prominent place at the location of the equipment servicing the pool.

(c) Revocation. Restrictions and requirements imposed pursuant to Subsection (b) above shall be conditions of the permit, and a breach or violation of any of the same shall constitute cause for revocation thereof. Upon revocation of the permit, the property owner shall immediately cause the swimming pool facilities to be physically severed and disconnected from any water facilities, public or private, supplied by the Town water system. Failure to comply with this requirement shall constitute cause for suspension or termination of all water service to the premises in accordance with Section 13-2-630 above. (Prior code 10-10-10)

*Division 3
Fees and Charges*

Sec. 13-3-300. System investment charge.

(a) For the purpose of defraying the costs of furnishing wholesale facilities for the Town system, there is hereby imposed a system investment charge which shall be due and payable in full at the time application for a new license is made, or at such time as an increase in the EQR value for the premises is determined pursuant to Section 13-2-490 above. The amount of any additional system investment charge due as a result of an increase in the EQR value for the premises shall be calculated pursuant to Subsection 13-2-490(d).

(b) For all services, the system investment charge shall be in an amount determined from time to time by resolution of the Board of Trustees and set forth in Appendix A to this Code, multiplied by the number of EQRs established for such premises pursuant to Section 13-2-490 above.

(c) If a license expires, the owner is entitled to a refund of the system investment charge previously paid for the tap, less an administrative fee determined from time to time by resolution of the Board of Trustees and set forth in Appendix A to this Code. Unrefunded system investment charges shall be credited against the full amount of the system investment charge due and payable at the time any subsequent application is made for service to the same premises, but the owner is responsible to pay any difference between the then current amount of the system investment charge and the amount of the credit to which he or she is entitled hereunder. (Prior code 10-11-1; Ord. 532, 2001)

Sec. 13-3-310. Raw water conveyance.

(a) For the purpose of enabling the Town to acquire a sufficient supply of water to meet the requirements of the Town system, at the time application is made for new water service, or at such time as an increase in the EQR value for the premises is determined pursuant to Section 13-2-490 above, the property owner shall, at no cost to the Town and prior to issuance of the license for new or increased service to such premises, transfer to the Town, free and clear of all liens and encumbrances, the number of acre-foot units (*AFUs*) of Colorado-Big Thompson Project water specified below. The amount of additional AFUs required to be conveyed as a result of an increase in the EQR value for the premises shall be calculated pursuant to Section 13-2-490(d).

(b) For all single-family residences served by a meter not more than three-quarters ($\frac{3}{4}$) of an inch in size, the raw water conveyance requirement shall be one (1) AFU. For all other services, the raw water conveyance requirement shall be one (1) AFU multiplied by the number of EQRs, or fractions thereof, established for such premises pursuant to Section 13-2-490 above.

(c) Nothing in Subsections (a) or (b) above shall limit the authority of the Town to enter into written agreements approved by the Board of Trustees providing for other methods of securing an adequate and sufficient supply of water to serve any particular development or premises, upon such terms as the Board of Trustees may determine, provided that no such agreement shall cause or permit any unreasonable or discriminatory pricing of water service. (Prior code 10-11-2; Ord. 542 §§2—4, 2002; Ord. 587 §2, 2006)

Sec. 13-3-320. Rates.

(a) The rates specified in this Section are hereby imposed upon the persons and property liable therefor pursuant to Section 13-2-400 above. Metered rates for water taken from the Town system consist of a consumption charge and a service charge. The consumption charge is based upon the amount of water taken during the billing period, as shown by the meter. The service charge is based upon the size and type of the meter and applies to all services connected to the Town system at any time during the billing period.

(b) The consumption charge for all services within the Town, prorated to the date of meter reading, is an amount determined from time to time by resolution of the Board of Trustees and set forth in Appendix A to this Code.

(c) The service charge for each service within the Town is determined by the size and type of the meter for such service, according to the table set forth in Appendix A, as the same may be amended from time to time by resolution of the Board or Trustees, and is assessed each month.

(d) Rates for premises whose characteristics are inconsistent or incompatible with the assumptions upon which the rates in Subsections (b) and (c) above are established shall be fixed by the Board of Trustees, by resolution, in a fair, reasonable and nondiscriminatory manner, taking into account the burden imposed by such uses upon the Town system. Any rates so fixed shall be subject to change at any time, in the discretion of the Board of Trustees.

(e) Except as may otherwise be established by contract approved by the Board of Trustees, rates for services outside the Town limits shall be one hundred twenty percent (120%) of the inside-Town rates determined pursuant to Subsections (b) and (c) above.

(f) If the Town determines that the meter serving any premises has become inaccurate or has been bypassed or tampered with, the Town shall adjust the billing account for that premises to prevent the same from receiving service at the expense of other users. Such adjustment shall be calculated based upon estimated consumption at the premises for the period during which the inaccuracy is deemed by the Town to have existed, using measured consumption at the premises for similar periods in prior years and measured consumption for other similar premises. If such condition was caused by or resulted from willful or intentional bypassing, tampering or unauthorized metering as provided in Section 40-7.5-101, et seq., C.R.S., the Town may assess treble damages and collection costs as authorized by Section 40-7.5-102(2), C.R.S. (Prior code 10-11-3; Ord. 519 §§2, 3, 2000; Ord. 532, 2001; Ord. 533 §3, 2001; Ord. 544 §3, 2002; Ord. 559 §2, 2004; Ord. 673 §8, 2011)

Sec. 13-3-330. Hydrant use fee.

There is hereby imposed a fee in an amount determined from time to time by resolution of the Board of Trustees and set forth in Appendix A to this Code for each hydrant permit issued by the Town, which shall be payable in full upon application for the permit. (Prior code 10-11-4; Ord. 532, 2001)

Sec. 13-3-340. Owner-initiated temporary shut-off fee.

There is hereby imposed a charge in an amount determined from time to time by resolution of the Board of Trustees and set forth in Appendix A to this Code for shut-off and turn-on services rendered by the Town in response to an owner request therefor any time that any of such services are requested to be performed or must be performed other than during the hours of 8:00 a.m. to 3:30 p.m., Monday through Friday, holidays excepted. For the purposes of the charges imposed by this Section, separate calls shall be deemed made for each shut-off and each turn-on performed, and a minimum of one (1) hour shall be charged for each call. (Prior code 10-11-5; Ord. 532, 2001; Ord. 673 §9, 2011)

Sec. 13-3-350. Owner-initiated meter read fee.

Whenever a final meter read is taken on account of transfer of property ownership or for any other reason at the request of the owner, a service charge in an amount determined from time to time by resolution of the Board of Trustees and set forth in Appendix A to this Code will be assessed and invoiced on the first monthly statement following the date of such reading. Such charges will be deemed for all purposes to be charges for water service. The monthly service charge in such cases shall be prorated to the date of the meter reading. (Prior code 10-11-6; Ord. 532, 2001)

ARTICLE IV

Sewer Regulations

Division 1

General

Sec. 13-4-10. Platteville Wastewater Enterprise.

The Town system is owned and operated by the Platteville Wastewater Enterprise pursuant to Ordinance 415, adopted and approved December 7, 1993. In the context of sewer service, all references in this Chapter to the *Town*, the *Town system* and the *Board of Trustees* shall mean the Town of Platteville, acting by and through the Platteville Sewer Enterprise, the municipal sewer system owned and operated by the Enterprise, and the governing body of the Enterprise, respectively, all as provided by said Ordinance 415. (Prior code 10-14-1)

Sec. 13-4-20. Incorporation of standards by reference.

(a) *Federal Water Pollution Control Act*, also known as *the Clean Water Act*. All service furnished by the Town is subject to the provisions of the Clean Water Act, as it exists as of the effective date of this Chapter and as subsequently amended from time to time. Such provisions are incorporated into this Chapter by reference, in all particulars, and made a part hereof as if set forth herein verbatim to the extent that such provisions may apply to or affect the design, construction, installation, operation, maintenance or use of the Town system.

(b) National Pollutant Discharge Elimination System (NPDES). All discharges from the Town system are subject to the provisions of the NPDES, as now or hereafter constituted. The provisions of the NPDES are hereby incorporated into this Chapter by reference, in all particulars, and made a part hereof as if set forth herein verbatim to the extent that such provisions may apply to or affect the design, construction, installation, operation, maintenance or use of the Town System.

(c) Colorado Wastewater Discharge Permit System, Permit Number: CO-0040355, Town of Platteville. All discharges from the Town system are subject to the terms and provisions of Discharge Permit Number CO-0040355 issued by the Colorado Department of Health pursuant to the Colorado Wastewater Discharge Permit System, as now or hereafter constituted. The provisions of said discharge permit are hereby incorporated into this Chapter by reference, in all particulars, and made a part hereof as if set forth herein verbatim to the extent that such provisions may apply to or affect the design, construction, installation, operation, maintenance or use of the Town system. (Prior code 10-14-2)

Division 2

User Requirements

Sec. 13-4-100. Service lines; abandonment.

(a) Construction. Separate and independent service lines shall be designed, installed and constructed by the property owner at his or her sole cost and expense for every improvement requiring

sewage disposal service. Such service lines and any other sewer facilities located on the property shall be designed in accordance with the design standards and shall be installed and constructed in accordance with plans and design approved by the Town.

(b) Ownership, maintenance. The property owner owns and is solely responsible for maintaining, repairing and replacing all plumbing fixtures and pipes on his or her premises, and the entire length of his or her service line up to and including the upstream end of the wye or saddle fitting on the main. He or she shall ensure that no root infiltration, storm runoff or groundwater enters the Town system through his or her service line. The Town may repair or otherwise cure any such condition, such work to include root-sawing in the Town main, and charge the property owner the costs thereof as provided in Section 13-2-450, but nothing in this Section shall obligate the Town to effect any repairs or curative work on the property owner's service line.

(c) Town relocation. When proper management, operation or maintenance of the Town system require, the Town may relocate the service line and fittings through which a property owner receives sewer service at Town expense. All service lines and fittings so relocated shall become the property of the property owner when installed.

(d) Abandonment. No person shall abandon any service line or connection without first obtaining a written permit therefor. The property owner shall at his or her sole cost uncover the service line and effectively seal the service line or connection with a plug as directed by the Town. (Prior code 10-15-1)

Sec. 13-4-110. Control manholes required.

When required by the Town, any industrial user shall install and maintain at its sole expense a suitable control manhole in the service line to facilitate observation, sampling and measurement of the wastewater flows. (Prior code 10-15-2)

Sec. 13-4-120. Oil, sand and grease interceptors.

(a) Every restaurant, cafeteria, supermarket, bakery and food processing or other food preparation facility shall have a grease interceptor installed on its service line. The grease interceptor sizing and location shall be determined by the owner's engineer and all calculations shall be submitted to the Town for review and approval. Construction, ownership and maintenance of the grease interceptor shall be the owner's responsibility. Bypasses are not permitted around grease interceptors.

(b) Facilities which discharge any quantities of sand, oil or other inert debris into the Town system shall have a sand and oil interceptor installed on the service line. Examples of such facilities include, but are not limited to: automobile service stations, mechanical repair shops, car washes, garden nurseries and warehouses with floor drains. The sizing and location of the sand and oil interceptor shall be determined by the owner's engineer and submitted to the Town for review and approval. Construction, ownership and maintenance of the sand and oil interceptor shall be the owner's responsibility. Bypasses are not permitted around sand and oil interceptors.

(c) In all cases, sand, oil and grease interceptors shall be located on the service line outside the building served, upstream of the location where human waste enters the service, and so installed and connected as to be easily accessible for inspection and cleaning. The Town will determine whether a

sand, oil and grease interceptor is required whenever a new service line is proposed, and whenever an existing service line changes ownership or intended use. If the Town determines that an existing facility needs to have a sand, oil and/or grease interceptor installed, the owner shall be required to provide the interceptor at his or her own cost, even if the interceptor was not originally required on the service line. (Prior code 10-15-3)

Sec. 13-4-130. Interceptor observation.

The Town may from time to time observe any interceptor (oil, grease or sand trap) required under Section 13-4-120 above as it deems necessary. Property owner shall be liable for the inspection and observation fees as set forth in Section 13-2-440. Nothing in this Section shall be construed to require the Town or to impose upon it any duty to perform such observation. (Prior code 10-15-4)

Sec. 13-4-140. Private disposal systems.

Any person permitted to own and operate a private wastewater disposal system shall be responsible to operate, clean, maintain and dispose of waste materials from such system in accordance with the terms of any permit therefor. In no event shall the contents of such system be removed or transported except in a sanitary manner, through or by means of airtight tanks in such a manner as shall prevent the escape of any gases or odors. (Prior code 10-15-5)

Sec. 13-4-150. Private lift stations.

If the elevation of any improvement is too low to permit gravity flow of wastewater to the Town system, such wastewater shall be lifted and discharged to the Town system by a facility conforming to the design standards and to County Health Department specifications, which facility shall be owned, operated and maintained by the property owner at his or her sole cost and expense. (Prior code 10-15-6)

Sec. 13-4-160. Basement and pool drains prohibited.

No basement drain or pool drain may be connected to the Town system if it will permit any groundwater to enter the same. Sump pumps shall not be connected to or permitted to discharge into the Town system. (Prior code 10-15-7)

Sec. 13-4-170. Cesspools and septic tanks.

No connection to a Town main will be permitted if the service line extends through or from a cesspool or septic tank. (Prior code 10-15-8)

Sec. 13-4-180. Notification of changes in use.

The property owner shall notify the Town at any time the use being made of his or her property changes in such a way that any oil, grease or sand interceptor will be required under Section 13-4-120 above, or an adjustment in the system investment charge will be required under Subsection 13-4-400(b). (Prior code 10-15-9)

Sec. 13-4-190. Tap sizing.

The size of the tap shall be determined by the property owner, subject to the approval of the Town, but in no case shall it be smaller than four (4) inches in diameter. (Prior code 10-15-10)

Sec. 13-4-200. Voluntary termination.

Any property owner desiring to have sewer service terminated shall apply to the Town for a service line abandonment permit, and upon approval thereof must abandon the service line as required in Section 13-4-100(d). All such work shall be at the property owner's expense. From and after Town approval of the abandonment, the Town shall not assess any service charges for the service terminated. Any reinstatement of a service terminated pursuant to this Section shall be treated as an application for new service, except that credit shall be allowed against the then current amount of the system investment charge for any system investment charge previously paid for service at the premises. (Prior code 10-15-11; Ord. 532, 2001)

Division 3
Discharge Standards; Permits

Sec. 13-4-300. Discharge restrictions.

(a) No person shall contribute or cause to be contributed directly or indirectly any pollutant or wastewater which will interfere with the operation or performance of the wastewater treatment system. Further, discharge of any of the following substances to the Town system is prohibited:

(1) Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the system or to the operation of the system. Prohibited materials include but are not limited to: gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, and any other substances which the Town, the State or the United States Environmental Protection Agency has notified the user is a fire hazard or a hazard to the system.

(2) Solid or viscous substances which may obstruct the flow in a sewer or cause other interference with the operation of the wastewater treatment facilities, such as but not limited to: grease, garbage with particles greater than one-half (½) inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshing, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, ashes, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining or processing fuel or lubricating oil, mud or glass, grinding or polishing wastes, and other like or similar materials.

(3) Any wastewater having a pH less than 6.5 or more than 9.0, or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment and/or personnel used or employed in the Town system.

(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 or create a toxic effect in the receiving waters of the system.

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

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

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

(8) Any pollutants, including oxygen-demanding pollutants (BODs, etc.) which the person discharging such substance knows or has reason to know will cause interference to the system.

(9) 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 system.

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

(11) 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 no more than one-half (½) inch in any dimension.

(12) Unusual concentrations of dissolved solids.

(13) Any wastewater containing BODs, 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.

(14) Ammonia nitrogen or substances readily converted thereto, in amounts that would cause the system to fail to comply with its NPDES permit.

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

(c) Any material or substance entering into the public sewer which interferes with the treatment process, even if it is within the concentration limits stated in Section 13-4-310 below, may be prohibited upon written notice by the Town. (Prior code 10-16-1; Ord. 673 §10, 2011)

Sec. 13-4-310. Specific pollutant limitations.

No person shall discharge wastewater containing pollutants in excess of the following limits to the Town system:

<i>Pollutant or Pollutant Property</i>	<i>Maximum Concentration Daily Average mg/l</i>
Arsenic, Total (as As)	0.5
Cadmium, Total (as Cd)	1.2
Chromium(T), Total (as Cr)	7.0
Copper, Total (as Cu)	4.5
Lead, Total (as Pb)	2.0
Mercury, Total (as Hg)	0.13
Nickel, Total (as Ni)	4.1
Zinc, Total (as Zn)	11.0
Silver, Total (as Ag)	0.4
Cyanide, Total (as CN)	1.2

(Prior code 10-16-2; Ord. 532, 2001)

Sec. 13-4-320. State requirements.

State requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations or those contained herein. (Prior code 10-16-3)

*Division 4
Fees and Charges*

Sec. 13-4-400. System investment charge.

(a) For the purposes of defraying the costs of furnishing wholesale facilities for the Town system, there is hereby imposed a system investment charge which shall be due and payable in full at the time application for a license is made, or at such time as an increase in the EQR value for the premises is determined pursuant to Section 13-2-490 above. The amount of any additional system investment charge due as a result of an increase in the EQR value for the premises shall be calculated pursuant to Section 13-2-490(d).

(b) For all services, the system investment charge shall be an amount determined from time to time by resolution of the Board of Trustees and set forth in Appendix A to this Code, multiplied by the number of EQRs established for such premises pursuant to Section 13-2-490 above.

(c) If a license expires, the owner is entitled to a refund of the system investment charge previously paid for the tap, less an administrative fee in an amount determined from time to time by resolution of the Board of Trustees and set forth in Appendix A to this Code. Unrefunded system investment charges shall be credited against the full amount of the system investment charge due and payable at the time any subsequent application is made for service to the same premises, but the owner is responsible to pay any difference between the then current amount of the system investment charge and the amount of the credit to which he or she is entitled hereunder. (Prior code 10-17-1; Ord. 532, 2001)

Sec. 13-4-410. Rates.

(a) The rates specified in this Section are hereby imposed upon the persons and property liable therefor pursuant to Section 13-2-400 above. Rates for sewer service consist of a volume charge plus a service charge.

(b) The volume charge is imposed upon the average monthly water consumption for each service during the months of January, February and March (winter water use) of the previous calendar year, as shown by the water meter, which average volume is established for each service effective as of January 1 each year for the entire calendar year. The volume charge for all services is an amount determined from time to time by resolution of the Board of Trustees and set forth in Appendix A to this Code. The volume charge shall be billed and is due and payable each month, along with the monthly service charge provided in Subsection (c) below. Notwithstanding the foregoing, however, if the winter water use at any particular premises is materially different from the actual annual use of the Town sewer system at such premises, the Town shall have the authority, after notice to the property owner and an opportunity for hearing, to order the annual use charge for such premises to be based upon actual use, as reasonably determined by the Town. In such event, the volume charge provided for herein shall be determined by applying the rate set forth above in this Subsection (b) to the actual use for such premises.

(c) The service charge for each service within the Town is determined by the size and type of the water meter for such service, according to the table set forth in Appendix A, as the same may be amended from time to time by resolution of the Board of Trustees, and is assessed each month for all services connected to the Town system at any time during the billing period.

(d) Rates for premises whose characteristics are inconsistent or incompatible with the assumptions upon which the rates in Subsections (b) and (c) above are established shall be fixed by the Board of Trustees by resolution, in a fair, reasonable and nondiscriminatory manner, taking into account the burden imposed by such uses upon the Town system. Any rates so fixed shall be subject to change at any time, in the discretion of the Board of Trustees.

(e) Except as may otherwise be established by contract approved by the Board of Trustees, rates for services outside the Town limits shall be one hundred twenty percent (120%) of the inside-Town rates determined pursuant to Subsections (b) and (c) above. (Prior code 10-17-2; Ord. 519 §§4, 5, 2000; Ord. 520 §§1, 2, 2001; Ord. 532, 2001; Ord. 533 §5, 2001; Ord. 544 §5, 2002; Ord. 559 §3, 2004; Ord. 673 §11, 2011)

Sec. 13-4-420. Northern System surcharge.

(a) For the purpose of recovering costs advanced by the Town to construct a lift station and force main near the Town's wastewater treatment facility located at the intersection of Sterkel Boulevard and Weld County Road 32½, and a gravity flow main from that location to the intersection of Weld County Road 25 and Weld County Road 32½, together with associated manholes and other surface and subsurface appurtenances, herein called the Northern System, there is hereby imposed a surcharge upon each sewer tap served by the Northern System, directly or indirectly, which shall be in addition to the system investment charge for such tap. Such surcharge shall be due and payable in full at the time application for a license is made, or at such time as an increase in the EQR value for the premises is determined pursuant to Section 13-2-490 of this Chapter. The amount of any

additional Northern System surcharge due as a result of an increase in the EQR value for the premises shall be calculated pursuant to Subsection 13-2-490(d).

(b) For all services, the Northern System surcharge shall be as set forth in Appendix A, as the same may be amended from time to time by resolution of the Board of Trustees. (Prior code 10-17-3; Ord. 517 §1, 2000; Ord. 673 §12, 2011)