

CHAPTER 13

Municipal Utilities

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ARTICLE I

Water System

Division 1 General Provisions

Sec. 13-1-10. Definitions.

Unless the context specifically indicates otherwise, the following terms, as used in this Chapter, shall have the meanings hereinafter designated:

Bypass or *bypassing* means any pipe, tube, faucet or other instrument, device or contrivance by which water may be transmitted, diverted, taken or used, connected to any line used to supply water to the premises in such a manner as to transmit, divert, take or use any such water without passing through an authorized meter for measuring or determining the amount of such water.

Customer means the person responsible for the water utility account for the premises and includes authorized employees or agents of the owner.

Department or *Water Division* means the City Water Enterprise, the water activity enterprise owned by the City, which business is responsible for the operation and maintenance of the City water supply system and which business receives under ten percent (10%) of its annual revenues in grants from all state and local governments combined and which is authorized to issue its own revenue bonds. Where the context requires or permits, the term *City* shall mean the City Water Enterprise, and the term *City Council* shall mean the governing body of the City Water Enterprise.

Distribution main means that portion of the water supply system owned by the City that transmits and distributes water of the City from treatment or storage facilities to users, excluding service lines.

District means the Rifle Village South Metropolitan District.

District customer means a customer receiving water or sewer utility services from the Rifle Village South Metropolitan District on June 1, 1988, or any successor of said customer.

District property means any real property located within the boundaries of the Rifle Village South Metropolitan District on June 1, 1988.

DOE means the United States Department of Energy.

Master plumber means a master plumber as defined in and licensed pursuant to Article 58 of Title 12, C.R.S., who holds a contractor's license pursuant to this Code.

Rifle Institutional Control Boundary means the boundary of a geographic area in and adjacent to the City that has been identified and mapped by the United States Department of Energy within which lands are subject to nonpotable polluted groundwater.

Rifle Institutional Control Boundary Map means a map recorded with the County Clerk and Recorder as Reception No. _____, that depicts the Rifle Institutional Control Boundary and subject lands.

Service line means the water line extending from the water user's structure up to, but not including, the curb stop.

Service pipe means the water line extending from the premises up to, but not including, the curb stop.

Tamper or *tampering* shall mean damaging, altering, adjusting or in any manner interfering with or obstructing the action or operation of any meter provided for measuring or determining the amount of water passing through such meter, or the remote reading device attached thereto.

Transmission main means that portion of the water supply system which transports untreated water to water treatment facilities.

Unauthorized metering means removing, moving, installing, connecting, reconnecting or disconnecting any meter or metering device for water service by a person other than an authorized employee of the Department.

User means any person who uses, takes water from or is connected to the water supply system of the City.

Water supply system or *water system* means:

a. Any and all rights, property and obligations of the City concerning water and water supply facilities;

b. Any and all devices, facilities, structures, equipment or works owned or used by the City for the purpose of the collection, storage, transmission, treatment, regulation or distribution of potable water, including distribution mains, pumping facilities, metering facilities, pressure regulation facilities and their appurtenances, and excluding service lines;

c. Any and all standby or contingency equipment, facilities or material which may be necessary to provide reliable water service;

d. Any and all devices, facilities, structures, equipment or works owned or used by the City for the purpose of the transmission, storage, treatment or distribution of water, including water treatment plants, pumping facilities, reservoirs, transmission lines and their appurtenances;

e. Any and all land or sites owned or used by the City for the purpose of providing water to users, including streams or other waters which contribute to the water supply of the City; any area in or along such waters or within five (5) miles upgrate of any point from which water is taken by the City; and any and all watershed areas; and

f. Any and all extensions, improvements, additions, alterations or remodeling thereof. (Prior code 10.04.010; Ord. 29 §11, 2004; Ord. 4 §1, 2005)

Sec. 13-1-20. Responsibility of City Manager.

The City Manager shall be responsible for the management of the water system of the City and all of the property appertaining thereto. He or she shall see that such system and such property are kept in good working order and repair. He or she shall ensure proper compliance with all local, state and federal regulations for the collection, transmission, treatment and distribution of water and shall perform all other duties in connection with such system as may be required of him or her by the City Council. (Prior code 10.04.020)

Sec. 13-1-30. Adoption of rules and regulations.

The City Manager may adopt regulations governing standards and requirements for installation, construction, maintenance, repair or replacement of property appertaining to the water system, standards, requirements for providing water service to the public, and standards and requirements for ensuring the potable and palatable quality of water. In establishing such rules and regulations, the City Manager shall seek to provide for the safe and efficient operation of the water supply system, for a water supply sufficient to satisfy the public needs and for water quality by protecting the water supply and the public from polluting or unsanitary substances and conditions. (Prior code 10.04.030)

Sec. 13-1-40. Application for service.

(a) Any person desiring to connect a service line to the water supply system of the City shall make application to the City Clerk. The application for service shall be supplemented by any plans, specifications or other information deemed necessary by the City Manager to determine compliance with all ordinances, regulations or rules concerning the water system. The City Manager shall review and approve or disapprove the application as complying or failing to comply with all ordinances, regulations or rules concerning the water system of the City. Prior to approval by the City Manager of such application, all applicable fees and charges shall be paid. Notwithstanding the payment of any fees pursuant to the provisions of this Chapter, tap connections to the City water or wastewater system shall at all times be subject to availability.

(b) No premises shall be supplied with water from the water system unless the same is designated by street address and such number placed and maintained conspicuously thereon.

(c) When a request is submitted for temporary service for construction purposes, the City, or the contractor at the City's direction, shall disconnect the premises from the water supply system upon completion of construction, and the City shall be notified to reconnect the premises to the water supply system for the first customer. Such reconnection shall not be subject to the provisions of Section 13-1-370 of this Article. (Prior code 10.04.040)

Sec. 13-1-50. Service outside of City.

(a) It is the policy of the City to decline to extend water service to property lying outside the corporate limits of the City, except for areas located within the Rifle Institutional Control Boundary, unless: (1) the lack of municipal water creates a real hardship upon the owner of the property; (2) the property is capable of being annexed to the City within a reasonable time, as determined by the City Council; and (3) the owners, for themselves, their successors and assigns, sign a binding agreement to annex the property to the City at such time as it becomes eligible for annexation. The City expressly

reserves the right, as may be limited by state or federal law, to impose such conditions as it may see fit relative to the furnishing of such service and to refuse such service in its discretion.

(b) All provisions of this Article apply to those areas outside the corporate limits of the City, except those areas covered by a contract which expressly establishes other rules for the area served under the contract.

(c) All of the provisions of this Article also apply to those areas which were located within the boundaries of the Rifle Village South Metropolitan District on June 1, 1988, except as expressly modified by an agreement between the City and the District incorporated into Ordinance No. 1, Series of 1988 and areas which are located within the Rifle Institutional Control Boundary. (Prior code 10.04.050)

Sec. 13-1-60. Application for service outside City.

Any person desiring to connect a service line which is located outside the corporate limits of the City to the water supply system of the City shall make application to the City Clerk for water service. The application for service shall be supplemented by any plans, specifications or other information deemed necessary by the City Manager to determine compliance with all ordinances, regulations or rules concerning the water system. The City Manager shall review and approve or disapprove the application as complying or failing to comply with all ordinances, regulations or rules concerning the water system of the City. Notwithstanding the payment of any fees pursuant to the provisions of this Chapter, tap connections to the City water or wastewater system for service outside the City shall at all times be subject to availability. (Prior code 10.04.060)

Sec. 13-1-70. Special contract for service.

The City may provide by contract for the use of and connection to the water supply system of the City by governmental institutions, organized water districts, municipal corporations or other similar users. Such contracts shall expressly provide for compliance by such users with ordinances, regulations and rules of the City concerning the water supply system. Such contracts shall be further subject to such other terms and conditions as the City Council sees fit to impose. Such contracts, and the terms, conditions and/or renewals thereof, existing on the effective date of the initial ordinance codified herein shall remain in full force and effect. (Prior code 10.04.070; Ord. 4 §1, 2005)

*Division 2
Service Line Connections*

Sec. 13-1-110. Connection required.

The owner of any house, building or other structure used for business or residence purposes or otherwise using water, situated within the City and abutting any street, alley or right-of-way in which there is now located or may in the future be located a water distribution main of the City, is required at such owner's expense to connect such structure directly with the distribution main by means of a service line in accordance with the provisions of this Chapter. Further, any such owner located within the Rifle Institutional Control Boundary is prohibited from accessing groundwater for potable purposes or from connecting groundwater in any way to the municipal water system. The point or points at which

connection is made to the distribution main shall be determined by the Public Works Manager or the City Manager. (Prior code 10.04.080; Ord. 29 §12, 2004)

Sec. 13-1-120. Exception to connection requirement.

(a) Except for property located within the Rifle Institutional Control Boundary, connection to the water supply system of the City shall not be required for any property which is served by an existing well or other water supply system, which system is approved by the Public Works Director and which system serves said property in substantially the same manner as it would be served by the water supply system of the City.

(b) This Section shall apply solely to property located outside of the Rifle Institutional Control Boundary served by an existing well or other water supply system prior to connection to the water supply system of the City, and shall not be construed to permit any person already connected to the water supply system of the City, whose property may subsequently be served by a well or other water supply system, to disconnect from the water supply system of the City. (Prior code 10.04.090)

Sec. 13-1-130. Connection required; violation.

It shall be unlawful for any person who owns any house, building or other structure occupied for business or residence purposes and situated within the City to fail to connect such structure to the water supply system in accordance with the requirements of this Article. (Prior code 10.04.100; Ord. 29 §13, 2004)

Sec. 13-1-140. Connection permit.

No connection to the water supply system of the City shall be made without first obtaining a permit therefor which shall be issued to a plumbing contractor licensed in the City. (Prior code 10.04.110)

Sec. 13-1-150. Unauthorized connections prohibited.

It shall be unlawful for any unauthorized person to uncover, make any connection with or opening into, use, alter or disturb any distribution main or appurtenance thereof without first obtaining written permission from the City Manager. Any such connection shall be made in compliance with the provisions of this Article. (Prior code 10.04.120)

Sec. 13-1-160. Liability for installation.

The owner of the premises served shall be solely liable and responsible for any claims for injury or damage and for any costs of correction, which arise directly or indirectly from deficient installation and connection of a service line to the City water system. Further, the owner shall indemnify the City for any loss or damage to the City that may be occasioned directly or indirectly by installation or connection of the service line. (Prior code 10.04.130)

Sec. 13-1-170. Excavations for installation.

All excavations for water service installation or repair shall be performed in accordance with this Code, the rules and regulations promulgated hereunder and applicable safety standards, including any requirements as to barricades and lights. Streets, sidewalks, parkways and other public property disturbed

in the course of work shall be restored in a manner satisfactory to the Public Works Department. (Prior code 10.04.140)

Sec. 13-1-180. Separate service line for each structure; exceptions.

(a) A separate and independent service line shall be provided for every building, subject to the following exceptions which may be made in the sole discretion of the City Manager:

(1) Where one (1) building stands at the rear of another on an interior lot which cannot be subdivided, and where no service line is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the service line of the front building may be extended to the rear building and the whole considered as one (1) water service.

(2) Multi-family, commercial or industrial building or condominium units having more than one (1) unit on a single platted lot owned by one (1) person may have the individual units connected to a single common service line, with the prior approval of the City Manager, unless and until such lot is resubdivided, a condominium plat is approved or the units otherwise become separately owned, in which case independent connections shall be made. In all cases, the responsibility of the City shall terminate at the curb stop which serves the entire building.

(b) The City does not assume any obligation nor acquire any liability for damage to the connecting property or any portion thereof caused by or resulting from any such connection to the water supply system. (Prior code 10.04.150; Ord. 29 §14, 2004)

Sec. 13-1-190. Conformance to rules and regulations.

(a) The size, slope, alignment and materials of construction of a service line, and the methods to be used in excavating, placing of the pipe, jointing, testing, backfilling and inspection of trenches shall all conform to the requirements of the Building Department and other applicable rules and regulations of the City.

(b) The applicant for service shall be responsible for all costs for tapping onto the City distribution main, for all pipe and fittings, and for the installation of the curb stop and curb box.

(c) The applicant for water service shall be required, at his or her expense, to install a pressure-reducing valve or regulating device acceptable to the City. (Prior code 10.04.160; Ord. 29 §15, 2004)

Sec. 13-1-200. Standards for service lines.

(a) All service lines for connection to the water supply system of the City shall be installed in accordance with the provisions of this Article and of the standard specifications approved and adopted by the City.

(b) All service lines and pipes appurtenant thereto which are laid in streets, alleys or other public grounds shall be of type "K" copper.

(c) All service lines shall be laid at such depth that the top of any such line throughout its length is not less than five (5) feet below the finished surface of the ground.

(d) All service lines shall be connected to a curb stop so that water may be shut off from the service pipe at any time. Such curb stop shall be of a type approved by the City, and shall be protected by an adjustable iron box or cylinder of a type approved by the City and paid for by the applicant for water service. The top of said curb stop box shall be level with the surface of the ground.

(e) A water pressure regulator shall be installed in each service line, if required by the City. (Prior code 10.04.170)

Sec. 13-1-210. Maintenance of service line and service pipe.

Responsibility for the maintenance and repair of the service line, service pipe and appurtenances thereto, from and including the connection from the distribution main to the premises served, shall be borne by the owner of such premises and the City. From the distribution main to, and including, the curb stop, the City shall be responsible for the maintenance of the water service line. From the curb stop to the point of ultimate use, the customer or the owner of such premises shall be responsible for the maintenance of such service pipe. The owner of the premises shall at all times maintain the visibility of the curb box and shall not bury it or make it otherwise inaccessible. The owner shall keep the service pipe and all pipes and fixtures on his or her premises in good repair so as to prevent waste of water. The owner must secure all required permits for construction purposes and shall be responsible for returning the public right-of-way and the street to acceptable City standards. Where more than one (1) structure are connected to a single service pipe, the owners of the respective premises shall be jointly and severally responsible for maintenance and repair of the service pipe. (Prior code 10.04.180; Ord. 29 §16, 2004)

Sec. 13-1-220. Water shut off by City.

Except in the event of a bona fide emergency, no person, other than an employee of the City, shall shut off the water supply system at the curb stop. In the event of such an emergency disconnection, the owner or customer shall notify the City within twelve (12) hours of the disconnection. (Prior code 10.04.185)

Sec. 13-1-230. Extension of mains and lines.

Distribution mains to supply and distribute water to and throughout areas or additions shall be extended by the owner or developer of premises to be served by such lines from the existing distribution main to the point of the property line of such premises farthest from the existing distribution main. Such extension requirement may be waived by the City Manager in the event that he or she determines that the extension to the farthest point from the existing distribution main is not necessary for the efficient expansion of the water supply system. In any event, distribution mains shall be extended by the owner or developer of premises to be served by such mains to a point which permits the shortest possible service line between the distribution main and the property line of the premises served thereby. Extensions shall not be made for remote or isolated service unless the applicant requesting such service provides for the cost of such extension to the point of service and such extension is approved by the City Manager. (Prior code 10.04.190)

Sec. 13-1-240. Compliance with subdivision regulations.

No water distribution main or service line shall be laid or placed in any proposed addition to or subdivision within the City until said addition or subdivision is platted and approved in accordance with the subdivision regulations of the City. In the event the property is located within the boundaries of the

Rifle Village South Metropolitan District and is not, by virtue of the agreement between the City and the District, required to be annexed to the City, such addition or subdivision must conform with the subdivision regulations of the County. (Prior code 10.04.200)

Sec. 13-1-250. Conditions for use of existing lines.

Existing service lines and/or distribution mains may be used in connection with new buildings only when they are found by the City Manager to meet all requirements of this Article. (Prior code 10.04.210)

Sec. 13-1-260. Requirement to commence, complete construction; partial refund.

(a) Construction of any building or improvement to be served by a connection with the City water system shall be commenced within one hundred twenty (120) days from the date of approval of the building permit therefor, and such construction shall be pursued to completion without suspension or abandonment, as provided in Chapter 18 of this Code. In the event a connection permit is sought in conjunction with an activity that does not require a building permit, the connection shall be completed within one hundred twenty (120) days from the date of approval of the connection permit. A failure to comply with the requirements of this Section shall result in the cancellation of the connection permit.

(b) If a permit is canceled, the City shall, upon the applicant's request, refund any system improvement fee paid in conjunction with the connection permit application, less a charge of twenty-five percent (25%) for expenses incurred by the City to determine noncompliance with this Section and administer the same. The applicant or owner of the premises intended to be served by permit that has been canceled shall remain liable for all other costs and expenses incurred by the City. (Prior code 10.04.220)

Sec. 13-1-270. Disconnection.

(a) For the purposes of this Section, *customer* means the person designated on City records as the person responsible for payment of charges incurred for the use at his or her premises of the water supply system of the City.

(b) Except for property located within the Rifle Institutional Control Boundary, the City shall disconnect the service line of any premises at the curb stop, upon request of the customer.

(c) In the event that the premises of a customer are disconnected from the water supply system of the City, the customer shall be responsible for all costs of such disconnection. Thereafter, reconnection requires payment of all applicable connection charges (including system improvement fees), installation costs and all other rates, charges, tolls, fees and assessments due pursuant to this Chapter. In no event shall taps serving the premises of any customer be transferred to another premises.

(d) In the event a customer desires to install a new service line for premises for which an existing service line is available, the new service line shall not be connected until the existing service line is disconnected from the distribution main. (Prior code 10.04.230)

Sec. 13-1-280. Abandonment of service line.

In the event a previously used or purchased service line is not used for a continuous period of five (5) years or more, such service line shall be deemed abandoned. However, no service line shall be deemed abandoned if all minimum charges due pursuant to Section 13-1-400(f) below are paid when due, irrespective of whether the premises served are occupied, and irrespective of whether water service is being used or has been turned off pursuant to the customer's request. When a service line is deemed abandoned, the City shall have no further obligation to provide water to that service line, except upon reapplication for a connection permit and payment of all applicable fees (including system improvement fees), installation costs, any accrued but unpaid minimum charges due pursuant to Section 13-1-400(f) below, and all other rates, charges, tolls, fees and assessments due pursuant to this Chapter. In the event a customer has physically disconnected the service line for a period of less than five (5) years, and therefore has not paid minimum service charges for the period of disconnection, the cost of reconnection shall include minimum service charges for each month the line was disconnected. Further, when a service line is deemed abandoned, the City may in its discretion shut off service to the property or physically disconnect the line from the City water system. (Prior code 10.04.240)

*Division 3
Water Fees and Charges*

Sec. 13-1-310. Cost of water facilities.

(a) A property owner or developer shall be responsible for the cost and construction of all water distribution mains, up to and including twelve (12) inches in diameter, and the appurtenances thereto, including any required fire hydrants necessary to serve the property or development upon approval by the City of the plans and specifications of such facilities and appurtenances. The City shall inspect and approve the actual construction prior to connection of such facilities. When an owner or developer finds it necessary to construct water supply and distribution facilities through or adjacent to unserved or undeveloped lands, such owner or developer shall pay the entire cost of such facilities.

(b) In the event that water pumping facilities are required, the cost of such facilities and of the engineering needed shall be the responsibility of the owner or developer of the property served. Where it appears that more area or lands may be served by the water pumping facilities, the City may require a greater pumping capacity than necessary to service the initial development. (Prior code 10.04.250; Ord. 29 §17, 2004)

Sec. 13-1-320. Oversized lines.

The City Manager may require that a property owner or developer construct a distribution main larger than that required for his or her needs for the service of lands beyond the property or development. In the event the City Manager determines that construction of a distribution main over twelve (12) inches in diameter is necessary for the efficient expansion of the water supply system, an owner or developer served thereby shall be responsible for the costs for installation of such main, except that the City shall be responsible for the difference between the cost of materials for a twelve-inch main and the cost of such materials for such larger main. (Prior code 10.04.280)

Sec. 13-1-330. Installation and material costs.

All costs and expenses incurred by the City incidental to the installation and connection of a water service line from the distribution main to the premises of a customer shall be borne by the owner of the premises. Such costs and expenses shall include, by way of example and not limitation, costs for all labor and inspections by the City, based upon hourly rates set by the City Manager; the cost of the meter itself and any parts required to be installed; and the costs of all other materials and services provided by the City. (Prior code 10.04.290)

Sec. 13-1-340. System improvement fee.

Prior to the issuance of a water connection permit for service from the City water system, the City shall assess to the user a water system improvement fee as set forth in Article IV of this Chapter, which shall be calculated in the manner set forth in Article IV. (Prior code 10.04.300; Ord. 29 §20, 2004)

Sec. 13-1-350. Recovery agreement charge.

A recovery agreement charge may be assessed for each connection to or use of a distribution main or other facility which is the subject of a recovery agreement between the City and the person responsible for the construction of said main or facility. Consistent with such agreement, such charge shall be in an amount which represents a pro rata share of the cost of construction of the main or facility and shall be collected prior to issuance of a water connection permit. (Prior code 10.04.330)

Sec. 13-1-360. Credits and charges for preexisting lines and enlargements.

(a) In the event that an owner or developer, with the approval of the City Manager, connects a new building or structure to a previously existing service line, the City shall determine the EQR value of the new use according to the EQR Schedule contained in Section 13-4-60, and the owner or developer may be assessed an additional system improvement fee if the new EQR value exceeds the EQR value and associated system improvement fee of the prior use. The additional system improvement fee shall be in the amount equal to the difference between the fee paid for the existing tap and the amount due for the greater EQR value tap. The owner or developer shall not pay an additional recovery agreement charge, provided that no additional charge is due under the recovery agreement for an increase in EQR value.

(b) In the event that an owner or developer replaces an existing use for one with a lesser EQR value, the owner or developer shall not be entitled to a refund of any system improvement fee, recovery charge or other rates, charges, tolls, fees or assessments.

(c) The provisions of this Section shall be subject to Section 13-1-280 above concerning abandonment, and nothing in this Section shall affect any liability for any other system improvement fee, recovery charge or other rates, charges, minimum charges, tolls, fees or assessments due the City. (Prior code 10.04.340; Ord. 29 §21, 2004)

Sec. 13-1-370. Charges for activation of meter.

The fee for activating or installing a meter shall be as set forth in Appendix A to this Code and shall apply in all instances in which the City turns on a meter, including but not limited to meter activations at the request of a customer, as a result of resumption of service after termination, abandonment or

reconnection, and for new service. This fee does not include costs incurred by the City for any excavation, staff time or materials required as part of such meter activation, which costs shall be paid by the customer. (Prior code 10.04.350; Ord. 4 §1, 2005)

Sec. 13-1-380. Computation of rates and charges.

- (a) Rates. The rates for the City water service shall be as set forth in Appendix A to this Code.
- (b) Pressure surcharge. In addition to the applicable rate set forth in Appendix A to this Code, all customers receiving water whose curb stop is located at five thousand five hundred forty (5,540) feet above sea level or higher, or who require a pressure-boosting pump or station in order to provide adequate pressure, shall be assessed a pressure surcharge as set forth in Appendix A to this Code.
- (c) Interruptible service rate. A customer may request the City's interruptible service rate, which shall be as set forth in Appendix A to this Code, with no minimum charge. If a customer's service is interruptible, the City shall have the right to demand, in its sole discretion and at any time, that the customer's water use be reduced to two (2) hours per week, which hours may be designated by the City Manager in his or her sole discretion. The City may demand by telephone call to the customer that service be reduced up to the levels permitted under this Subsection. To qualify for the City's interruptible service rate, the customer's account must be for irrigation only and must be controlled by an automated irrigation clock which may be set based upon a watering schedule provided by the City. Any customer who fails to reduce interruptible service within six (6) hours of a demand by the City shall be assessed a penalty for each one thousand (1,000) gallons used, which penalty shall be equal to the charge for interruptible service set forth Appendix A to this Code, and which penalty shall be collected in the same manner as water service charges.
- (d) Bulk sales. Upon the City's determination, in its sole discretion, that water is available, the City may make bulk sales of water for use inside or outside the City at the rate set forth in Appendix A to this Code. The place, time and manner of bulk sales shall be as established by the City Manager. Nothing herein shall obligate the City to make any bulk sale of water. The City shall have the right, in its sole discretion, to terminate any commitment or obligation for a bulk sale of water.
- (e) Construction phase charges. The charges established under Appendix A to this Code shall be assessed at the full rates and become due and payable, irrespective of whether water service is being used, building size, type or EQR value, at the time of the issuance of a certificate of occupancy. At that time, the City shall calculate the amount of water used after meter activation but prior to issuance of a certificate of occupancy and assess the customer for such use at the City's rate for bulk sales of water set forth in Appendix A.
- (f) Multi-family and master meter charges. Rates for multi-family units and any other units on a master meter shall be based upon the number of constructed units, irrespective of whether each unit is occupied. Further, rates for mobile home units on a master meter shall be based upon the number of mobile home spaces platted or licensed, whichever is greater, irrespective of whether each space is occupied.
- (g) Minimum billings. All minimum charges established under Appendix A to this Code shall be assessed and become due and payable, irrespective of whether the premises served are occupied and irrespective of whether water service is being used or has been turned off pursuant to the customer's

request or because of nonpayment of rates, tolls, fees, charges or assessments. Minimum charges shall not be assessed in the event the service line serving the premises is physically disconnected from the City water system. Thereafter, reconnection requires payment of all applicable connection charges (tapping charge and system improvement fees), installation costs and all other rates, charges, tolls, fees and assessments due pursuant to this Chapter.

(h) Duplicate bill charge. Customers who receive a duplicate bill shall be assessed a charge for each duplicate bill issued as set forth in Appendix A to this Code.

(i) Miscellaneous costs. Except as expressly set forth in this Chapter, all miscellaneous costs and expenses incident to the installation and connection of City water and sewer service shall be borne by the customer. (Prior code 10.04.360; Ord. 4 §1, 2005; Ord. 11 §§2, 3, 2005; Ord. 2 §2, 2010)

Sec. 13-1-390. Reduced fee for senior citizens.

(a) Those senior or disabled citizens who qualify under the terms of this Section shall be entitled to a reduction of twenty percent (20%) of the total amount of water and sewer charges for each billing period.

(b) In order to be eligible for the water and sewer rate reduction set forth above, an eligible consumer must be the head of the household, must be actually occupying a residence for which the municipal utility reduction is sought and must be receiving water or sewer under the residential rates set forth in Appendix A to this Code, for service within the corporate limits of the City, or for service by contract at in-City rates.

(c) In order to qualify for said reduction, the consumer must file written application with the City Manager, together with such supporting documents as may be required, at least thirty (30) days before the end of the billing cycle for which the reduction is requested. No reduction will be considered after the municipal utility statements have been entered by the City Manager.

(d) A consumer shall qualify for this reduction if:

(1) The consumer is over sixty-two (62) years of age or totally disabled, as defined by 42 U.S.C. § 416 or 42 U.S.C. § 423;

(2) The consumer's sole source of income is Social Security retirement benefits, Railroad Retirement Act benefits, Veterans Disability or Veterans Widows and Orphans benefits, Social Security S.S.I. disability benefits, or any other pension or benefit program which provides substantially similar income, in the opinion of the City Manager;

(3) The consumer files an affidavit to that effect with the City Clerk; and

(4) There has been no material change in the consumer's financial situation for the period of time for which the water rate reduction is granted; and, if there has been any change, the consumer shall immediately report that fact to the City Clerk. (Prior code 10.04.365; Ord. 4 §1, 2005)

Sec. 13-1-400. Waiver of minimum service fees for pool.

The City currently operates the Art Dague Pool and Slide during the months of May to September annually. During the months that the pool is not in operation (hereinafter the "off season"), the City shall

be eligible for a waiver of the minimum sewer and water service charges set forth in Appendix A to this Code, provided that the following conditions are satisfied:

- (1) The use of water and sewer services on the premises is completely discontinued during the time period for which the waiver is requested.
- (2) The waiver shall apply only for an off-season period of at least six (6) months and no more than eight (8) months.
- (3) City staff must provide written notice of the date for shutoff, at least ten (10) days prior to shutoff, and proof satisfactory to the City Manager that physical termination of service to the premises has occurred. After receipt of these items, the City will institute the waiver of minimum service charges.
- (4) At the end of the off season, City staff shall provide thirty (30) days' notice prior to resuming service on the premises, at which time the regular water and sewer service charges shall apply.
- (5) The pool shall only be filled during nonpeak water-use hours, upon the approval and inspection of the Public Works Director.
- (6) Reactivation charges shall apply for turning the meters on at the end of the off season.
- (7) The waiver of service charges granted herein shall not be deemed an abandonment of services for the premises. (Prior code 10.04.370; Ord. 4 §1, 2005; Ord. 23 §2, 2005)

Sec. 13-1-410. Payment of service charges; interest.

(a) Statements for water and sewer service rates shall be provided to customers at intervals established by the City Manager and ratified by resolution of the City Council; however, billing intervals shall not be more frequent than monthly nor less frequent than quarterly. If billing intervals are less frequent than monthly, the City shall have the right to average monthly use for billing purposes, including the imposition of surcharges based upon monthly use. Statements shall include any additional charges, tolls, fees and assessments related to water or sewer utility service, such as late payment penalties, turn-on fees, duplicate bill fees, additional meter reading fees, meter testing fees and other charges.

(b) Whenever possible, statements for service charges will be directed to the owner of the premises served rather than the occupant. When a customer receives service for a number of units through one (1) meter, the City shall send only one (1) bill to the customer for the service measured by that meter. In no event shall the City bill the owners of individual units within a multiple-unit building unless service to each unit is metered separately.

(c) Statements shall be mailed before the specified billing period and shall be payable by the twenty-fifth day of the month. Amounts outstanding after the twenty-sixth day of the month shall accrue interest at the rate of one and one-quarter percent (1¼%) per month. (Prior code 10.04.375)

Sec. 13-1-420. Collection, perpetual lien.

(a) All rates, charges, tolls, fees and assessments for City water and sewer service shall be paid by the owner of the premises served. The City shall not be bound by any agreement between an owner and

occupant concerning water or sewer service payments, irrespective of whether the City has been notified of the agreement. Until paid, all water and sewer rates, charges, tolls, fees and assessments shall become and remain a first and perpetual lien on or against the premises served. This lien on the premises may be foreclosed by an action at law or in equity in the name of the City in any court having jurisdiction thereof. The City shall have the right to collect from any customer delinquent on his or her account all legal, court and other costs necessary or incidental to collection of any delinquent amount, including reasonable attorneys' fees, filing fees and recording costs.

(b) In the event any rates, charges, tolls, fees and assessments are not paid when due, the City Treasurer may certify the amount to the County Treasurer to be placed on the tax list for the current year and to be collected in the same manner as other taxes are collected, with ten percent (10%) added to defray the costs of collection. All laws of the State for the assessment and collection of general taxes, including the laws for the sale of property for taxes and redemption of the same, shall apply. (Prior code 10.04.380)

Sec. 13-1-430. Delinquency notice and charge; suspension of service.

If any rates, charges, tolls, fees or assessments for City water or sewer service remain unpaid for thirty (30) days, the City may at any time thereafter give written notice of such delinquency to the owner of the premises served. If any amount is delinquent more than forty-five (45) days, the City at any time thereafter may give written notice to the owner that water or sewer service, or both, shall, subject to the notice and hearing requirements of Section 13-1-440 below, be shut off if the delinquent amounts are not paid in full within ten (10) days of the delivery of or postmark on the notice. It shall be lawful to post the shut-off notice on the front door of the premises served or mail the shut-off notice by certified mail. The City shall assess an additional charge as established in Appendix A to this Code for processing and preparation of any delinquency and/or shut-off notices provided to an owner as set forth herein. If an owner does not pay all delinquent charges within the ten-day period provided in a shut-off notice, then, subject to the notice and hearing requirements of Section 13-1-440, the City may suspend the water or sewer service, or both, to the premises served. (Prior code 10.04.385; Ord. 29 §22, 2004; Ord. 1 §2, 2010)

Sec. 13-1-440. Suspension of service.

In addition to having a first and perpetual lien on the premises served for unpaid water and sewer rates, charges, fees, tolls and assessments, the City shall have the right to suspend water or sewer service, or both, to the premises served for nonpayment or for failure to comply with any ordinances, rules and regulations of the City concerning water or sewer service. In the event of such nonpayment or noncompliance with the City's ordinances, rules and regulations, the owner shall be given written notice of the City's intent to suspend service. The forty-five day shut-off notice shall state that the owner is entitled to a hearing in person before suspension of service if so requested in writing prior to the date of suspension as specified in Section 13-1-430 above. The hearing, if requested, shall be held before an Administrative Law Judge ("ALJ") appointed by the City; and, at such hearing, the owner shall have an opportunity to present testimony and evidence to the ALJ. Following said hearing, the ALJ shall render a decision concerning suspension of service and any matter related thereto, and the ALJ's decision shall be final. The City may suspend service to the property by turning off, disconnecting or blocking the water and/or sewer lines serving the premises. (Prior code 10.04.390; Ord. 29 §23, 2004; Ord. 1 §3, 2010)

Division 4
Water Usage

Sec. 13-1-510. Determination of use by City Council.

In order to maintain adequate water pressure and water supply and/or proper water quality, the City Council may restrict or deny the use of water by any user. Such restrictions may include but shall not be limited to designation of the type and number of uses of water which shall be permitted and/or any other restriction which the Council may deem necessary. (Prior code 10.04.395)

Sec. 13-1-520. Use restrictions to outside users.

Except as otherwise provided by agreement or ordinance, in the event the City Council determines that use restrictions are necessary owing to shortages of water caused by dry spells, adverse climatic conditions or other causes, such restrictions may be applied first to users outside the corporate limits of the City as the City Council may direct. (Prior code 10.04.400; Ord. 4 §1, 2005)

Sec. 13-1-530. Emergency restrictions imposed by City Manager.

(a) Notwithstanding any other provision of this Chapter, if the City Manager, in the exercise of his or her sole discretion, determines that an emergency event has occurred or is about to occur which is likely to pose a significant threat to the quantity, quality and/or pressure of the water in the City's water system, and if the City Manager determines that it is not practical to wait for direction from the City Council as to how to best confront said emergency event, the City Manager is authorized to take any action reasonably required in order to confront and abate said emergency, including without limitation:

(1) Curtailing water use outside of the City limits;

(2) Limiting and/or preventing the use of water for outside irrigation or washing of streets, sidewalks, driveways, patios or other concrete surfaces;

(3) Limiting and/or preventing the use of water for the washing of cars, trucks, boats, trailers or other vehicles;

(4) Rationing the availability of water for commercial and/or residential use; and

(5) Any and all other actions determined by the City Manager, in the exercise of his or her sole discretion, to be necessary and prudent under the circumstances.

(b) Any action taken by the City Manager pursuant to this Section shall be reviewed by the City Council at the next regularly scheduled Council meeting. (Prior code 10.04.405)

Sec. 13-1-540. Certain uses prohibited.

It shall be unlawful for any person to directly or indirectly sell or otherwise dispose of water service furnished by the City for the use of such person or to do any other act except in accordance with the service application and service contract of such person, in accordance with the ordinances, rules and regulations of the City or in accordance with specific written permission from the City Manager. (Prior code 10.04.410)

Sec. 13-1-550. Sprinkling hours and restrictions.

(a) When, in the opinion of the City Manager, there is a shortage of water, the City Manager shall have the power to regulate the use of water for sprinkling, irrigation or other purposes which the City Manager may deem nonessential. The City Manager may, without limitation, set special hours, dates or geographical locations for water restrictions, or may prohibit the use of water entirely for a particular purpose.

(b) These restrictions shall be publicized over local news media, including radio and cable television announcements. If the City Manager deems the emergency of sufficient duration, the emergency may be advertised in a newspaper of general circulation in the City.

(c) It shall be a municipal misdemeanor for any person to use water in violation of the restrictions imposed under this Section after publication of the notice of restriction, or after the person, his or her agent or employee, has been notified of the restriction by any City employee. In addition, the City may terminate service to the property pursuant to Section 13-1-440 above in the event of such violation and shall impose an activation charge as set forth in Section 13-1-370 above prior to resumption of service. (Prior code 10.04.420)

Sec. 13-1-560. Stealing water unlawful.

It shall be unlawful for any person to take or use any water from the water supply system of the City, or to aid or abet any person in such taking or using, otherwise than in compliance with this Chapter. (Prior code 10.04.430)

Sec. 13-1-570. Taking water unlawful; evidence.

Occupancy of any premises for which the City supplies water for any purpose for any length of time greater than five (5) days, without entering into a water service agreement with the City, shall be deemed prima facie evidence of the unlawful taking or use of water by the owner of such premises. (Prior code 10.04.440)

Sec. 13-1-580. Taking water from fire hydrant.

It shall be unlawful for any person to take any water from any fire hydrant or hose pipe except for the extinguishment of fires, the cleaning or testing of fire apparatus or with the permission of the City Manager. (Prior code 10.04.450)

Sec. 13-1-590. Admission to property.

The City shall have the right to enter upon the premises of the customer at all reasonable times for the purpose of inspecting, repairing or removing any or all equipment used in connection with its service, and removing its property when service has been discontinued. (Prior code 10.04.460)

Sec. 13-1-600. Temporary discontinuance of use.

(a) The City expressly reserves the right to temporarily shut off water from the distribution mains when necessary to repair any portion of the water supply system or to make connections to or extensions

of the water supply system. Whenever possible, the City shall endeavor to give reasonable notice of the proposed interruption of water service to all users potentially affected thereby.

(b) In the event the City determines that a water leak exists beyond the curb stop, the City may, at its option, temporarily discontinue service of water to the property. In such event, the City shall make every effort to notify the owner or occupant of the property of such disconnection, and shall restore the water service when the leak has been corrected. (Prior code 10.04.470; Ord. 4 §1, 2005)

Sec. 13-1-610. Liability for operation of facilities.

(a) The City and the City Water Enterprise shall not be subject to any claim for injury, damage or any other liability, by reason of the following:

(1) Damage caused by any deficiency in the installation of a service line;

(2) Breakage of any service line, pipe or meter;

(3) Failure to maintain pressure sufficient for a proposed use of water;

(4) The unauthorized acts of any employee of the City Water Enterprise or City relating to the City water system;

(5) Failure or interruption at any time of the City's water supply, including failures or interruptions during repairs or extensions or due to strikes, acts of God, unavoidable accidents and other contingencies beyond the City's control;

(6) Shut-off or turn-on of water in the City's water mains;

(7) The making of connections or extensions;

(8) Damage caused by water escaping from open or defective faucets or hose bids;

(9) Broken or frozen service lines or other facilities not owned by the City Water Enterprise;

(10) Damage to water heaters, boilers or other appliances resulting from the shut-off or turn-on of water or from inadequate, high or fluctuating pressures; or

(11) Any other act or omission in the operation of the City water system deemed necessary by the City Council, the City Water Enterprise or its agents.

(b) Nothing herein shall be construed to constitute a waiver of governmental immunity. (Prior code 10.04.480; Ord. 29 §24, 2004; Ord. 4 §1, 2005)

*Division 5
Water Meters*

Sec. 13-1-710. Meters and submeters required.

(a) All connections to the City water supply system shall be by water meter. Such meter shall be capable of measuring the use of water at such premises, which measurement shall be recorded at periodic intervals as necessary for the purpose of determining the amount of applicable user charges.

(b) In order to facilitate proper accounting of water use records, if the City determines it is necessary to measure separately the water use data for a particular class of use on the user's property, the City Manager may, in his or her sole discretion, require the user to install a submeter by which water flow to the individual class of use can be separately measured. Remote readouts may be required to be installed with such submeters. (Prior code 10.04.490; Ord. 29 §25, 2004)

Sec. 13-1-720. Remote readers.

Where a remote meter reader is used for an account of a customer of the City's water supply system, and a discrepancy exists between the reading on the remote reader and the reading on the inside meter on the customer's premises, the City shall have the right to inspect the main meter on the premises and determine, upon the best information available, which reading is accurate. The determination made by the City shall prevail for determining the amount of applicable charges. The City shall have the right to assess any additional amounts due in the event of a discrepancy between a main meter and remote meter reading device, irrespective of whether the additional amounts due are attributable to use during a past billing cycle. (Prior code 10.04.500)

Sec. 13-1-730. Installation, maintenance, calibration and readings.

(a) All water meters, submeters required by the City, and remote reading devices shall be furnished and installed by the City at the expense of the owner of the premises served; and the City shall retain ownership of such meters, submeters and remote readers. The City shall perform all necessary maintenance and/or repair of meters, submeters and remote readers, including replacement thereof; provided, however, that the owner of the premises served shall be responsible for protecting the meters, submeters and remote readers against freezing and damage.

(b) Any customer may request that the City inspect, calibrate or test any water meter or submeter (hereinafter collectively referred to as "meter") that the customer suspects may be inaccurate. If a meter is found to be inaccurate, there shall be no charge, either for the inspection or for the replacement of the defective meter. However, if any customer requests a calibration and the meter is found to be accurate, the City shall impose a fee for each calibration as set forth in Appendix A to this Code. The City Manager may provide an estimate of the actual costs of such a calibration, based upon actual calibrations performed. A customer may also request an additional meter reading, the fee for which is set forth in Appendix A to this Code. (Prior code 10.04.510; Ord. 29 §26, 2004; Ord. 4 §1, 2005)

Sec. 13-1-740. Installation and location of metering facilities.

(a) The owner or developer of each premises served or to be served by the water supply system of the City shall provide and install sufficient and proper meter loops and other necessary facilities for the

installation of a water meter. Such facilities shall be provided and installed at the expense of such owner or developer and in accordance with all applicable ordinances and rules and regulations of the City. No meter shall be installed until such facilities have been inspected and approved by the City.

(b) The location of meter installation facilities and other metering equipment upon the premises, including remote reading devices, shall be as designated by the City Manager. Such location shall provide for adequate clearance to ensure that the meter and appurtenant facilities and equipment are readily accessible for the purposes of reading, testing, maintaining and repairing the meter. The location of the meter and appurtenant facilities shall be such as to prevent obstruction of or interference with traffic, streets, driveways, sidewalks, hallways or other passageways or the opening or closing of doors or windows, and to provide for protection from hazard. Further, if any water meter is installed in any meter pit or vault, that vault shall be maintained in accordance with the specifications of the City.

(c) In the event the owner or occupant of the property for any reason denies access to the water meters or remote reading devices, the City, at its option, may make an estimate based upon the best information available to it as to the amount of water which was used; may move or relocate the water meter or remote reading device at the expense of the water customer; or may disconnect the customer from the water supply system. The fee for reinstalling a water meter shall be added to the customer's subsequent water bill and shall be paid as provided in this Chapter; and, in the event of disconnection, the reconnection charges set forth in this Chapter shall apply. (Prior code 10.04.520; Ord. 4 §1, 2005)

Division 6
Miscellaneous Provisions

Sec. 13-1-810. Appeal procedure.

(a) Except where addressed by specific procedures, any customer aggrieved by a determination of the City with regard to rates, charges, tolls, fees or assessments for water or sewer service may appeal such determination to the City Manager. The customer shall furnish the City Manager with any factual information the customer believes shows that the City's determination was in error. Upon review of the evidence submitted by the customer, but in no event more than thirty (30) days after submission, the City Manager shall issue a decision concerning the customer's grievance.

(b) Any customer may appeal an adverse decision of the City Manager to a Hearings Officer, who shall be appointed by the City Council and who shall have the power to make adjustments as set forth in this Section. The City Council may appoint itself to act as the Hearings Officer and, when so acting, shall act by majority vote. The customer shall file a request for appeal with the City Manager within fifteen (15) days of the decision of the City Manager. The matter shall then be set for a hearing before the Hearings Officer, and the City shall provide the customer with ten (10) days" written notice of the time, date and place of the hearing. At the hearing, the customer and City shall have the opportunity to present testimony and evidence to the Hearings Officer. Within fifteen (15) days of the close of the hearing, the Hearings Officer shall issue a decision. The Hearings Officer shall have the power to make an adjustment of charges if the customer has demonstrated, by a preponderance of the evidence, one (1) or more of the following:

- (1) The customer has been charged the incorrect water or sewer rate;

- (2) The sewer, water or interest charges are in excess of the amount prescribed by ordinance;
- (3) The water meter reading was in error;
- (4) Payments were received by the City and not properly credited to the customer's account;
- (5) The water meter is faulty and the water meter testing fee has been paid;
- (6) A water loss recorded by the meter was due to a fault of the City; and/or
- (7) That the utility statement was incorrectly calculated.

(c) The decision of the Hearings Officer shall be final.

(d) The pendency of any grievance to the City Manager or any appeal to a Hearings Officer shall not affect the obligation of the customer to pay any rates, charges, fees, tolls and assessments as the same become due and payable. (Prior code 10.04.525; Ord. 4 §1, 2005)

Sec. 13-1-820. Unlawful acts.

(a) It shall be unlawful for any person to install a bypass without the express written authorization of the City Manager.

(b) It shall be unlawful for any customer or user at any premises knowingly to receive water service by means of a bypass which has not been authorized in writing by the City Manager; or knowingly to receive water service by means of an authorized bypass which is not approved or intended for water service.

(c) It shall be unlawful for any person to tamper with a water meter or other water utility equipment without the express written authorization of the City Manager.

(d) It shall be unlawful for any customer or user at any premises knowingly to receive water service by means of tampering which has not been authorized in writing by the City Manager.

(e) It shall be unlawful for any person to engage in unauthorized metering.

(f) It shall be unlawful for any customer or user of any premises knowingly to receive water service by means of unauthorized metering which has not been expressly authorized in writing by the City Manager.

(g) It shall be unlawful for any person to interfere in any manner with any distribution main, meter, corporation valve or any other appurtenance connected to the water system or comprising a part thereof without permission therefor obtained from the City Manager.

(h) It shall be unlawful for any person to damage, impair or deface any part, appliance or appurtenance of the water supply system of the City.

(i) It shall be unlawful for any person to excavate or obstruct any line or main belonging to the City or to do any act or thing to divert, damage, drain or otherwise impede or hinder, to tend to impede or

hinder, the flow of any of the waters or streams tributary or contributing to the water supply of the City without permission therefore obtained from the City Manager.

(j) It shall be unlawful for any person to damage, tamper, meddle or interfere in any way with any of the works, lakes, reservoirs, drains, streams, trenches, mains, lines, filters, valves, gauges, devices, grounds, enclosures, buildings, structures, boats or other property or works of the City used directly or indirectly for or in connection with the water supply system of the City.

(k) It shall be unlawful for any person to enter without authority or to trespass upon any property or works of the City used directly or indirectly for or in connection with the water supply system of the City.

(l) It shall be unlawful for any person to connect a surface or groundwater source or otherwise create a water connection or cross-connection to the water system.

(m) It shall be unlawful for any person located within the area identified as the Rifle Institutional Control Boundary to access groundwater for potable purposes or in any way connect a groundwater source to the water system. (Prior code 10.04.530; Ord. 4 §1, 2005)

Sec. 13-1-830. Unlawful to pollute.

(a) It shall be unlawful for any person to pollute or contaminate any of the waters in or of the water supply system of the City, or to do any act which would pollute or tend to pollute the watersheds of the City.

(b) It shall be unlawful for any person to do any act whatsoever which shall tend to foul or render impure or unwholesome any of the waters or streams tributary or contributing to the water supply of the City; and it shall be unlawful for any person to cast into or allow to flow or fall into any of said water or into any reservoir or lake belonging to the City any filth, sewage, carrion, garbage, minerals, clay, rock or earth of any kind, or any excretion, clothing, paper, rags or any extraneous substances.

(c) It shall be unlawful for any person to do any of the following acts in such areas of the water supply system as the City Council may designate:

(1) To wash, swim, wade or bathe in such areas;

(2) To bathe any animal or to cause or allow any animal to enter or swim in such areas; or

(3) To fish in or to shoot over, into or near such areas. (Prior code 10.04.590)

Sec. 13-1-840. Restitution.

As a condition of granting probation, deferred prosecution, deferred sentence or suspended sentence, the court may order any person who is charged with or found guilty of, as the case may be, violating any of the provisions of this Article to pay as restitution estimated or actual user charges for the period during which the violation existed, the cost of repairing or replacing any damaged utility equipment and any other costs incurred by the City related to the violation, including but not limited to costs of investigation, disconnection, reconnection and service calls. (Prior code 10.04.540)

Sec. 13-1-850. Evidence of violations.

Proof of the existence of any bypass, tampering or unauthorized metering as prohibited by this Article shall be deemed prima facie evidence that the customer had knowledge of the bypass, tampering or unauthorized metering if it is proved that said customer controlled access to the water meter or other utility equipment where the bypass, tampering or unauthorized metering is proven to exist. (Prior code 10.04.550)

Sec. 13-1-860. Tampering, bypassing or unauthorized metering.

Tampering, bypassing or unauthorized metering at any premises is subterfuge. Such tampering, bypassing or unauthorized metering shall be grounds for immediate disconnection of service without notice to the customer or user at such premises, and service shall not be reconnected until any and all deficiencies in piping, connections, meters and/or water facilities of the premises have been repaired, corrected or otherwise altered to conform to the requirements of all applicable ordinances, rules and regulations and until the requirements of this Article are met. (Prior code 10.04.560; Ord. 4 §1, 2005)

Sec. 13-1-870. Reconnection charges.

In order for water service to be reconnected to premises where tampering, bypassing or unauthorized metering has occurred, the customer or user of the premises shall pay the following charges to the City prior to reconnection:

- (1) A service charge calculated to compensate the City for all reasonable expenses incurred on account of the tampering, bypassing or unauthorized metering, including but not limited to costs of investigation, disconnection, reconnection and service calls, but in no event less than the amount set forth in Appendix A to this Code;
- (2) The cost of repairing or replacing any damaged utility equipment; and
- (3) The actual or estimated user charges not previously billed to the customer as a result of the tampering, bypassing or unauthorized metering. (Prior code 10.04.570; Ord. 4 §1, 2005)

Sec. 13-1-880. Estimated user charges for defective meters.

(a) If a meter is found not to register, to register intermittently or inaccurately, or to partially register for any period the amount of water is consumed at the premises of any user of the water supply system, the City may estimate the charge for the water consumed by averaging the amounts registered over similar periods, over corresponding periods in previous years, or by such other basis as may be reasonable. The owner or occupant of the premises in which such defective meter is found to exist shall be liable for estimated user charges as so determined by the Public Works Department.

(b) In the event a defective meter has resulted in the overpayment of user charges by the owner or occupant of the premises in which such defective meter is found to exist, the excess amount, as determined on the basis of estimated user charges, shall be refunded or credited to such owner or occupant.

(c) If a meter is found to be registering either intermittently or inaccurately or to partially register for any period, the City has the right to test, repair or replace such meter. (Prior code 10.04.580; Ord. 4 §1, 2005)

ARTICLE II

Watershed District

Division 1 General Provisions

Sec. 13-2-10. Intent.

There is established by the City a Watershed District ("District"). The District is that area in which the City shall exercise its powers to maintain and protect the City's waterworks from injury and the City's water supply from pollution. This District is created under the authority granted in Section 31-15-707(1)(b), C.R.S., and Article XX of the State Constitution. The District and these regulations are created only for the purpose of protecting the City's waterworks and water supply, and not for the purpose of regulating land use activities, which activities shall continue to be regulated by the County, the federal government and any other authority with jurisdiction over land use activities within the District. The City shall implement and enforce these regulations for the purpose of reviewing and permitting any activity within the District which creates a foreseeable risk of injury to the City's waterworks or pollution of the City's water supply. The City's review authority within the District shall be exercised concurrently with the authority of the County or any other government entity to review and/or permit the same activity as the City may regulate; provided however, that in the event no review, approval or permit requirement exists, the City's review authority shall occur prior to the commencement of any activity covered by this Chapter. (Prior code 10.05.010)

Sec. 13-2-20. Jurisdiction and map.

The jurisdiction of the District shall extend over the territory occupied by the City waterworks and all reservoirs, streams, trenches, pipes and drains used in and necessary for the construction, maintenance and operation of the same, and over Beaver Creek, the Colorado River and all water sources and drainage areas tributary thereto for five (5) miles above the points from which water is diverted for use by the City. The District Map, with all notations, references and other information shown thereon, is incorporated herein as part of this Article. The official District Map is located and can be reviewed in the office of the City Clerk, and copies thereof are available on request at a cost as set forth in Appendix A to this Code. (Prior code 10.05.020; Ord. 4 §1, 2005)

Sec. 13-2-30. Definitions.

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

Best management practices ("BMPs") means schedules of activities, prohibitions of practices, maintenance procedures, management procedures and other management and activity practices to prevent or reduce potential or actual injury to the City waterworks or pollution of the City water

supply. *BMPs* also include treatment requirements, operating procedures and other practices to control runoff, erosion, drainage, sediment accumulation and similar events.

Excavate or *excavating* means the artificial movement of earth leaving any cut bank over three (3) feet in vertical height or a movement of material in excess of two hundred fifty (250) cubic yards.

Fill or *filling* means the artificial movement of earth leaving a fill earth bank over two (2) feet in vertical height or filled earth over two (2) feet deep, or artificial addition of earth above a line sloping up at a grade of one (1) vertical foot to two (2) horizontal feet from the ground.

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

Grade or *grading* means the artificial movement of over two hundred fifty (250) cubic yards of material; movement of any earth or material affecting or creating a drainage channel; pioneering of roads by the artificial movement of soils, trees or shrubbery creating a roadway or driveway in excess of two hundred fifty (250) feet in length; or the use of vehicles or keeping of any animals upon any land that would lead to a movement of one hundred (100) cubic yards of material within one (1) year of the commencement of such use or which use, if continued, would result in the movement of any earth or material affecting or creating a drainage channel.

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

Remove vegetation means to artificially cut, chemically kill or in any other manner remove any tree greater than fifteen (15) feet in height, any shrubs or trees covering an area of more than one hundred (100) square feet, or any grasses covering an area of more than one thousand (1,000) square feet.

Sewage disposal system means an *individual sewage disposal system* as defined in Section 25-10-103(8), C.R.S.

Surface or *surfacing* means any action resulting in the hardening or covering of the preexisting ground in an area greater than one hundred (100) square feet such that rain or other water striking the area will accumulate or run off the surface to a greater extent than prior to the hardening or covering of the preexisting ground. *Surfacing* includes, but is not limited to, such things as compacting the surface of the earth, placing gravel, concrete or like substances on the surface of the earth, or placing of structures upon the ground.

Tributary means any watercourse, stream, creek, spring or drainage area which provides a source of supply to the City's potable water diversion points on Beaver Creek and the Colorado River.

Waterworks means any and all man-made or designed components of the City's water system, including but not limited to all transmission, storage, treatment and filtration facilities; and all reservoirs, streams, ditches, pipes, drains and diversion structures used in and necessary for the construction, maintenance, operation and repair of the City's water system. (Prior code 10.05.030; Ord. 4 §1, 2005)

Sec. 13-2-40. Prohibited activities; permitted activities requiring notice.

(a) It is unlawful for any person to cast, place, dump or deposit in any part of the City waterworks any substance or material which may injure or obstruct the same or tend to contaminate or pollute the water or obstruct the flow of water through the City's water facilities. For a distance of five (5) miles upstream from the points where the water supply is diverted, no person shall:

(1) Throw, cast, put or deposit any pollutant or contaminant into or in close proximity to Beaver Creek, the Colorado River, or any of their tributaries or drainage areas;

(2) Store or retain any offensive or unwholesome substance on any premises in such position that the substance or drainage therefrom may be carried by natural causes into Beaver Creek, the Colorado River or any of their tributaries or drainage areas; or

(3) Permit to flow into Beaver Creek, the Colorado River or any of their tributaries or drainage areas from any place or premises any foul or contaminating fluid.

(b) It shall be unlawful for any person to cause injury or damage to the City waterworks.

(c) In addition to the general prohibitions of Sections 13-1-820, 13-1-830 of this Chapter and Subsections (a) and (b) above, it shall be unlawful for any person to engage in any of the following activities within the Watershed District, which activities the City Council finds pose a potential or threat of injury to the waterworks or pollution to the City's water supply, unless such person shall, prior to commencement of such activity, receive a permit for such activity under the provisions of this Article:

(1) Construction or installation of a sewage disposal system.

(2) Excavation, grading, filling or surfacing.

(3) Removal of vegetation.

(4) Timber harvesting.

(5) Drilling operations.

(6) Alteration of water drainage courses.

(7) Surface and subsurface mining operations.

(8) Spraying or using herbicides.

(9) Using, handling, storing or transmitting toxic or hazardous substances, including but not limited to radioactive materials.

(10) Using, handling, storing or transporting flammable or explosive materials, except for domestic purposes or within vehicular fuel storage tanks.

(11) Land application of primary, secondary, treated or untreated sewage, sewage sludge, biosolids, septage, mixed liquor, screenings, grit or any byproduct of sewage or sludge.

(d) The following activities are permitted within the District, provided that written notification of such activity is provided to the City ten (10) days prior to commencement of such activity:

- (1) Stock grazing.
- (2) Road maintenance and improvement by governmental entities.

The written notice required under this Subsection shall include the name and address of the person undertaking the activity, a legal and common description of the location of the proposed activity, a description of the proposed activity, a discussion of the potential impacts upon the City's waterworks or water supply, and such other information as the City may require. The purpose of this notice requirement is to allow the City an opportunity to protect the waters of the District by suggesting a best management practice for such activity prior to its commencement.

(e) In the event that any activity not listed in Subsection (c) above is being conducted in such a manner that the City Council finds that there exists a foreseeable risk of injury to the City's waterworks or pollution to the City's water supply, the person responsible for such activity shall be notified by the City of such finding and the City may require that the activity cease and desist until a permit is obtained for the activity under the provisions of this Article. (Prior code 10.05.040; Ord. 9 §2, 2003; Ord. 4 §1, 2005)

Division 2
Permit and Hearing Procedures

Sec. 13-2-110. Application and fees.

An applicant for a District permit shall submit the following to the City Clerk no later than ninety (90) days prior to commencement of a proposed activity:

(1) The applicant shall provide a completed application form as prescribed by the City. The application shall be completed by the owner of the property on which the proposed activity will occur, or his or her authorized representative, the latter of whom shall provide evidence satisfactory to the City of his or her authority to act with respect to the property and who shall also provide a statement setting forth his or her interest in the proposed activity.

(2) The application shall contain a full and complete description of the proposed activity for which a permit is sought, including, if applicable, a discussion of any future activity anticipated by the applicant with respect to the subject property.

(3) The application shall be accompanied by two (2) sets of plans and specifications which shall contain the following information:

- a. A vicinity sketch map or other data indicating the site location and legal description of the subject property.
- b. Boundary lines of the property for which the permit is sought, if applicable.
- c. Location of any buildings or structures within fifty (50) feet of the proposed activity.

d. Accurate contours establishing the topography of the existing ground at a minimum of five-foot contour intervals for areas with a grade of less than ten percent (10%), and at a minimum of twenty-foot contour intervals for areas with a grade greater than ten percent (10%).

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

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

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

h. Nature and location of existing vegetation and a statement as to the effect of the proposed activity on such vegetation.

i. A vicinity map, at a scale of not less than 1" = 2,000" depicting the location of streets, highways, watercourses and natural drainage courses of streams within one-half (½) mile of the proposed activity site.

j. The location of the one-hundred-year floodplain of any drainage on or adjacent to the site of the proposed activity.

(4) The applicant shall provide a document identifying any activity that may present or create a foreseeable risk of injury to the City's waterworks or pollution to the City's water supply, along with a specific description of the measures, including best management practices, that will be employed by the applicant to obviate such risks.

(5) The applicant shall provide any and all additional information that may be specifically requested by the City, including, but not limited to, the following:

a. A map showing the drainage pattern and estimated runoff of the area of the proposed activity.

b. Re-vegetation and reclamation plans and specifications.

c. A soils analysis, including the nature, distribution and strength of existing soils, and recommendations for earth-moving procedures and other design criteria.

d. A geologic analysis of the site and adjacent areas.

e. An operational and maintenance analysis of the proposed activity.

f. Water use analysis for the proposed activity, including source, quality, amount of consumptive use, impact on groundwater and discharge characteristics.

(6) An application will not be deemed to be complete until all information required by the City has been submitted. The Public Works Director shall have the authority to waive one (1) or more submittal requirements if compliance with the requirements waived is not necessary for proper evaluation of a permit application.

(7) At the time of filing of the application, the applicant shall submit to the City a district permit application fee as set forth in Appendix A to this Code. The fee shall be considered a minimum for each application. To the extent any application results in the City paying for outside professional services, including but not limited to engineering, legal, consulting, publication and copying fees associated with the review of the application, the applicant shall pay all such out-of-pocket expenses incurred by the City. All fees and costs shall be due and payable at the time a statement is presented to the applicant by the City. No watershed district permit shall be issued until all fees have been paid. (Prior code 10.05.050; Ord. 4 §1, 2005)

Sec. 13-2-120. Review, analysis and classification.

(a) Within sixty (60) days following receipt of a completed application and site inspection, if necessary as determined by the City, the Public Works Director shall review the application and prepare an analysis of the proposed activity, including a discussion of any factor that may present or create a foreseeable risk of injury to the City's waterworks or pollution to the City's water supply, and including a discussion of the measures, including best management practices, if any, that are proposed by the applicant to obviate such risks.

(b) In undertaking the analysis of any proposed activity, the Public Works Director shall consider the following factors and any others that may be relevant:

- (1) Nature and extent of the proposed activity.
- (2) Proximity of the activity to existing water courses, City water supplies and City waterworks.
- (3) Drainage patterns and control measures.
- (4) Soil criteria and erosion potential.
- (5) Slope steepness and stability.
- (6) Effects of denudation.
- (7) Geologic hazards, including but not limited to avalanche paths, floodplains, high water tables, fault zones and similar factors.
- (8) Ambient and nonpoint source discharges into water.
- (9) Fire hazard.

(c) The Public Works Director may classify in writing an application as "Minor Impact" if the Public Works Director finds, based upon his or her analysis, that the proposed activity does not present or create a clear or foreseeable risk of significant injury to the City's waterworks or pollution to the City water supply. If the Public Works Director has designated an application as "Minor Impact," the Public Works Director shall forward the application, analysis and "Minor Impact" finding to the City Council. The City Council shall conduct the hearing required under Section 13-2-130 below at a regularly scheduled meeting within thirty (30) days of the Public Works Director's determination. The City Council shall render a decision regarding the issuance or denial of a District permit to such applicant within the time limits contained in Section 13-2-130 below. The failure of the City Council to render such decision

within the time limits herein set forth shall be deemed affirmative action on the issuance of the requested permit for any application classified as "Minor Impact."

(d) If, upon receipt of an application and review thereof in accordance with the criteria set forth in Subsection (b) above, the Public Works Director determines that the proposed activity is of a type or location that will have no negative impact on the City's waterworks or water supply, the Public Works Director may classify the application as "No Impact." If such a "No Impact" finding is made, the Public Works Director shall immediately issue a District permit for the proposed activity. After issuance of said permit, the Public Works Director shall report same to the City Council at its next regular or special meeting, and shall also keep a record of such "No Impact" permits for the purpose of assessing the cumulative impact of "No Impact" activities. If the Public Works Director does not make a "No Impact" determination, that decision may be appealed to and considered the City Council at that meeting at which the application is otherwise reviewed. At said meeting, the City Council may, based upon the same standards as set forth above, grant a "No Impact" permit for the proposed activity.

(e) If, upon receipt of an application and review thereof in accordance with the criteria set forth in Subsection (b) above, the Public Works Director finds that the proposed activity poses a foreseeable and significant risk of injury to the City's waterworks or pollution of the City's water supply, the Public Works Director shall forward the application, analysis and finding to the City Council, together with a recommendation that the City Council deny the permit or issue the permit with conditions. The City Council shall then review the application and recommendation as provided in Section 13-2-130 below. (Prior code 10.05.050; Ord. 29 §52, 2004)

Sec. 13-2-130. Hearing.

Upon receipt of an application, analysis and finding from the Public Works Director, the City Council shall conduct a public hearing to review the application and shall render a decision regarding the issuance or denial of a District permit to such applicant within sixty (60) days of receipt of the Public Works Director's analysis. However, if the activity requires approval or a permit from any agency of the County, State or federal government, and the approval timelines for the County, State or federal action exceed that required in this Division, the City shall have until thirty (30) days following the issuance of the County, State or federal permit or approval to render a decision regarding the issuance or denial of a District permit to such applicant. The City Council may require additional information from any applicant, in which event the public hearing and decision may be delayed or continued until receipt of such additional information. (Prior code 10.05.050; Ord. 4 §1, 2005)

Sec. 13-2-140. Issuance of permit.

(a) A District permit shall be issued when the City Council finds that the applicant has sustained the burden of proof that the proposed activity, including best management practices, if any, does not present or create a foreseeable risk of injury to the City's waterworks or pollution to the City's water supply, or injury or pollution of any water sources tributary thereto for five (5) miles above any point from which water is diverted for use by the City. A District permit shall be denied when the City Council finds that the applicant has not sustained such burden of proof.

(b) The City Council, in issuing any District permit, may prescribe any conditions it may deem necessary to effect the intent of this Article. The City Council may require any applicant to post a surety bond or cash in an amount sufficient to ensure compliance with the District permit, including but not

limited to the cost of maintenance, operation, re-vegetation, reclamation and other requirements intended to further the intent of this Article. The City Council may release to the applicant portions of any such bond or cash from time to time when no longer necessary to ensure compliance with the District permit.

(c) If any proposed activity for which a District permit is issued is not commenced within twelve (12) months from the date of issuance of such permit, the permit shall expire and become void. (Prior code 10.05.050; Ord. 4 §1, 2005)

Sec. 13-2-150. Notice of hearing.

Notice of any public hearing required hereunder shall be given at least ten (10) days in advance of the public hearing by publication in the official newspaper of the City, and by notice to the applicant sent by certified mail. (Prior code 10.05.050; Ord. 4 §1, 2005)

Sec. 13-2-160. Joint review process.

Any permit required hereunder can be reviewed and issued pursuant to a joint review process with any other government entity or agency charged with the review and approval of the same activity. (Prior code 10.05.050; Ord. 4 §1, 2005)

*Division 3
Enforcement*

Sec. 13-2-210. Right of entry.

Whenever necessary to make an inspection to enforce a provision of this Article, an authorized representative of the City may go upon any land at any reasonable time to inspect the same or to perform any duty imposed hereunder, provided that he or she shall identify himself or herself and, if such land is unoccupied, that he or she shall make a reasonable effort to locate the applicant or other person having control of such land to notify him or her of such entry. (Prior code 10.05.060)

Sec. 13-2-220. Stop work order.

Whenever any work or activity is being done contrary to the provisions of this Article or in violation of the terms of any District permit issued hereunder, the City may order the work stopped by notice in writing served on the applicant or any person engaged in or causing such activity to be done. Any such person shall cease such activity until authorized by the City to proceed. The City shall reserve the right to revoke or suspend any permit issued hereunder if work is not done in accordance therewith. (Prior code 10.05.060; Ord. 4 §1, 2005)

Sec. 13-2-230. Other remedies.

In addition to any other remedies provided by this Article, this Code or state or federal law, the City Attorney, on behalf of the City, may commence an action in a court of competent jurisdiction for a temporary restraining or preliminary or permanent injunctive relief restraining and violation of this Article. (Prior code 10.05.070)

Sec. 13-2-240. Appeal.

Any person desiring to appeal any decision or determination by the City Council hereunder must file such appeal within thirty (30) days following such decision or determination with the District Court of the County. (Prior code 10.05.100)

Sec. 13-2-250. District Map.

The District Map shall be amended in the event any change in the City's waterworks or diversion points for its water supply materially alter the geographical extent of the City's jurisdiction under this Article. (Prior code 10.05.110)

Sec. 13-2-260. Violation and penalty.

(a) Any person who violates any of the provisions of this Article shall be fined in accordance with the provisions of Section 1-4-20 of this Code.

(b) The remedies herein provided shall be cumulative and not exclusive and shall be in addition to any other remedies provided by law. Nothing herein shall be construed to be a waiver of any civil remedies available to the City. (Prior code 10.05.090; Ord. 4 §1, 2005)

ARTICLE III

Wastewater System

*Division 1
General Provisions*

Sec. 13-3-10. Definitions.

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

Act or Clean Water Act means the Clean Water Act of 1977 33 U.S.C. § 1251, et seq., as the same is now in effect or may hereafter be amended.

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 (20) degrees C., expressed in milligrams per liter (mg/l).

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

City, where the context so requires or permits, shall mean the City's Sewer Enterprise, the sewer activity enterprise owned by the City, which business is responsible for the operation and maintenance of the public wastewater system and which business receives under ten percent (10%) of its annual revenues in grants from all state and local governments combined and which is authorized to issue its

own revenue bonds. The term *City Council*, where the context so requires or permits, shall mean the governing body of the Sewer Enterprise.

Connection permit means a permit to connect to the wastewater system of the City issued in accordance with Sections 13-3-130 and 13-3-140 of this Article.

Discharge permit means a permit to discharge industrial waste into the public wastewater system, as authorized and permitted by Sections 13-3-270 through 13-3-290 of this Article.

Discharger means one who discharges industrial waste into the public wastewater system.

Domestic wastewater means wastewater that has a BOD concentration of not more than two hundred fifty (250) milligrams per liter and a suspended solids concentration of not more than two hundred eighty (280) milligrams per liter.

Industrial waste means solid, liquid or gaseous substances which any person discharges or allows to be discharged into the public wastewater system, which substances have a BOD in excess of domestic wastewater or a suspended solids content in excess of domestic wastewater, or both, or which substances contain substances, material or wastes set out in Section 13-3-220 of this Article.

Major contributing user means an industrial or commercial user of the City's public wastewater system that:

- a. Has a flow of twenty-five thousand (25,000) gallons or more per average workday;
- b. Has a flow greater than five percent (5%) of the flow carried by the public wastewater system receiving the waste or more than the average dry weather hydraulic or organic capacity of the wastewater reclamation facilities;
- c. Has in its waste a toxic pollutant in toxic amounts as defined in standards issued under section 307(a) of the Clean Water Act;
- d. Is found by the permit issuance authority, in connection with the issuance of the NPDES permit to the publicly owned wastewater reclamation facilities receiving the waste, to have significant impact, either singly or in combination with other contributing industries, on those wastewater reclamation facilities or upon the quality of effluent from those wastewater reclamation facilities; or
- e. Contributors who contribute wastewater, the strength of which is greater than normal domestic wastewater.

pH means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

Pollutant means any substance discharge into the City wastewater treatment facilities or its collection system, which is listed in the National Pretreatment Standards, 40 C.F.R. Part 4003, as the same is now in effect or may hereafter be amended.

Pretreatment means the reduction of the amount of pollutants, the elimination of pollutants or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into the wastewater treatment system of the City. This reduction or alteration may be obtained by physical, chemical or biological processes, process changes or other means, except as otherwise prohibited. Appropriate pretreatment technology includes control equipment such as equalization tanks or facilities for the protection against surges or slug loadings that might interfere with or otherwise be incompatible with the wastewater treatment facilities of the City.

Properly shredded garbage means the wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in the public wastewater system, with no particle greater than one-half (½) inch in any dimension.

Public wastewater system means a sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions to the City's wastewater reclamation facilities.

Runoff waters means any water from storm or surface runoff, including by way of example but not by limitation, ground waters or storm and surface runoff from building foundations or roof drains, or any other collected or uncollected water from natural sources.

Sanitary sewage or sewage means the water-carried human waste or a combination of water-carried liquid wastes originating from residences, commercial buildings, institutions, structures or industrial establishments that are discharged into the public wastewater system.

Service line or building sewer means the pipe or line that is owned, maintained and repaired by, and is the sole responsibility of, the owner of the property served thereby, used to provide sewer service from the building drain to the sewer main.

Sewer main or trunk line means a sewer line owned by the City and installed in a public street or dedicated easement.

Slug means any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four-hour concentration of flows from such user during normal operation and which adversely affects the public wastewater system or performance of its wastewater works.

SS (suspended solids) means solids that either float on the surface of or are in suspension in water, sewage or other liquids and which are removable by laboratory filtering.

Storm water means any water or liquid containing none of the following: free or emulsified grease or oil; substances that may impart taste and odor or color characteristics; volatile, explosive, toxic or poisonous substances in suspension, colloidal state or solution; or explosive, odorous or otherwise obnoxious gases; all as defined by the Colorado Department of Public Health and Environment and/or the U.S. Environmental Protection Agency.

Superintendent means the official designated by the City Manager to be the superintendent of wastewater facilities of the City, or his or her authorized deputy, agent or representative.

User means any person or entity to whom City sewer service is provided, whether renter, record owner, corporation, company, individual, educational institution, etc., and includes a *discharger* as that term is defined herein.

Wastewater means industrial waste, sewage or any other waste that may be discharged into the public wastewater system of the City.

Wastewater hauler means a person or firm engaged in the business of cleaning and disposing of wastewater from public or private wastewater facilities.

Wastewater reclamation facilities means any devices and systems for the storage, treatment, recycling and reclamation of domestic wastewater and industrial waste. These include intercepting sewers, outfall sewers, sewage collection systems, individual systems, pumping, power and other equipment and their appurtenances; extensions improvement, remodeling, additions and alterations thereof; elements essential to provide a reliable recycled supply each as standby treatment units and clear well facilities; and any works, including site acquisition of the land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment (including land for composting sludge, temporary storage of such compost and land used for the storage of treated wastewater in land treatment systems before land application); and any other method or system for preventing, abating, reducing, storing, treating, separating or disposing of domestic wastewater and industrial waste. (Prior code 10.08.010; Ord. 29 §27, 2004; Ord. 4 §1, 2005; Ord. 7 §3, 2007; Ord. 34 §§2, 11, 12, 2009)

Sec. 13-3-20. Privies and septic tanks.

Except as otherwise expressly provided, no person shall maintain within the City any privy, privy vault, septic tank, cesspool or other facility intended for use for the disposal of sewage. (Prior code 10.08.020)

*Division 2
Sewer Connections*

Sec. 13-3-110. Connection to sewer required.

(a) The City Council deems it necessary for the protection of the public health that the owners of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes, and situated within the City, install at the owner's expense suitable toilet and plumbing facilities therein and connect such facilities directly with the public wastewater system in accordance with the provisions of this Chapter. Such connection shall be made without a requirement for notice from the City; however, in circumstances in which notice is provided, connection with the public wastewater system shall be made within thirty (30) days after the date of written notice given by certified mail to such owners notifying them to connect their premises with the sewer.

(b) Where a public wastewater system does not run within four hundred (400) feet of a property boundary line within the City or in any area under the jurisdiction of the City, the building sewer and plumbing fixtures on such property may, at the City's sole discretion, be connected to a private sewage disposal system complying with the provisions and requirements of the County and the rules and regulations of the Colorado Department of Public Health and Environment.

(c) At such time as a public wastewater system runs within four hundred (400) feet of the boundary line of any property served by a private sewage disposal system, the property owner shall make a direct connection from the sewer and plumbing fixtures to the public wastewater system in accordance with the provisions of this Article, and any septic tank, cesspool or similar sewage disposal facilities shall be abandoned and filled with suitable material. (Prior code 10.08.030; Ord. 29 §28, 2004; Ord. 4 §1, 2005; Ord. 34 §11, 2009)

Sec. 13-3-120. Connection permit required.

It is unlawful for any person to open, uncover or in any manner make connection with any sewer main or line of the City, or to lay drain or sewer pipes on any premises or in any street or alley in the City without first obtaining a written connection permit from the City. (Prior code 10.08.040)

Sec. 13-3-130. Application for connection permit.

The application for the connection permit shall be in writing on a form provided by the City, which shall require at least the following information, together with any plans, specifications or other information considered pertinent in the judgment of the Superintendent:

- (1) Name and address of the applicant.
- (2) Name and address of the owner of the premises where the connection is to be made or where the drain or line is to be laid.
- (3) Location of the proposed connection, drain or sewer pipes.
- (4) Statement as to the type, materials and method of connection and the type of materials to be discharged into the sewer. (Prior code 10.08.050)

Sec. 13-3-140. Information required for permit.

The City Clerk shall issue a permit for such connection if the application contains all the required information and the Superintendent finds that the proposed connection complies with all of the provisions of this Code and the sewer installation regulations of the City. The connection permit shall specify the type and kind of connections and grease and sand traps proposed to be used, if any, together with the specifications of construction. (Prior code 10.08.060; Ord. 4 §1, 2005)

Sec. 13-3-150. Sewer connections.

(a) Any user of the public wastewater system, either inside or outside of the boundaries of the City, must build his or her own sewer line if there is no line available for him or her to connect with. All connections to the public wastewater system must be made subject to the supervision and inspection of

the Superintendent and in compliance with this Code and any sewer installation regulations and specifications of the City.

(b) A separate and independent building sewer shall be provided for every building; except, where one (1) building stands at the rear of another on an interior lot and a private sewer is available or can be constructed to the rear building through any adjoining alley, court, yard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one (1) building sewer. The City does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection. Each such application shall be reviewed and appropriate action taken on a case-by-case basis. No such connection shall be approved without written approval of the owners of both buildings and an agreement to hold the City harmless from any damage resulting from such connection.

(c) Building sewers for existing buildings may be used in connection with new buildings only when they are found, on examination and test by the Superintendent, to meet all requirements of this Code and any sewer installation regulations of the City.

(d) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public wastewater system, the means of lifting and discharging the sanitary sewage carried by such building drain into the building sewer shall be subject to the approval of the Superintendent, in his or her sole discretion.

(e) No person shall make connection of roof downspouts, foundation or floor drains, areaway drains or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public wastewater system.

(f) All connections of the building sewer into the public wastewater system shall be made gastight and watertight and verified by proper testing. Any deviation from the procedures and materials prescribed in this Article and any sewer installation specifications of the City must be approved by the Superintendent before installation. The applicant for a building sewer permit shall notify the Superintendent when the building sewer is ready for inspection and connection to the public wastewater system. The connection and testing shall be made under the supervision of the Superintendent.

(g) All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored by the owner, at the owner's expense, in a manner satisfactory to the City.

(h) All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner of the property on which it is installed. Prior to connection of the building sewer to the public wastewater system, the owner shall agree in writing to indemnify the City from any loss or damage that may be directly or indirectly occasioned by the installation of the building sewer. (Prior code 10.08.070; Ord. 29 §29, 2004; Ord. 4 §1, 2005; Ord. 34 §§11, 12, 2009)

Division 3
Discharge Regulations

Sec. 13-3-210. Conformance with rules, regulations and specifications.

The size, slope, alignment and materials for construction of all public wastewater systems, including building sewers, and the methods to be used in excavating, placing the pipe, jointing, testing, backfilling the trench and connecting the building sewer into the public wastewater system, shall conform to the requirements of this Code and all applicable City ordinances, regulations and specifications which may be adopted by the City Manager. Such regulations shall be presented to the City Council and approved by resolution. When so approved, they shall have the same force and effect as any ordinance of the City. (Prior code 10.08.080; Ord. 4 §1, 2005; Ord. 34 §11, 2009)

Sec. 13-3-220. Discharge of certain materials.

(a) The provisions contained in this Section are set forth to prevent the discharge into the public wastewater system of the City of any waters which may interfere with the operation of the wastewater reclamation facilities or cause damage to or pollution of the public wastewater system.

(b) No person shall discharge or cause to be discharged any storm water runoff, ground water, roof runoff, subsurface drainage, cooling water or unpolluted industrial process water into the public wastewater system.

(c) No person shall discharge or cause to be discharged any of the following described water or wastes into the wastewater reclamation facilities of the City:

(1) Any solid, liquid or gas having a temperature higher than one hundred fifty (150) degrees Fahrenheit.

(2) Any gasoline, benzene, naphtha, fuel oil, petroleum products or derivatives, mineral oil or other flammable or explosive liquid, solid or gas.

(3) Any waters containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any wastewater reclamation process, equipment or employees, constitute a hazard to humans or animals, create a public nuisance or create any hazard in the receiving waters of the wastewater reclamation facilities.

(4) Any waters or wastes containing fats, wax, grease or oils, whether emulsified or not, in excess of twenty-five (25) milligrams per liter or containing substances that will solidify or become discernibly viscous at temperatures between thirty-two (32) and one hundred fifty (150) degrees Fahrenheit.

(5) Any garbage that is not properly shredded garbage.

(6) Any waters or wastes having a pH lower than six (6.0) or greater than nine (9.0) or having any other corrosive property capable of causing damage or hazard to the public wastewater system, equipment or personnel, or that create any hazard in the receiving stream, including but not limited to cyanides in excess of twenty-five-hundredths (0.025) milligrams per liter as cyanides or in excess of

one (1) milligram per liter of hydrogen sulfide in the wastewater discharged to the public wastewater system; provided, however, that these standards may be amended to conform to more restrictive state or federal regulations as may be adopted.

(7) Solid or viscous substances in quantities or of size capable of causing obstruction to the flow in the public wastewater system or other interference with the proper operation of the wastewater reclamation facilities, such as but not limited to: ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, whole blood, cattle manure, hair, fleshings and entrails, beer or distillery slops, chemical residues, paint or ink residues, cannery wastes, tannery wastes, bulk solids or, either whole or ground by garbage grinders, paper dishes, cups or milk containers.

(8) Any toxic substance, as the same is defined in the Rules and Regulations of the Environmental Protection Agency embodied in 40 C.F.R. § 403.

(9) Any substance which would cause the wastewater reclamation facilities of the City to violate any permit issued by the State, the federal government or any other applicable agency.

(10) Any waters or wastes containing strong acid pickling wastes or concentrated plating solutions.

(11) Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances to such degree that any such material received in the composite wastewater exceeds the limits established by the Superintendent in compliance with applicable state or federal regulations.

(12) Any radioactive wastes or isotopes of such half-life or concentrations as may exceed limits established by the Superintendent in compliance with applicable state or federal regulations.

(13) Any waters or wastes containing phenols or other waste- or odor-producing substances in such concentrations exceeding limits established by the Superintendent in compliance with regulations of state or federal agencies having jurisdiction over discharge to the receiving streams.

(14) Any waters, wastes, materials or substances which, either singly or by interaction with other waters or wastes in the public wastewater system, release obnoxious or malodorous gases, form suspended solids in unusual concentration or create any other condition deleterious to structures and reclamation processes or which are capable of creating a public nuisance or hazard to public health.

(15) Materials which exert or cause:

a. Unusual concentrations of inert suspended solids (such as but not limited to Fuller's earth, lime slurries and lime residues) or of dissolved solids (such as but not limited to sodium chloride and sodium sulfate).

b. Excessive discoloration, such as but not limited to dye wastes and vegetable tanning solutions.

c. BOD greater than domestic wastewater or having SS greater than domestic wastewater, except that industrial wastes, as defined in Section 13-3-10 of this Article, may be discharged into the public wastewater system, provided that the person so discharging notifies the Superintendent

in advance thereof and thereupon fully qualifies and complies with all the terms and provisions of this Chapter relating to industrial wastes; however, the person first must have received approval by action of the Superintendent to dump such wastes. Approval is revocable at any time by the Superintendent.

d. Volume of flow or concentration of wastes constituting a slug.

(16) Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater reclamation processes employed or are amenable to reclamation only to such degree that the wastewater reclamation facilities' effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving stream.

(d) If any waters or wastes are discharged or are proposed to be discharged to the public wastewater system, which waters contain the substances or possess the characteristics enumerated in Subsections (a), (b) and (c) above, the Superintendent shall have available those remedies as are set forth in Section 13-3-310 of this Code. (Prior code 10.08.090; Ord. 4 §1, 2005; Ord. 34 §3, 2009)

Sec. 13-3-230. Grease, oil or sand traps.

Grease, oil or sand traps shall be utilized for the proper handling of liquid wastes containing grease in excessive amounts or any flammable wastes and/or other harmful ingredients. All traps or similar devices shall be of a type and capacity to prevent discharge of grease, oil or sand into the public wastewater system, of a type and capacity approved by the Superintendent and readily and easily accessible for cleaning and inspection. All grease, oil or sand traps shall be utilized and maintained in continuously efficient operation at all times by the user at the user's expense. Users shall maintain records of maintenance and cleaning of grease, oil and sand interceptors to evidence that no such materials enter the public wastewater system. These records shall be provided to the City by a third party affidavit every six (6) months or as required by the Superintendent from a commercial hauler indicating the delivery of such material to an appropriate handling facility. (Ord. 34 §4, 2009)

Sec. 13-3-240. Storm water.

Storm water shall be discharged to such sewers as are specifically designated as storm sewers or to a natural outlet approved by the Public Works Director and not in the City's public wastewater system. (Ord. 34 §5, 2009)

Sec. 13-3-250. Remedial action.

If any waters or wastes are discharged or are proposed to be discharged to the public wastewater system, which waters or wastes contain the substances or possess the characteristics enumerated in Section 13-3-220 of this Article and which may have a deleterious effect upon the wastewater reclamation facilities or process or upon the receiving stream, or which otherwise create a hazard to the public health or constitute a public nuisance, the Superintendent may, in addition to all other remedies:

(1) Refuse to accept the wastes into the public wastewater system;

(2) Require pretreatment by the person at his or her own expense to an acceptable condition for discharge to the public wastewater system;

- (3) Require control over the quantities and rates of discharge; or
- (4) Require payment to cover the added cost of handling and treating the wastes. (Ord. 34 §6, 2009)

Sec. 13-3-260. Sampling and analysis.

(a) Any person or entity who discharges any industrial waste or any wastewater identified as having a strength in excess of domestic wastewater into the public wastewater system shall, upon request by the Superintendent, provide a central collection point with adequate flow measurement devices to record flow and to facilitate observation and sampling of the water or wastes. Such collection points shall be located to provide easy access to the Superintendent, without knowledge of the person. The collection points and flow measurement devices shall be constructed in accordance with plans approved by the Superintendent, installed and maintained by the person at his or her own expense.

(b) All measurements, sampling and analysis of the characteristics of water and wastes shall be determined in accordance with the procedures set forth in the most recent edition of "Standard Methods." Scheduled sampling and analysis that may be required of the City on users shall be charged as required by Section 13-3-350 of this Article. (Ord. 34 §7, 2009)

Sec. 13-3-270. Permit required for industrial dischargers.

(a) All industrial dischargers who propose to connect to or to discharge sewage, industrial wastes and other wastes to the City wastewater treatment facilities shall obtain a discharge permit.

(b) A permit application shall be filed with the Superintendent, in a form prescribed by him or her, which shall contain the following information:

- (1) The name, address and location of the discharger.
- (2) The standard industrial classification (S.I.C.) number of the business according to the standard industrial classification manual.
- (3) Disclosure of wastewater constituents and characteristics, including but not limited to those mentioned in this Article, including the regulations of the United States Environmental Protection Agency as incorporated herein, as determined by appropriate chemical or biological analysis. Sampling and analysis shall be performed in accordance with the procedures established by the United States Environmental Protection Agency and contained in 40 C.F.R. Part 136, as amended.
- (4) Disclosure of the time and duration of discharge.
- (5) Disclosure of average daily and instantaneous peak wastewater flow rates and gallons per day, including daily, monthly and seasonal variations, if any. All flows shall be measured, unless other verifiable techniques are approved by the Superintendent due to cost or other reasons.
- (6) Disclosure of site plans, floor plans, mechanical and pumping plans and details to show all sewers, sewer connections, inspection manholes, sampling chambers and appurtenances by size, location and elevations.

(7) A description of activities, facilities and plant processes on the premises, including all materials which are or may be discharged to the sewers or works of the City; and disclosure of the nature and concentration of any pollutants or materials prohibited by this Article in the discharge, together with a statement regarding whether or not compliance is being achieved with this Article on a consistent basis and, if not, whether additional operation and maintenance activities or additional pretreatment would be required in order for the discharger to comply with this Article.

(8) Where additional pretreatment and/or operation or maintenance activities will be required to comply with this Article, a declaration of the shortest schedule by which the discharger will provide such additional pretreatment and/or implementation of additional operation and maintenance activities.

(9) Disclosure of each product produced by type, amount, process and rate of production; and disclosure of the type and amount of raw materials utilized (average in maximum per day).

(c) All permit applications shall be signed by a principal executive officer of the discharger, under oath and subject to the penalties of perjury, and shall be approved by an engineer licensed to practice in the State. (Prior code 10.08.100; Ord. 4 §1, 2005; Ord. 34 §8, 2009)

Sec. 13-3-280. Structures required for discharge permit.

The owner of any property which requires a discharge permit shall install a suitable structure, together with such necessary meters and other appurtenances in the building sewer, to facilitate observation, sampling and measurement of the wastes. Such structure shall be constructed in accordance with plans approved by the Superintendent. The structure shall be installed and maintained by the owner at his or her expense so as to be safe and accessible at all times. (Prior code 10.08.110; Ord. 34 §8, 2009)

Sec. 13-3-290. Discharge permit conditions and reports.

(a) In June and December of each year, all dischargers subject to this Article shall file a written report with the Superintendent. This report shall contain at least the following information:

(1) The nature and concentration of prohibited or regulated substances in the effluent.

(2) A record of all measured or estimated average and minimum daily flows during the reporting period.

(3) Whether or not the applicable pretreatment standards or requirements are being met on a consistent basis; and, if not, what additional pretreatment may be necessary in order to bring the discharger into compliance with the applicable standards.

(4) The results of all sampling and analysis of the discharge, including the flow and nature of the concentration or production en masse where required by the Superintendent. All analyses shall be performed in accordance with 40 C.F.R. Part 136.

(b) All such periodic reports shall be signed by a responsible official of the discharger, under oath, and subject to the penalties of perjury; and, if required by the Superintendent, shall be signed by an engineer licensed to practice in the State. (Prior code 10.08.120; Ord. 4 §1, 2005; Ord. 34 §8, 2009)

Sec. 13-3-300. Confidentiality of information.

(a) Information and data furnished to the Superintendent with respect to the nature and frequency of discharge shall be available to the public or other governmental agency without restriction, unless the discharger specifically requests and is able to demonstrate to the satisfaction of the Superintendent that the release of this information would divulge information, processes or methods of production entitled to protection as trade secrets or proprietary information.

(b) When requested by a discharger furnishing a report, the portions of the report which may disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available upon written request to governmental agencies for uses related to this Article or to the permits which the City holds. (Prior code 10.08.140; Ord. 34 §8, 2009)

Sec. 13-3-310. Enforcement.

(a) In the event of the discharge of any waters or wastes which are prohibited by this Article, the Superintendent may suspend the wastewater treatment service and/or the discharge permit of a user or discharger when the actual or threatened discharge presents or may present an imminent or substantial danger to the health or welfare of persons, substantial danger to the environment or interference with the operation of the wastewater treatment facilities, or violates any pretreatment limits imposed by this Article or any discharge permit issued pursuant to this Article. Any user or discharger notified of the suspension of wastewater treatment service or of the discharge permit shall, within a reasonable period of time as determined by the Superintendent, cease all discharges. In the event of failure of the user or discharger to comply voluntarily with the suspension order within the specified time, the Superintendent shall immediately commence judicial proceedings to compel compliance with such order.

(b) The Superintendent also may revoke the permit of any discharger who:

- (1) Fails to factually report the wastewater constituents and characteristics of its discharge.
- (2) Fails to report significant changes in wastewater constituents and characteristics.
- (3) Refuses reasonable access to the discharger's premises by representatives of the authority for the purpose of inspection or monitoring.
- (4) Violates the conditions of its permit, this Article or any final judicial order entered with respect thereto.

(c) Following the entry of an order by the Superintendent regarding the conduct of a discharger or user that violates or is contrary to the provisions of this Article, the City Attorney may, following the authorization of such action by the City Council, commence an action in the District Court of the County for appropriate legal and/or equitable relief.

(d) Any person who violates any of the provisions of this Article, the rules or regulations adopted pursuant hereto or a term and condition of any permit issued pursuant to this Article commits a misdemeanor, punishable in accordance with the provisions of Section 1-4-20 of this Code per occurrence. (Prior code 10.08.150; Ord. 29 §30, 2004; Ord. 4 §1, 2005; Ord. 34 §8, 2009)

Sec. 13-3-320. List of enforcement actions.

A list of all significant users and dischargers who were the subject of enforcement proceedings pursuant to this Article during the previous twelve (12) months shall be published annually by the City in the legal publication of the City. This list shall summarize the enforcement actions taken against the users and dischargers during the period. (Prior code 10.08.160; Ord. 29 §31, 2004; Ord. 34 §8, 2009)

Sec. 13-3-330. Recovery of costs.

Any user who violates any of the provisions of this Article, discharges or causes a discharge producing a deposit or obstruction, or causes damage to or impairs the City's wastewater disposal system, shall be liable to the City for any expense, loss or damage caused by such violation or discharge. The City shall bill the user for the costs incurred by the City in any cleaning or repair replacement work caused by the violation or discharge. Refusal to pay the assessed cost shall constitute a violation of this Article, enforceable as provided in this Article. (Prior code 10.08.170; Ord. 29 §32, 2004; Ord. 4 §1, 2005; Ord. 34 §8, 2009)

Sec. 13-3-340. Entry onto private property.

(a) The Superintendent and other duly authorized employees of the City, bearing proper credentials and identification, shall be permitted to enter the property of all users for the purposes of inspection, observation, measurement, sampling and testing pertinent to sewage discharge to the City's public wastewater system in accordance with the provisions of this Article. While performing work pursuant to this Article, all employees of the City shall observe all safety rules applicable to the premises established by the owner or contractor for his or her own employees.

(b) The Superintendent and other duly authorized employees of the City, bearing proper credentials and identification, shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, maintenance or replacement of any portion of the public wastewater system lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the easement. (Prior code 10.08.180; Ord. 29 §33, 2004; Ord. 34 §§8, 11, 12, 2009)

Sec. 13-3-350. Sewer service surcharges.

(a) Major contributing user surcharge: The surcharge applied in addition to sewer service charges pursuant to Section 13-3-510 of this Article to mitigate the additional impact on the City's public wastewater system is applicable to users that have or may have in the future pretreatment or industrial wastewater reclamation agreements with the City. The surcharge is as set forth in Appendix A to this Code.

(b) Sampling charge: Those industrial and commercial contributors who contribute wastewater which is monitored by the City shall pay a sampling charge as set forth in Appendix A. For tests completed by outside certified laboratories, contributors will be charged the cost of the required testing.

(c) Increased costs: Any user which discharges or has discharged any toxic pollutants which cause an increase in the cost of managing the effluent or the biosolids from the City's wastewater reclamation facilities or any user which discharges or has discharged any substance which, singly or by interaction

with other substances, causes identifiable increases in the cost of the operation, maintenance or replacement of the wastewater reclamation facilities shall pay for such increased costs. The charge to each such user shall be as determined by the Superintendent. (Ord. 34 §9, 2009)

Division 4
Construction and Maintenance of Sewer Lines

Sec. 13-3-410. Abandonment of sewer service line.

A previously used or purchased sewer tap or sewer service line serving a premises shall be deemed abandoned at such time as the water service line serving the premises is deemed abandoned, pursuant to Section 13-1-280. When a sewer service line is deemed abandoned, the City may require that the owner of the premises, at his or her expense, effectively seal the connection in a manner directed by the City Manager. When a sewer tap or sewer service line is deemed abandoned, the City shall have no further obligation to provide sewer service to the premises, except upon reapplication for a connection permit and payment of all applicable fees (including system improvement fees), installation costs, any accrued but unpaid minimum charges due pursuant to Appendix A to this Code, and all other rates, charges, tolls, fees and assessments due pursuant to this Chapter. In the event a customer has physically disconnected a water service line for a period of less than five (5) years, and therefore has not paid minimum water or sewer service charges for the period of disconnection, the cost of reconnection shall include minimum water and sewer service charges for each month the water line was disconnected. (Prior code 10.08.190; Ord. 4 §1, 2005)

Sec. 13-3-420. Interference prohibited.

No person shall in any way interfere with the employees of the City in the discharge of their duties in the tapping of any sewer pipe, main or lateral. No person shall dig up or cause to be dug up any street or alley in the City without first obtaining a permit to dig up any portion of any street or alley of the City for the purpose of:

- (1) Connecting with the wastewater system of the City; or
- (2) Repairing, maintaining or replacing any sewer main or service line located within the street or alley. (Prior code 10.08.200; Ord. 29 §34, 2004; Ord. 4 §1, 2005)

Sec. 13-3-430. Ownership of system.

(a) Upon acceptance, all existing and future sewer mains, connected with and forming an integral part of the public wastewater system, shall become the property and responsibility of the City; provided, however, that the City Manager reserves the right to determine, in his or her sole discretion, whether acceptance of dedicated sewer mains is appropriate in all circumstances. Said ownership will remain valid whether the sewer mains are constructed, financed, paid for or otherwise acquired by the City or by other persons.

(b) That portion of all existing and future service lines extending from the sewer main to each unit or building connected with and forming an integral part of the public wastewater system shall be deemed private facilities owned by the customer. The customer's ownership of and responsibility to bear the

expense of installing, maintaining, repairing and replacing said service line shall exist whether the service lines are constructed, financed, paid for or otherwise acquired by the City or by another person.

(c) Any provision herein to the contrary notwithstanding, the City reserves and shall at all times have a right of access to all service lines and other facilities necessary for the City to carry out its lawful functions. (Ord. 29 §35, 2004; Ord. 34 §12, 2009)

Sec. 13-3-440. City responsibility.

(a) The City shall be responsible only for the repair and maintenance of sewer mains or trunk lines. The responsibility for and the expense and cost of maintaining, repairing and replacing any service line from the point where such line taps the trunk line to the boundary of the user's property, and the service line within the user's property, shall be borne and paid for by the property owner served by the service line.

(b) Each customer shall be responsible for maintaining the entire length of the service line serving the property and shall maintain the property in such a manner as to prevent damage to the public wastewater system. Leaks, stoppage or breaks in a service line must be repaired by the customer within seventy-two (72) hours after knowledge of such condition or notification by the City. If satisfactory progress toward repairing said leak, stoppage or break has not been completed within such time period, the Superintendent may shut off the customer's water service until the sewer leaks, stoppage or breaks have been repaired. The City's authority to shut off a customer's water service for such purposes shall be deemed consented to by the customer at the time the customer connects to the public wastewater system. Any provision herein to the contrary notwithstanding, the City may, but is not required to, take immediate steps to repair any service line leak, stoppage or break which the Superintendent, in his or her sole discretion, considers to constitute a health hazard or emergency. In such event, the City shall recover the cost of such repair from the customer owning the service line. If the customer fails to pay any costs for which the customer is responsible within thirty (30) days of the City mailing notice thereof to the customer, the City may take such action as is necessary to collect such costs, including the imposition and foreclosure of a lien on the customer's property, and the City shall be entitled to recover all costs of such collection, including reasonable attorneys fees, late charges and interest.

(c) Except as required by law, the City shall not be responsible to any person, firm or corporation for any damage caused by blockage of either a sewer main or service line. The fact that blockage has occurred shall not create any presumption of negligence on the part of the City or City employees. Notwithstanding the foregoing, the City Manager may, without acknowledging responsibility or liability, and in cases where the cleanup is estimated to be less than four thousand dollars (\$4,000.00), authorize the cleanup of any sewage backup which, in his or her opinion, may have been caused by blockage of the sewer main. This provision is intended to alleviate the problems caused by sewage backup in cases where it is difficult to determine the responsibility therefor. In no case shall an agreement by the City to provide this service constitute an admission of liability of any kind. (Prior code 10.08.210; Ord. 29 §36, 2004; Ord. 4 §1, 2005; Ord. 34 §12, 2009)

Sec. 13-3-450. Malicious or negligent damage.

No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the City's public wastewater system. (Prior code 10.08.220; Ord. 34 §11, 2009)

Sec. 13-3-460. Liability disclaimer.

No claim for damage shall be made against the City by reason of the following: breaking of any sewer line or connection by a third party, whether or not such third party relied on as-built drawings for the location of stubouts and/or lines; breaking of any sewer line by any employee or agent of the City; the unauthorized acts of any employee of the City; the making of connections or extensions; broken or frozen service pipes or other facilities not owned by the City; or doing anything to the public wastewater system deemed appropriate by the Superintendent or his or her agents. The City hereby reserves the right to disconnect sewer service at any time for any reason deemed appropriate, including but not limited to any violation of this Article or the rules and regulations created hereunder. Nothing in this Article shall be deemed or construed to constitute a waiver of the Governmental Immunity Act (Section 24-10-101, et seq., C.R.S.). (Ord. 29 §37, 2004; Ord. 34 §12, 2009)

Sec. 13-3-470. Installation and material costs.

All costs and expenses incurred by the City incidental to the installation and connection of a sewer service line from a structure to the public wastewater system shall be borne by the owner of the premises. Such costs and expenses shall include, by way of example and not limitation: costs for all labor and inspections by the City, based upon hourly rates set by the City Manager; the cost of any materials required to be installed; and the costs of all services provided by the City. (Prior code 10.08.230; Ord. 29 §38, 2004; Ord. 34 §11, 2009)

Sec. 13-3-480. System improvement fee.

In each lot, area, territory, subdivision or addition inside or outside the corporate limits of the City for which a request for connection to or service from the public wastewater system is made, the City shall assess a wastewater system improvement fee as set forth in Article IV of this Chapter. The system improvement fee shall be calculated in the manner set forth in Article IV of this Chapter. (Prior code 10.08.240; Ord. 29 §39, 2004; Ord. 34 §12, 2009)

*Division 5
Sewer Rates and Charges*

Sec. 13-3-510. Establishment of rates.

The rates for City sewer service shall be as set forth in Appendix A to this Code. All provisions of Subsections 13-1-380(e) through (i) of this Chapter shall also apply to the provision of City sewer service. The monthly charge shall be based upon the greater of either the prescribed monthly gallons for that use per month, or the monthly average of water use as established by averaging actual water use within several prior winter months (ranging from two [2] months to five [5] months within November to March, inclusive, depending upon the billing cycle within which the account is placed); provided, however, that if actual monthly consumption exceeds the prescribed minimum monthly gallons for that use but is less than the monthly average that would otherwise apply, the charge shall be based upon actual monthly consumption. If the consumer did not receive water during the prior winter months which would otherwise be used to establish a monthly average, the City Manager shall estimate the number of gallons used, based upon similar uses, and base the sewer service charge upon this estimate. If the consumer can furnish factual information to the satisfaction of the City Manager that: (1) at least twenty-five percent

(25%) of the water used during the prior months used to establish the monthly average is not returned to the public wastewater system; (2) such winter water use is not typical of annual sewer use; or (3) the City Manager's determination is otherwise incorrect, a proportionate adjustment may be made in the discretion of the City Manager. (Prior code 10.08.270; Ord. 29 §42, 2004; Ord. 4 §1, 2005; Ord. 11 §4, 2005; Ord. 34 §12, 2009)

Sec. 13-3-520. Reduced fee for senior citizens.

The provisions of Section 13-1-390 of this Chapter shall apply to the sewer charges hereunder for senior citizens. (Prior code 10.08.270; Ord. 4 §1, 2005)

Sec. 13-3-530. Rifle Village South Metropolitan District agreement.

Sewer service rates for those properties previously served by the Rifle Village South Metropolitan District, located south of the Colorado River, or both, shall be as governed by the agreement between the City and the Rifle Village South Metropolitan District, as incorporated into Ordinance No. 1, Series of 1988. (Prior code 10.08.270; Ord. 29 §42, 2004)

Sec. 13-3-540. Outside users.

Except as provided in Section 13-3-530 above, the sewer service charges for those customers outside the corporate limits of the City shall be twice the amount as set forth in Section 13-3-520 or 13-3-530 above, whichever may apply. (Prior code 10.08.270)

Sec. 13-3-550. Waiver of charges for City.

The provisions of Section 13-1-400 of this Chapter shall apply to the sewer charges for the City. (Prior code 10.08.270; Ord. 4 §1, 2005; Ord. 23 §3, 2005)

Sec. 13-3-560. Payment and collection.

All provisions of Sections 13-1-410 through 13-1-440, regarding collections, service charges, interest, delinquency notices, delinquency charges and termination of service, shall apply to the collection of all rates, tolls, fees, charges and assessments for City sewer service. (Prior code 10.08.280)

Sec. 13-3-570. Appeal procedure.

Except where addressed by specific procedures, the provisions of Section 13-1-810 of this Chapter regarding appeal procedures shall apply in any instance in which a customer is aggrieved by a determination with regard to rates, charges, tolls, fees or assessments for City sewer service. (Prior code 10.08.285)

*Division 6
Wastewater Hauler*

Sec. 13-3-610. License required.

No wastewater hauler shall dispose of wastewater in the public wastewater system, whether from a source inside or outside the corporate limits of the City, without first obtaining a wastewater hauler license from the City, which license shall be carried in the licensee's vehicle at all times. (Ord. 7 §2, 2007; Ord. 34 §12, 2009)

Sec. 13-3-620. Issuance of license.

The wastewater hauler's license shall be issued by the Superintendent upon written application and completion of the following minimum requirements:

(1) The Superintendent shall inspect the trucks, hoses, valves and associated equipment of the applicant for a wastewater hauler's license and determine if it meets the minimum qualifications for complying with the conditions of this Chapter. Vehicles with a rated capacity in excess of four thousand (4,000) gallons will be approved only upon special authorization of the Superintendent.

(2) An application shall require the payment of a fee for each vehicle used by the applicant as set forth in Appendix A to this Code and the posting of a bond with reasonable surety in the penal sum of ten thousand dollars (\$10,000.00) for the faithful compliance with the provisions of this Article, including prompt payment of fees, fines and damages.

(3) Applicants shall provide proof of general liability insurance in an aggregate amount of one million dollars (\$1,000,000.00).

(4) Wastewater hauler licenses shall expire the next January 1st after issuance. Renewal applications must be made in the same manner as the initial application and must be received by the Superintendent no later than thirty (30) days prior to expiration. Failure to apply at least thirty (30) days prior to expiration may result in an interruption in the licenses and hauling privileges. (Ord. 7 §2, 2007)

Sec. 13-3-630. Enforcement.

(a) The Superintendent may suspend, revoke or deny a wastewater hauler license when the applicant makes a material misstatement of facts in a license application or submits an incomplete application, fails to pay fees or costs established in this Article or violates any terms and conditions governing wastewater hauling established in this Article. An enforcement action may also be appropriate where an inspection shows deficiencies in the permitted wastewater hauler's equipment, or where a wastewater hauler refuses reasonable access to its equipment for the purposes of inspection or monitoring.

(b) The provisions of Subsections 13-3-310(c) and (d) of this Article shall apply in the event the Superintendent initiates an enforcement action as described in Subsection (a) above. Nothing herein shall restrict the Superintendent from calling the bond required in Section 13-3-620 above for any violation of this Article. (Ord. 7 §2, 2007)

Sec. 13-3-640. Disposal of hauled wastewater.

(a) Wastewater haulers shall dispose of hauled wastewater only during normal operation hours of the City's sewer facilities, unless a written or verbal request is directed to and granted by the Superintendent at least twenty-four (24) hours in advance of the date the work is to be performed. Any overtime hours necessitated by a wastewater hauler's request to dispose wastewater after regular business hours shall be billed to the licensee with a fifteen-percent surcharge in addition to the normal fees set forth at Section 13-3-690 below.

(b) Wastewater haulers shall dispose of hauled wastewater permitted in this Article only at a location designated by the Superintendent. Wastewater haulers shall maintain the designated location in a clean and orderly condition to avoid noxious odors and unsanitary conditions. (Ord. 7 §2, 2007)

Sec. 13-3-650. Identification of source.

Wastewater haulers must document the nature and origin of wastewater collected and the site and method of disposal for wastewater that is delivered to the public wastewater system on a form issued by the Superintendent. Among other items as may be required by the Superintendent, the wastewater hauler shall provide at a minimum: (1) the name, address and phone number of the wastewater generator; (2) the type of wastewater collected; (3) the volume of the load; and (4) any other information consistent with identification and tracking of wastewater. The Superintendent shall have the right to verify all information required by this Section, including the right to measure, sample and analyze any wastewater regulated by this Article. The wastewater hauler shall obtain approval from the Superintendent prior to loading wastewater originating from an industrial, commercial or residential source unless previous approval is on record with the Superintendent. (Ord. 7 §2, 2007; Ord. 34 §12, 2009)

Sec. 13-3-660. Mixing wastewater.

(a) Wastewater from residential and nonresidential sources shall not be mixed. Wastewater from an industrial/commercial source shall not be mixed with wastewater of any type from another location. Portable toilet wastewater may be mixed with similar wastewater from different locations. Residential wastewater from several sources may be mixed as long as each source is identified.

(b) Any tanks or equipment used for hauling wastewater shall not be used for hauling any type of wastewater which may interfere with the operation of the public wastewater system or which is included in the list of prohibited materials set forth at Subsection 13-3-220(b) of this Article. (Ord. 7 §2, 2007; Ord. 34 §12, 2009)

Sec. 13-3-670. Standards of disposal.

Disposal of wastewater to the public wastewater system shall be carried out in accordance with pretreatment standards and requirements established by federal, state and local governments including categorical standards developed for the wastewater generator's industrial category. The Superintendent may reject wastewater from wastewater haulers that does not comply with this Section or with any other provision of this Article. Wastewater haulers shall not deliver wastewater to the public wastewater system that:

- (1) Exceeds the limits found in Section 13-3-220 of this Article, except for suspended solids and BODs as approved by the City.
- (2) Is hazardous waste as defined at Section 13-3-220.
- (3) Originates from sand traps, such as those located in car, truck and trailer washes, which primarily remove sand and dirt.
- (4) Originates from mineral oil and grease traps such as those located at vehicle maintenance facilities.
- (5) Originates from an animal confinement facility.
- (6) Is not completely identified or is from industrial/commercial sources that are not approved by the Superintendent.
- (7) Is mixed in a manner prohibited in Section 13-3-660 above.
- (8) Is wastewater other than residential from outside City limits, except through requests to the Superintendent in emergency situations.
- (9) Is wastewater which originates outside the Garfield County boundary lines. (Ord. 7 §2, 2007; Ord. 34 §12, 2009)

Sec. 13-3-680. Rejection of wastewater loads.

The Superintendent may reject any hauled wastewater load that violates or is suspected to violate the requirements of this Article or that fails to meet any other guidelines established by the Superintendent to protect personnel, equipment and processes at the public wastewater system. Wastewater haulers must:

- (1) Remove rejected wastewater from the designated wastewater disposal location.
- (2) Immediately remove any additional wastewater contaminated by the rejected wastewater while contained at the designated wastewater disposal location prior to introduction into the public wastewater system.
- (3) Properly dispose of all rejected wastewater in accordance with state and federal law.
- (4) Provide the Superintendent with a written statement, signed by the wastewater hauler licensee, stating the location, date and time the rejected load was disposed of. The statement is due within five (5) calendar days after the wastewater was rejected. Vehicles used to haul rejected wastewater shall not be allowed to dispose additional wastewater into the public wastewater system until the statement required by this Section is delivered to the Superintendent. (Ord. 7 §2, 2007; Ord. 34 §12, 2009)

Sec. 13-3-690. Fee payment for domestic and industrial wastewater.

(a) A treatment fee shall be set per one thousand (1,000) gallons (minimum) of hauled wastewater. The fees shall be as set forth in Appendix A to this Code.

(b) Fees shall be paid by the wastewater hauler on the basis of monthly billings by the Finance Department. All fees shall be paid through the utility billing office. Limits of credit shall be reasonable limits to be determined by the Finance Director. Abuse of such credit shall be grounds for liability on the wastewater hauler's bond and for refusal of disposal services to any wastewater hauler under this Article. (Ord. 7 §2, 2007)

Sec. 13-3-700. No warranty of service.

Wastewater hauling services in the City are interruptible. The City makes no warranty and does not guarantee that any hauled wastewater will be accepted and allowed to be disposed into the public wastewater system at any time, regardless of the provisions of this Article. The license to haul wastewater provided for in this Article is terminable at the discretion of the Superintendent at any time and for any reason. (Ord. 7 §2, 2007; Ord. 34 §12, 2009)

ARTICLE IV

Water and Wastewater systems Improvement Fee

Sec. 13-4-10. Fee payment required.

Any person desiring to connect and tap onto the City water system, wastewater system or both shall be required to pay a water system improvement fee, a wastewater system improvement fee or both, in accordance with the provisions of this Article. Notwithstanding the payment of fees pursuant to the provisions of this Article, tap connections to the City water or wastewater system shall at all times be subject to availability. System improvement fees shall be nonrefundable, except as provided in Section 13-1-260 of this Chapter. (Prior code 10.10.010)

Sec. 13-4-20. Payment due date.

(a) Except as provided in Subsection (b) below, all system improvement fees due pursuant to this Article shall be paid at the time of the application for a building permit or, if no building permit is required, prior to City approval of the application for a connection permit.

(b) To assist with the economic viability of new developments in the City, nonresidential users owing system improvement fees as calculated in Section 13-4-60 of this Article may opt to pay such fees in the form of a system improvement fee surcharge as set forth herein. The system improvement fee surcharge shall replace the system improvement fee payment described in Section 13-4-10 above and shall be payable in thirty-six (36) equal, interest-free monthly installments. Monthly payments for the surcharge will commence upon application for a building permit or, if no building permit is required, prior to the change in use set forth in Section 13-4-40 below. The system improvement fee surcharge shall be billed on the statement for water and sewer service charges set forth in Section 13-1-410 of this Chapter. Capacity in the City's water and wastewater systems shall not be perpetually reserved and appurtenant to the premises served until full payment of the system improvement fees is made. All provisions of this Code which apply to charges for water and sewer service set forth at Sections 13-1-420 through 13-1-440 of this Chapter apply to the system improvement fee surcharge. Notwithstanding the provisions of Section 13-1-280 of this Chapter, failure to remit payments for the system improvement fee surcharge for a period of twelve (12) consecutive months shall result in the total abandonment of the water and sewer

EQRs subject to the system improvement fee surcharge which will eliminate any lien on the premises served for the unpaid system improvement fees; provided, however, that all other fees and charges, including interest, late charges and/or delinquency fees, shall remain due and owing and subject to all collection procedures of this Code.

(c) The system improvement fee surcharge option set forth in Subsection (b) above shall sunset on March 31, 2012, and the amendments made in this Section shall be repealed at that time unless the City Council takes affirmative action otherwise. (Prior code 10.10.020; Ord. 4 §2, 2010)

Sec. 13-4-30. Payment; interest; collection; perpetual lien.

All provisions of Sections 13-1-410 through 13-1-440 of this Chapter regarding collections, interest, delinquency notices, delinquency charges, liens and termination of service shall apply to the payment of water and wastewater system improvement fees for City water or sewer service. (Prior code 10.10.030; Ord. 4 §3, 2010)

Sec. 13-4-40. Change in use; additional wastewater system improvement fee.

Whenever the use of any structure changes, so that a greater EQR value is assessed to the use in accordance with the classifications set forth in Section 13-4-60 below, there shall be charged to and paid by the owner the water and wastewater system improvement fees for the EQR units attributable to the change in use. (Prior code 10.10.040; Ord. 29 §43, 2004)

Sec. 13-4-45. Prohibition on transfer of system improvement fees.

Any and all water and wastewater system improvement fees paid to the City are considered appurtenant to the structure and/or land for which they were remitted and may not be transferred to any other structure or property. (Ord. 19 §5, 2006)

Sec. 13-4-50. Definitions.

For the purpose of computing the EQR value of a particular use and the system improvement fees associated with that use, the following definitions, in addition to the definitions contained in the EQR Schedule in Section 13-4-60 below, shall apply:

EQR value means the number of EQRs associated with a particular use or class of use, calculated according to the EQR Schedule contained in Section 13-4-60 below or based on actual metered water use pursuant to Section 13-4-110, at the City's discretion.

Equivalent Residential Unit (EQR), as used in this Article, means a standard of measurement used by the City to calculate water and sewer fees based on the volume of water used and/or consumed and sewage produced by a single-family residential unit housing a statistical average of three and one-half (3.5) persons and having not more than five thousand (5,000) square feet of irrigated lawn or garden; which is equivalent to three hundred fifty (350) gallons of water per day.

Kitchen means any room used to cook, heat or prepare food, as may be evidenced by the use or existence of any of the following items: sink, refrigerator, place for food storage, stove, oven, microwave oven or hot plate. The City Manager reserves the right, in his or her discretion, to

designate a given room within a residence as a kitchen; provided, however, that the existence of a stove, oven or microwave oven within a room also containing a sink and refrigerator shall conclusively establish said room as a kitchen.

Mobile home shall have the same meaning as set forth in Sections 16-1-220 and 18-1-90 of this Code. (Prior code 10.10.050; Ord. 29 §44, 2004; Ord. 4 §1, 2005)

Sec. 13-4-60. EQR classifications.

All applications for service from the City's water and/or wastewater systems shall be assigned an EQR value based on the following schedule; provided, however, that the minimum assignment shall be one (1) EQR. The City reserves the right to classify and reclassify establishments and to change EQR values assigned to use classifications as the needs of the City require.

CITY OF RIFLE EQR SCHEDULE

<i>Class of Use</i>	<i>EQR Value</i>
A. RESIDENTIAL CLASSIFICATIONS	
1. Single-Family Residential Units	
Single-family homes, individually billed mobile homes, mobile homes on single lots and mobile homes established as permanent residences (no more than 1 kitchen permit), including up to 4 bedrooms and up to 5,000 square feet of irrigated green space	1.00
a. For additional irrigated green space, such as lawns and gardens, see D1 below	
b. For irrigation of common areas or parks in subdivisions of single-family residential units, see D2 below.	
c. For each additional bedroom (above 4)	0.15
NOTE: Swimming pools, hot tubs and spas are additional, per D3 below	
2. Secondary Residential Units	
Guesthouses, accessory dwelling units, separate apartments attached to single-family residential units, and other separate residential units associated with single-family residential units and containing their own separate kitchens, use multi-family residential unit classification below	See A.4 below
3. Duplexes	
Residential structures composed of 2 single-family residential units of substantially the same square footage and number of bedrooms, including up to 4 bedrooms, per unit	1.00
a. For irrigated green space, such as lawns and gardens, see D1 below	
b. For irrigation of common areas or parks in subdivisions of duplexes, see D2 below	
c. For each additional bedroom (above 4), per unit	0.15
NOTE: Rental privileges of all kinds are not included in the above values. Only 1 kitchen is permitted in each single-family unit and in each half of a duplex. If a residence has more than 1 kitchen, then additional EQR values should be assigned in accordance with the values given for multi-family residential units. Swimming pools, hot tubs and spas are additional per D below	
4. Multi-Family Residential Units	
Apartments, condominiums, townhouses and similar facilities in the same complex, and small cabins in courts not associated with motels	

NOTE: Values exclude more than 1 kitchen per unit. Swimming pools, hot tubs and spas are additional. Values include common laundry facilities or individual laundry hook-ups	
a. Triplex units	0.80
i. For each additional bedroom above 2	0.10
b. Four-plex units	0.70
i. For each additional bedroom above 2	0.10
c. Five or more unit buildings	0.60
i. For each additional bedroom above 2	0.10
d. For irrigated green space, such as lawns and lawns and gardens, see D below	
5. Transient Residential Units	
Hotels, motels, mobile home parks, dormitories, recreational vehicle parks, short-term rental units in residences, bed and breakfast establishments and similar facilities	
NOTE: Values include laundry and kitchen facilities in mobile homes. Otherwise, laundry facilities, central kitchen facilities and swimming pools, hot tubs and spas are additional. Room counts shall include rooms furnished to employees. Values for recreational vehicle parks include central bathhouse facility, but not laundry, retail or restaurant spaces	
a. Manager's unit, use multi-family or single-family residential unit classification as applicable (per unit)	See Paragraphs 1 & 2 above
b. Motels, hotels and rooming houses without kitchen facilities	
i. Rooms having not more than 2 beds (per rental unit)	0.30
ii. Rooms having more than 2 beds per rental unit (per additional bed)	0.15
c. Motels with kitchen facilities	
i. Per bed	0.40
d. Mobile home parks and manufactured housing (per each available space or per living unit)	1.00
e. Dormitories without cooking facilities (per each rental bed)	0.35
f. Recreational vehicle parks (spaces filled by recreational vehicles on a year-round basis shall be evaluated under the "mobile home park" category)	
i. Camping or vehicle spaces (per space)	1.00
ii. Camper dump station	By Special Review
g. Add for central laundry facilities (per washing machine or available hookup)	1.00
h. For irrigated green space, such as lawns and garden, see D below	
B. COMMERCIAL CLASSIFICATIONS	
1. Restaurants and Bars	
a. Conventional sit-down restaurants (per 10 seats)	0.70
b. Fast food restaurant (per 10 seats)	1.20
c. Bar seats (per 10 spaces)	0.50
2. Laundromats	
a. Per washing machine	1.00

3. Service Stations	
a. Per fuel nozzle	1.00
b. Per garage space (per 1,000 s.f.)	0.30
c. Per food/retail/office sales (per 1,000 s.f.)	0.50
4. Car Washes	
a. For each bay/rack where cars can be washed	
i. Manual bay	3.0
ii. Automatic bay	15.0
NOTE: Car washes that recycle water shall be evaluated by special review based upon 1 EQR per 350 GPD of potential usage for both water and sewer. Car washes that are part of a larger service station may, at the City's discretion, be required to install a submeter to measure water use at the car wash separately	
5. General Office Buildings (per 1,000 s.f.)	0.30
6. Medical Office Buildings (per 1,000 s.f.)	1.50
7. Retail/Department Buildings (per 1,000 s.f.)	0.50
8. Warehouse/Industrial Buildings/Automotive Repair (per 1,000 s.f.)	0.30
NOTE: Where 1 site has multiple uses such as a contractor office, which has office uses and warehouse or vehicle repair uses, each different use should be classified separately	
9. Grocery Stores (per 1,000 s.f.)	0.30
10. Mini Storage Facilities	
a. Manager's office (per 1,000 s.f.)	0.35
b. Storage space (per 1,000 s.f.)	0.05
11. Theaters	
a. Per 25 seats	0.60
12. Irrigated Green Space. For irrigated green space, such as lawns and garden, see D below for commercial uses	
13. Commercial establishments, which use City water for process water, shall be assessed an additional 1 EQR per 350 gal/day of actual water use	
14. Barber/Beauty Shops	
a. Per chair	0.30
15. Airport Hangars (up to 20,000 sq. ft., 1 bathroom, utility sink)	1.00
16. Athletic Club (per 1,000 s.f.)	2.00
17. Vet Clinic (per 1,000 s.f.)	1.50
18. Hospital (per bed space)	0.70
(Office space/medical offices/warehouse space shall be classified under each specific category under this schedule as additional EQRs)	
C. CHURCH AND SCHOOL CLASSIFICATIONS	
1. Churches. (per 100 seats; rectories or other living areas are additional)	1.00

2. Schools	
a. Without gyms, cafeterias or showers (per 50 potential students and staff)	2.00
b. With gyms, cafeterias and showers (per 50 potential students and staff)	3.50
c. With cafeteria but without gyms or showers (per 50 potential students and staff)	3.00
d. Boarding school (per student)	0.30
NOTE: Swimming pools, hot tubs, spas and similar facilities are additional	
3. Irrigated Green Space. For irrigated green space such as lawns and garden, see D below	
D. SPECIAL CLASSIFICATIONS	
1. Irrigated Green Space	
a. Single-family residential units and all commercial classifications (including associated secondary residential units), duplexes and multi-family residential units shall be allowed 5,000 square feet of irrigated green space for each 1.0 EQR otherwise calculated under this Schedule	
b. For each additional 1,000 square feet or fraction thereof of irrigated green space above the allowed amount, add for water EQR only	0.15
2. Common Areas, Parks and Vacant Lands. (For each 1,000 square feet, or fraction thereof, of irrigated green space) water EQR only	0.15
3. Swimming Pools, Hot Tubs, Spas. Separate buildings which house swimming pools or hot tubs, and which are not covered by any other classification in this Schedule, shall be evaluated under Section B.16, above, as well as the following:	
a. Swimming pools, per 25,000 gallons of capacity (lesser amounts shall be prorated accordingly)	1.00
b. Hot tubs and spas, greater than 500 gallons	0.20 per 500 gallons
c. Hot tubs and spas, less than 500 gallons	0.10
4. Unclassified Uses. For any water use or water-using structure or appliance not otherwise covered by this Schedule, the City shall determine the EQR value on a case-by-case basis according to anticipated water use and consumption	

(Ord. 29 §45, 2004; Ord. 11 §5, 2005; Ord. 19 §4, 2006; Ord. 24 §2, 2008; Ord. 18 §2, 2009)

Sec. 13-4-70. Water system improvement fees.

(a) Rates for City water system improvement fees are based on the EQR value assigned to the water user applying the EQR Schedule contained in Section 13-4-60 above, in the amounts set forth in Appendix A to this Code.

(b) If actual water consumption exceeds the maximum permissible annual demand for the applicable EQR classification, an additional system improvement fee shall be calculated as provided in Section 13-4-110.

(c) Pursuant to Section 13-7-30 of this Chapter, for all new and commercial EQRs assessed to properties that utilize a raw water irrigation system pursuant to the regulations set forth in Article VII of this Chapter, water system improvement fees shall be reduced by twenty-five percent (25%) of the total calculated amount as provided in Appendix A; provided, however, that if raw water irrigation is discontinued, the customer shall pay twenty-five percent (25%) of the water system improvement fee in

effect at that time. (Prior code 10.10.060; Ord. 29 §46, 2004; Ord. 4 §1, 2005; Ord. 10 §2, 2009; Ord. 19 §2, 2009)

Sec. 13-4-80. Northeast Tank Upper Pressure Zone impact fee.

(a) The Northeast Tank Upper Pressure Zone includes all developable lands generally located above an elevation of five thousand four hundred sixty-five (5,465) feet mean sea level, on or adjacent to the Graham Mesa and Highlands East development areas, including those areas which lie north and east of the intersection of Ute Avenue and Fifth Street, and those areas lying east of the west terminus of Arabian Avenue with 12th Street. A map generally depicting the Northeast Tank Upper Pressure Zone is on file and available for review during normal business hours at the City Clerk's Office at City Hall. The City Manager, in consultation with the Public Works Director, shall make the final determination of whether a specific parcel of land is located within the Northeast Tank Upper Pressure Zone. The amount of the Northeast Tank Upper Pressure Zone Impact Fee is set forth in Appendix A to this Code.

(b) The Northeast Tank Upper Pressure Zone impact fee is a separate and additional charge to the Residential Water System Development Fee established in Appendix A to this Code, and it is due at the time of the application for a building permit or, if no building permit is required, prior to City approval of the application for a connection permit; provided, however, that nothing herein shall modify any provision regarding the timing of payment contained in any annexation or preannexation agreement. Upon payment of the costs and debt service of the construction of the Northeast Water Storage Tank, the final determination of which shall be made by the City Manager, in consultation with the Public Works Director, the Northeast Tank Upper Pressure Zone impact fee shall no longer be imposed. (Prior code 10.10.065; Ord. 4 §1, 2005)

Sec. 13-4-90. Wastewater system improvement fees.

(a) Rates for public wastewater system improvement fees are based on the EQR value assigned to the water user applying the EQR Schedule contained in Section 13-4-60 above, in the amounts set forth in Appendix A to this Code.

(b) If actual water consumption exceeds the maximum permissible annual demand for the applicable EQR classification, an additional system improvement fee shall be calculated as provided in Section 13-4-110 below.

(c) Manufacturing/industrial discharge premium. In addition to the fees set forth in Subsection (a) above, the City shall assess a wastewater system improvement fee premium against any manufacturing and industrial establishment, industrial discharge or any other user that does or will contribute sewage stronger than average residential users. The premium shall be calculated proportionately based on special review by the Public Works Manager, using normal residential strength sewage as a base of one (1).

(d) County Road 346 sewer surcharge.

(1) There shall be an additional fee or surcharge imposed on all residential and commercial users who connect to the sewer line which is part of the City's County Road 346 sewer project, which begins one thousand four hundred eighty-five (1,485) feet east of the centerline of Taughenbaugh Boulevard and terminates at the boundary of the Rifle Business Park property described on the deed recorded in the office of the Garfield County Clerk and Recorder in Book 962 at Page 86 as Reception No.

486855; provided, however, that nothing herein shall modify any other agreements heretofore entered into between the City and any other individuals or entities regarding fees and costs associated with the utilization of or connection to said sewer line, including without limitation agreements recorded with the office of the Garfield County Clerk and Recorder in Book 992 at Page 222 as Reception No. 498384 and in Book 985 at Page 795 as Reception No. 495977, and further provided that all properties located within the Rifle Business Park are exempt from this County Road 346 sewer line surcharge requirement, as said property is owned by the City of Rifle, which is absorbing a disproportionate share of the costs associated with said sewer line extension.

(2) The City's County Road 346 sewer surcharges are as follows:

a. The sum of sixteen dollars and fifty cents (\$16.50) per front foot of road frontage which shall be paid by any user connecting to the City's County Road 346 sewer line at the earliest of either annexation of the property to the City; subdivision, zoning or rezoning approval granted by the City to an applicant who uses or connects to the sewer line; the issuance by the City of a building permit for the property; or any connection to said sewer line; and

b. The sum of nine hundred ninety-two dollars (\$992.00) per EQR (or any fraction thereof) for all property connecting to the sewer line west of the eastern terminus, even if such property does not have frontage on County Road 346, which shall be payable at the earliest of either the City's issuance of a building permit or connection to said sewer line.

(3) The surcharge amounts set forth in Subparagraphs a. and b. above shall automatically increase by five percent (5%) per year, commencing January 1, 2000. (Prior code 10.10.070; Ord. 29 §47, 2004; Ord. 4 §1, 2005; Ord. 34 §12, 2009)

Sec. 13-4-100. Fee for reconnection or resumption of service.

Any customer may submit an application to reconnect or resume service to any property which previously received water or sewer service from the City, but for which the service line has been physically disconnected from the City water or wastewater system or has been deemed abandoned under the criteria set forth in Section 13-1-280 of this Chapter. At the time of application for reconnection or resumption of service, the customer shall pay the applicable water and wastewater system improvement fees due pursuant to this Article. (Prior code 10.10.090)

Sec. 13-4-110. Review of service levels and fee.

For purposes of computing and recomputing the number of EQR units attributable to a particular use and the assessment and collection of water and wastewater system improvement fees and service charges in connection therewith, the City shall have the following authority:

(1) At any time, the City may review actual water usage to determine if such actual usage is greater than that implied by the number of EQR units assessed to the user at the time application for water and/or sewer services was accepted. For this purpose, three hundred fifty (350) gallons per day equals one (1) EQR. Winter water use records may be utilized to review actual sewer usage, and water use records from any time of the year, at the City's sole discretion, may be utilized to review actual water usage. If the City finds greater actual water and/or sewer usage than that implied by the applicable EQR value, the user shall be assessed a greater number of EQR units to reflect the actual

sewer usage. Any time the City determines to evaluate or reevaluate the appropriate EQR value assessed to a particular user, it shall provide written notice to the user at the user's last known address.

(2) Upon any recalculation and increase in the EQR value attributable to a user pursuant to the terms of this Section, the user shall pay additional water and/or wastewater system improvement fees for each additional EQR unit assessed to its use at the rates set forth in this Article prior to the City's issuance of any necessary permit or within thirty (30) days of the increased assessment of EQR units, whichever occurs first. The user's monthly service fee will henceforth be based upon the revised EQR value.

(3) Notwithstanding the general provisions of this Article or the particular provisions of this Section, nothing herein is intended automatically to modify, revise or amend the terms of any prior individualized assessment or agreement memorialized by a writing or reflected in the minutes, resolutions or ordinances of the City Council, nor shall it prevent such modification, revision or amendment at the sole discretion of the City Council. (Prior code 10.10.100; Ord. 29 §49, 2004; Ord. 4 §1, 2005)

Sec. 13-4-120. High volume use requests for water and sewer service.

(a) Purpose. The City hereby establishes review standards and procedures concerning requests for water and sewer service by high-volume users of such service, to ensure that adequate water and sewer service is provided to all residential, commercial and industrial users and entities requesting service. The City seeks to minimize service capacity shortages by providing adequate capital construction and planning, design and construction lead time for expansion and enhancement of water and sewer facilities. City Council review of requests for high volume users will enhance the equitable distribution of the existing plant capacity among all entities seeking service.

(b) Definition. For purposes of this Section, a *high volume use request* is defined as follows:

(1) Any request for one (1) or more water taps by a residential, commercial or industrial user or entity, such tap being two (2) inches in diameter or larger, exclusive of fire flow requirements.

(2) Any single request or combination of requests for water taps by a residential, commercial or industrial user or entity totaling five million three hundred fifty thousand (5,350,000) gallons per year based upon the projected demand of such user or entity using generally accepted engineering standards.

(3) Any single request or combination of requests for one (1) or more sewer taps by a residential, commercial or industrial user or development entity exceeding ten percent (10%) of the total capacity or twenty percent (20%) of the remaining capacity of the receiving sewer plant, based upon the projected demand of such user or entity using generally accepted engineering standards. For purposes of this Paragraph (3), *capacity* shall mean either hydraulic capacity or organic capacity as contained in the permits for the receiving waste water plant issued by the Colorado Department of Public Health and Environment.

(4) For the purpose of determining what constitutes a combination of requests, as that phrase is used in Paragraphs (2) and (3) above, the reasonably foreseeable cumulative demand of any project, subdivision, planned unit development or other land use proposal for residential, commercial or

industrial development, or any combination of such development, over the next succeeding ten-year period, shall be considered the combination of requests for water or sewer service.

(c) City Council review of high volume use requests. Before water or sewer service will be extended by the for a high volume use request, the user or entity shall make a written application to the City and pay an application fee as set forth in Appendix A to this Code, on such forms as may be prepared by the City for such purpose. The application shall include all information requested by the City as necessary to properly evaluate the application. Upon receipt of any high volume use request for water or sewer service and determination that such application is complete, the Public Works Director shall notify the applicant that the high volume use request is to be added to the agenda of the next regularly scheduled City Council meeting; provided, however, that such high volume use request must be made a minimum of fourteen (14) days prior to the City Council meeting. The City Council shall review the high volume use request at the scheduled City Council meeting and any continuation of such meeting that may be necessary to properly evaluate the application, and shall provide a written determination of acceptance or rejection of the request at the next regular Council meeting following such review.

(d) Review of the high volume use request shall be limited to consideration of the following factors:

- (1) Community impact on employment, including jobs gained, jobs lost and relative wage change;
- (2) Potential increases or decreases in sales tax and property tax revenues;
- (3) Community impact on transportation;
- (4) Impact on public agencies, including but not limited to the Fire District and the City School District;
- (5) Timing, phasing, density and location of project development if the applicant seeks a high volume use request for the purposes of project development;
- (6) Location of the applicant, inside or outside the incorporated areas of the City;
- (7) Incremental impacts on water and sewer plants, infrastructure and remaining capacity, including evaluation of peak hourly, daily, seasonal and annual demands; and
- (8) The status of planning for infrastructure upgrades, including available financing for such improvements.

(e) The City may approve, approve with conditions or deny the request. Approval may be contingent upon conditions imposed by the City Council for the purposes of promoting an equitable distribution of water and sewer service for all potential users and providing for the orderly and efficient expansion of the City's water and sewer infrastructure. Such conditions may include, by way of example and not by way of limitation: Limitations on the number of water or sewer taps available to the user or entity in any given year of a phased project; contributions in aid of capital construction or other financial participation in infrastructure upgrades; deferral of the actual extension of water or sewer service pending completion of required permitting for or construction of additional plant capacity; or mutually agreeable periods of operation or use to minimize impacts on infrastructure periods of peak loading. (Prior code 10.10.110; Ord. 4 §1, 2005)

Sec. 13-4-130. Appeal procedure.

(a) Any customer aggrieved by a determination of the City with regard to the amount or method of calculation of a water or wastewater system improvement fee or revised fee may appeal such determination to the City Manager. The customer shall furnish the City Manager with any factual information that the customer believes shows that the City's determination was in error. Upon review of the evidence submitted by the customer, but in no event more than thirty (30) days after submission, the City Manager shall issue a decision concerning the customer's grievance.

(b) Any customer may appeal an adverse decision of the City Manager to a Hearings Officer, who shall be appointed by the City Council and who shall have the power to make adjustments as set forth in this Subsection. The City Council may appoint itself to act as the Hearings Officer and, when so acting, shall act by majority vote. The customer shall file a request for appeal with the City Manager within fifteen (15) days of the decision of the City Manager. The matter shall then be set for a hearing before the Hearings Officer, and the City shall provide the customer with ten (10) days' written notice of the time, date and place of the hearing. At the hearing, the customer and City shall have the opportunity to present testimony and evidence to the Hearings Officer. Within fifteen (15) days of the close of the hearing, the Hearings Officer shall issue a decision. The Hearings Officer shall have the power to make an adjustment of a water or wastewater system improvement fee if the customer has demonstrated, by a preponderance of the evidence, one (1) or more of the following:

- (1) The customer has been charged the incorrect water or wastewater system improvement fee.
- (2) The water or wastewater system improvement fee, or the amount of interest assessed thereon, is in excess of the amount prescribed by ordinance.
- (3) The water meter reading was in error.
- (4) Payments were received by the City and not properly credited to the customer's account.

(c) The decision of the Hearings Officer shall be final. The pendency of any grievance to the City Manager or any appeal to a Hearings Officer shall not affect the obligation of the customer to pay water and wastewater system improvement fees as the same become due and payable. (Prior code 10.10.120)

ARTICLE V

Backflow Prevention Devices

Sec. 13-5-10. Legislative intent.

It is the intent of the City Council by this Article to protect the municipal water system from contamination or pollution by backflow from an owner's internal distribution system or private water system, and to provide for the maintenance of a continuing program of cross-connection control, which will systematically prevent the contamination of the municipal water supply system. It is further the intention of the City Council to comply with state law and Section 11.1.2 of the Colorado Primary Drinking Water Regulations, as promulgated and approved by the Colorado Department of Public Health and Environment. (Prior code 10.14.010; Ord. 4 §1, 2005)

Sec. 13-5-20. Responsibility.

(a) The City Manager is hereby delegated the responsibility to implement a cross-connection control program in accordance with this Article, and for the enforcement thereof. If a backflow prevention device is required at the City water service connection to any owner's premises for the protection of the municipal water system, the City Manager shall give notice in writing to the owner to install an approved backflow prevention device at each service connection to the premises. The owner shall install an approved device or devices at the owner's own expense.

(b) No provision of this Article exempts the owner from the cross-connection control provisions for internal water distribution systems as contained in the Plumbing Code, which has previously been adopted by reference. (Prior code 10.14.020; Ord. 4 §1, 2005)

Sec. 13-5-30. Definitions.

Unless the context specifically indicates otherwise, the meanings of terms used in the Article shall be as follows:

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

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

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

Backflow means the undesirable reversal of the direction of flow of the water or mixtures of water and other liquid, gases or other substances into the distribution pipes of the potable water supply system from any source caused by backpressure and/or backsiphonage.

Backflow prevention device means any device, method or type of construction designed to prevent backflow or backsiphonage into the public water supply by isolating the owner's water system from the public water system.

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

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

Certified tester means a person who has passed an approved testing course and who is listed by the City as a certified tester.

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

Colorado Department of Health Cross Connection Control Manual means a manual that has been published by the State addressing cross-connection control practices which will be used as a guidance document for the utility in implementing a cross-connection control program as outlined in Section 13-5-20 above.

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

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

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

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

Double check valve assembly means an assembly of two (2) independently operating approved check valves with tightly closing shut-off valves on each side of the check valves, plus properly located test cocks for the testing of each check valve. The entire assembly shall meet the design and performance specifications and approval of a recognized and utility-approved testing establishment for backflow prevention devices. To be approved, these devices must be readily accessible for in-line maintenance and testing and be installed where no part of the device will be submerged.

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

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

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

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

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

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

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

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

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

Potable water means water free from impurities in amounts sufficient to cause disease or harmful physiological effects. The bacteriological, chemical and radiological quality shall conform with State of Colorado Primary Drinking Water Regulations.

Reduced pressure principal device means an assembly of two (2) independently operating approved check valves with an automatically operating differential relief valve between the two (2) check valves, tightly closing shut-off valves on either side of the check valves, plus properly located test cocks for the testing of the check and relief valves. The entire assembly shall meet the design and

performance specifications and approval of a recognized and utility-approved testing agency for backflow prevention assemblies. The device shall operate to maintain the pressure in the zone between the two (2) check valves at a level less than the pressure on the public water supply side of the device. At cessation of normal flow, the pressure between the two (2) check valves shall be less than the pressure on the public water supply side of the device. In case of leakage of either of the check valves, the differential relief valve shall operate to maintain the reduced pressure in the zone between the check valves by discharging to the atmosphere. To be approved, these devices must be readily accessible for in-line maintenance and testing and be installed in a location where no part of the device will be submerged.

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

Utility means the City Water Utility and is vested with the authority and responsibility for the enactment and enforcement of this Article.

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

Vacuum breaker, atmospheric nonpressure type means a vacuum breaker consisting of an air inlet opening and a nonloaded check disk valve designed to prevent backsiphonage only. The device shall not be subjected to continuous static line pressure or backpressure or be installed where it would be under pressure for more than twelve (12) hours in any twenty-four-hour period.

Water-service connection means the terminal end of the City's service; i.e., where the City loses jurisdiction and sanitary control over the water at its point of delivery to the customer's stop box or shut-off valve or meter, whichever comes first from the utility water main. If a meter is installed at the end of the service connection, *service connection* shall mean the downstream end of the meter. There shall be no unprotected take-offs from the service line ahead of any meter or backflow prevention device located at the point of delivery to the customer's water system. *Service connection* shall also include water service connection from a fire hydrant and all other temporary or emergency water service connections from the public potable water system. For customers outside the City limits, *water service connection* means the terminal end of the City's service connection from the public potable water system to the customer's corporation stop. (Prior code 10.14.030; Ord. 4 §1, 2005)

Sec. 13-5-40. Water system.

The municipal water system shall consist of the source and distribution facilities of the water system to the point of the owner's system. The source shall include all components of the facilities utilized in the production, treatment, storage and delivery of water to the distribution system. The distribution system shall include the network of conduits used for the delivery of water from the source to the owner's system. The owner's system shall begin at the water service connection. (Prior code 10.14.040)

Sec. 13-5-50. Installation of backflow devices.

(a) An approved backflow prevention device shall be installed at or near the property line or immediately inside the structure being served; but in all cases, before the first branch line leading off the service line wherever the following conditions exist:

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

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

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

(b) Backflow prevention devices are to be installed in an accessible location to facilitate inspection, testing and maintenance. Adequate drainage area for the device must be provided for in the event that water is released. (Prior code 10.14.050)

Sec. 13-5-60. Inspections, testing and repair.

It is the responsibility of the owner to have certified inspections and operational tests made on the backflow prevention device upon installation and at least once per year thereafter. The City Manager may require certified inspections at more frequent intervals. These inspections shall be made at the expense of the owner and shall be performed by certified City personnel or by a certified inspector approved by the City Manager. A backflow prevention device shall be repaired or replaced at the expense of the owner whenever a device is found to be defective. (Prior code 10.14.060; Ord. 4 §1, 2005)

Sec. 13-5-70. Reporting and recordkeeping.

The certified inspector shall report, on the form prescribed by the City, the results of inspections, tests and maintenance to the City Manager and the water owner. This report shall be submitted to the City Manager within ten (10) days following the completion of the inspection, test or maintenance of the device. The certified inspector shall also, on the form prescribed by the City, attach a card to the backflow prevention device following such inspection, test or maintenance activity to document and date the activities performed. Records of all inspections, tests or maintenance activities, including materials and parts changed, shall be kept by the certified inspector and the owner. (Prior code 10.14.070)

Sec. 13-5-80. Types of backflow prevention devices.

The type of protective device required shall depend upon the degree of hazard which exists, as determined by the City Manager, based upon the following general guidelines. In making this determination, the City Manager may utilize charts and criteria established by other municipalities in the State in implementing a cross-connection control program. The guidelines referred to in this Article are as follows:

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

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

(3) In the case of any premises where there is any material dangerous to health which is handled in such a fashion as to create an actual or potential hazard to the municipal water system or there has been a backflow incident, either suspected or documented, the municipal water system shall be protected by an approved air-gap separation or an approved reduced pressure principal backflow prevention device. Examples of premises where these conditions exist include but are not limited to sewage treatment plants, sewage pumping stations, chemical manufacturing plants, hospitals, mortuaries and electroplating and metal finishing plants.

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

(5) In the case of any premises where, because of security requirements or other prohibitions or restrictions, it is impossible or impractical to make a complete in-plant cross-connection survey, the municipal water system shall be protected against backflow or back siphonage from the premises by the installation of a backflow prevention device in the service line. In this case, maximum protection shall be required; that is, an approved air prevention device shall be installed in each service connection to the premises. (Prior code 10.14.080; Ord. 4 §1, 2005)

Sec. 13-5-90. Approved backflow prevention devices.

Any backflow prevention device required herein shall be of a model and size approved by the City Manager. The term *approved backflow prevention device* means a device that has been manufactured in full conformance with the standards established by the American Water Works Association entitled "AWWA C506-78 Standards for Reduced Pressure Principal and Double Check Valve Backflow Prevention Devices," which is hereby adopted by reference in its present form and as it may subsequently be amended from time to time as the City standard. The term *approved backflow prevention device* also means a device that has completely met the laboratory and field performance specifications of the Foundation for Cross-Connection Control and Hydraulic Research (FCC and HR) of the University of Southern California established by "Specifications of Backflow Prevention Devices – Section 10," of the most current issue of "Manual of Cross-Connection Control," which is hereby adopted by reference as the City laboratory and field performance specifications. Final approval shall be evidenced by a certificate of approval issued by an approved testing laboratory certifying full compliance with said AWWA standards and FCC and HR specifications. In addition to the aforementioned standards and specifications, all backflow prevention devices shall have a unique serial number attached to the device by the manufacturer. (Prior code 10.14.080; Ord. 4 §1, 2005)

Sec. 13-5-100. Test and certification of backflow prevention devices.

(a) The following testing laboratory has been qualified to test and certify backflow prevention devices:

Foundation of Cross-Connection Control and Hydraulic Research
University of Southern California
University Park
Los Angeles, CA 90089-0231

(b) Testing laboratories other than the laboratory listed above will be added to an approved list as they are qualified by the City Manager.

(c) Backflow prevention devices which may be subjected to backpressure or back siphonage that have been fully tested and have been granted a certificate of approval by said qualified laboratory and are listed on the laboratory's current list of "approved devices," and newly installed devices which have been inspected and installed to the satisfaction of the City Manager, shall be deemed in compliance with this Article. (Prior code 10-14-080; Ord. 4 §1, 2005)

Sec. 13-5-110. Testing fees.

There is hereby adopted a backflow prevention device testing fee which shall be a direct charge to the water service customer for annual inspections. This fee shall be as set forth in Appendix A to this Code. (Prior code 10.14.100; Ord. 4 §1, 2005)

Sec. 13-5-120. Violations and penalties.

Any person who violates any of the provisions of this Article commits a misdemeanor and shall be punished as provided by Section 10-1-40 of this Code. In addition, for the failure to comply with the provisions of this Article, the City Manager may elect to terminate water service to the owner's property. In addition, all customers shall be civilly liable to the City for all damages done to the City's water supply system, and for the cost of repairs and cleanup in the event the customer has failed to comply with the provisions of this Article. (Prior code 10.14.090)

ARTICLE VI

Water Rights Dedication

Sec. 13-6-10. Intent and purpose.

(a) It is the intent and purpose of this Article to require the dedication of water rights prior to the extension of treated or raw water service to new customers and to thereby assure an adequate and stable supply of water to the City service area; to prevent the abandonment of water rights to the detriment of the City; to ensure the financial stability of the City water utility; and to promote the general welfare of the public.

(b) This Article, in part, provides a supplemental requirement for annexation as provided by state statutes and also supplemental requirements to the subdivision requirements set forth in Chapter 16 of this

Code, and does not eliminate, modify or replace any requirements set forth in those statutes or requirements. (Prior code 10.20.020; Ord. 4 §1, 2005)

Sec. 13-6-20. Definitions.

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

Annexation means the act of attaching, adding, joining or uniting a parcel of land to the legal entity known as the *City of Rifle*.

Appurtenant means belonging to, accessory or incident to, adjunct, appended or annexed to.

Conveyance of water rights means the legal process by which legal title to the water rights to be dedicated is transferred to the City by appropriate deed.

Dedication means an appropriation of an interest in land or water to some public use, made by the owner and accepted for such use by or on behalf of the public.

Equivalent residential unit ("EQR") as used in this Article means a number related to the volume of water consumptively used by a single-family residential unit housing a statistical average of three and one-half (3.5) persons and having not more than five thousand (5,000) square feet of irrigated lawn or garden. The water consumption for each EQR is three-tenths (0.3) acre-feet per year if wastewater is returned to the Colorado River system by the City's municipal wastewater treatment facilities or any other wastewater treatment facilities equal in efficiency and similar in return flow patterns to the City's wastewater treatment facilities. For deliveries to demand utilizing wastewater treatment facilities which are one hundred percent (100%) consumptive in nature without material effluent return flows to the Colorado River, the water consumption for each EQR is seventy-five one-hundredths (.75) acre-foot per year. For deliveries to water uses not utilizing the City's municipal wastewater treatment facilities, it is assumed that no return flows are generated to the Colorado River system; this presumption may be rebutted by licensed professional engineer's analysis of actual return flow efficiency of the wastewater system to be utilized. If wastewater efficiencies are less than those of City sewer facilities but greater than a system which is totally consumptive, the water consumption per EQR shall be modified by the appropriate fraction. The consumptive use of all other uses shall be calculated using the same ration of annual consumptive use to EQR value of a single-family residence(0.3 acre-foot of c.u. to 1.0 EQR) as assigned herein and in the EQR Schedule in Section 13-4-60.

EQR Schedule means the City EQR Schedule contained in Section 13-4-60 of this Chapter, as the same may be amended from time to time.

Extensions of service means any extension of the municipal water utility for which a tapping charge is assessed.

Historical use affidavit means a document which sets forth the following information concerning the water rights proposed for dedication:

- a. The names and addresses of the owners of the water rights proposed for dedication;

- b. A legal description of the land to be annexed or provided with municipal water service;
- c. The total number of acres to be annexed or provided with municipal water service;
- d. The total number of acres presently being irrigated and/or intended to remain in irrigation;
- e. A copy of all decrees concerning all water rights appurtenant to the property and/or all water rights proposed for dedication;
- f. A copy of any legal decree or judgment which affects the title of those water rights entered since the owner received title to the water rights appurtenant to the property and/or proposed for dedication;
- g. A copy of the documents by which the owner received title to the water rights appurtenant to the property and/or proposed for dedication;
- h. A copy of all diversion records of the water rights proposed for dedication; and
- i. The owner's statement as to the historic use of the water rights appurtenant to the property and/or proposed for dedication.

Lease means any grant for permissive use which results in the creation of a landlord-tenant relationship.

Plat means an accurately surveyed map or chart of a piece of land subdivided into lots with streets, alleys, roads and other such avenues of transportation delineated thereon and drawn to a scale.

Replat means to make a change in the original plat.

Subdivide means to separate a tract of land into two (2) or more lots, tracts, parcels, sites, separate interests in common, condominium interests or other divisions for the purpose, whether immediate or future, of transfer of ownership, for building or other development, or for street use by reference to such subdivision or a recorded plat thereof.

Sufficient legal priority means that the water rights proposed for dedication may reasonably be expected to provide a dependable water supply throughout the season of use in the amount for which they are decreed. In making this determination, factors to be considered shall include, but not by way of limitation, the adjudication date and appropriation date of the water rights, the decreed use, the historic use of the water under the decree, the physical flow available and the administration practices of the office of the State Engineer.

Transfer of water rights means the conveyance of legal title to water rights to the City, in addition to referring to all actions required under state law to be brought in the water court to ensure that the dedication requirement is fulfilled. Such action may include, but not by way of limitation, a change in the type, place or time of use; a change in the point of diversion; a change from a fixed point of diversion to alternate or supplemental points of diversion; a change from alternate or supplemental points of diversion to a fixed point of diversion; a change in the means of diversion; a change in the place of storage; a change from direct application to storage and subsequent application; a change from storage and subsequent application to direct application; a change from a fixed place of storage

to alternate places of storage; a change from alternate places of storage; or any combination of such changes. *Transfer of water rights* includes transfer of conditional as well as absolute water rights.

Water right means a decreed right to use in accordance with its priority a certain portion of the waters of the State by reason of the appropriation of the same. (Prior code 10.20.030; Ord. 29 §50, 2004; Ord. 4 §1, 2005)

Sec. 13-6-30. Basic dedication requirement.

(a) A dedication or transfer of direct flow and/or storage water rights to the City shall be required prior to the approval of the annexation of any land to the City, prior to all extensions of municipally treated water service outside the City limits as they existed on the effective date of this Article as originally codified, and prior to the subdivision or replatting of any land now located within the City, if such subdivision or replatting requires a change of zone district.

(b) The dedication requirement shall be calculated in accordance with Subsection (c) below on forms provided by the City Manager. Such forms shall be accompanied by a historical use affidavit. For those persons whose compliance with Subsection (c) results in a total EQR value greater than thirty (30) EQRs, no historical use affidavit shall be required; however, an engineering analysis, acceptable to the City, of the historic use of the water rights proposed for dedication shall be required.

(c) The basic dedication requirement shall be three-tenths (0.3) acre-foot per year of historic consumptive use of a water right of sufficient legal priority for each EQR calculated under the EQR Schedule. For water service to uses not connected to or utilizing the City's municipal wastewater treatment facilities, the basic dedication requirement shall be seventy-five hundredths (0.75) acre-foot per year of historic consumptive use of a water right of sufficient legal priority for each EQR calculated under the EQR Schedule. For uses not calculated under the EQR Schedule, the basic requirement shall be the quantity of water to be required ultimately in the satisfaction of those uses contemplated by the new user, as calculated by the Public Works Manager. If a party required to dedicate water pursuant to this Article can establish by a preponderance of the evidence that his or her actual use will be less than that calculated by reference to the EQR Schedule, he or she shall be required to dedicate only the lesser amount, it being the intent of this Article that the quantity of water dedicated be that quantity of water required ultimately in the satisfaction of the use contemplated by the party.

(d) The basic requirement shall be satisfied by the person seeking approval of annexation, subdivision, replatting or the extension of municipally treated water service, whether or not that person will be the ultimate user.

(e) Sufficient water rights shall be dedicated so as to enable the City to divert a quantity of water at any point of diversion it may determine, which will allow for the total consumption by the City of the quantities set forth in Subsection (b) above.

(f) For all customers utilizing a raw water irrigation system meeting the requirements of Article VII of this Chapter, the basic dedication requirement shall be reduced by seventy-five percent (75%) of the total amount calculated pursuant to the EQR Schedule, which reduction shall be applicable whether the customer dedicates water rights to the City or pays a cash amount equal to the fair market value of the water rights necessary to satisfy the basic dedication requirement pursuant to Paragraph 13-6-60(b)(1) below; provided, however, that if raw water irrigation is discontinued, the customer shall be responsible

for seventy-five percent (75%) of the basic dedication requirement in effect at that time. (Prior code 10.20.040; Ord. 29 §51, 2004; Ord. 4 §1, 2005; Ord. 10 §3, 2009; Ord. 19 §2, 2009)

Sec. 13-6-40. Dedication of water rights for open space.

The owner of any property proposed to be annexed or subdivided, who dedicates property to the City pursuant to Section 16-1-90 of this Code to be used for open space, park, aesthetic, recreation or irrigation purposes, shall also comply with the provisions of this Article for the property to be dedicated. (Prior code 10.20.050)

Sec. 13-6-50. Exceptions.

(a) The City Council may substitute or waive any conditions or requirements deemed necessary to meet the purposes of this Article.

(b) This Article does not apply to the extension of new municipal treated water service or raw water service for which the basic dedication requirement has been previously complied with by any person. (Prior code 10.20.060)

Sec. 13-6-60. Procedure.

(a) In accordance with the basic requirements set forth in Section 13-6-30 above, the City Manager shall determine, after consultation with a person skilled in the knowledge of water rights, whether the water rights proposed for dedication pursuant to the provisions of this Article will be of sufficient priority under the laws of the State to ensure the City's ability to meet the service demands of the new user. This determination will be aided by an historic use affidavit or engineering report which shall be provided by the new user.

(b) The City shall have the right, in its sole discretion, to accept or reject any water rights proposed for dedication pursuant to the provisions of this Article which the City Manager has determined do not have sufficient legal priority. If the City Manager determines that the proposed water rights fail to satisfy the basic dedication requirement, the following alternatives, or combination thereof, may be used to otherwise satisfy the basic dedication requirement:

(1) The person required to comply with the basic dedication requirement may pay to the City a cash amount equal to the fair market value of the water rights necessary to satisfy the basic dedication requirement.

(2) The City Manager may, in his or her discretion, negotiate with the new user to establish other terms or conditions which shall constitute compliance with the basic dedication requirement of this Article.

(c) The new user shall dedicate the water rights determined by the City by filing with the City Manager an offer thereof. It is the intent of this Article that no water service shall be extended to a new user until the agreed-to water rights have been dedicated to the City; however, if there are matters pending resolution in the water court concerning the water rights to be dedicated or if there is other delay beyond the control of the new user, the City Manager shall have the discretion to approve the extension of such water service prior to the dedication of water rights to the City by the new user or person seeking

approval of annexation, subdivision or replatting, new extension of municipal treated water service or extension of raw water service which will thereafter be used for domestic purposes.

(d) All costs and expenses attendant to the conveyance and transfer of water rights dedicated to the City shall be borne by the new user; however, in no event shall a new user be responsible for any expenses or costs of transfer in excess of five hundred dollars (\$500.00) for each cubic foot per second of water, or fraction thereof, to be dedicated.

(e) Any decision made by the City Manager under the delegation of powers contained within this Article shall be submitted by him or her to the City Council at its next regular meeting, and the decision shall not become final until the same has been ratified by the City Council. Any interested parties shall have the opportunity to be heard with respect to the decision. (Prior code 10.20.070; Ord. 4 §1, 2005)

Sec. 13-6-70. Agricultural and open space property lease.

If the owner of the property proposed to be annexed or subdivided desires to retain the land or any portion thereof in agricultural production or as open space prior to development, he or she shall be permitted to lease back, on an annual basis and for irrigation, aesthetic and recreational purposes only, the water rights transferred pursuant to this Article. The terms of the lease shall be negotiated with the City Manager. (Prior code 10.20.080)

Sec. 13-6-80. Option to purchase.

(a) Time. Any person required to comply with the basic dedication requirement shall also grant to the City the option to purchase any and all water rights which are appurtenant to the land to be annexed but which are in excess of the basic dedication requirement. The option may be exercised by the City at any time for a period of one (1) year following the date of the grant to the City with regard to any or all of the water rights subject to the grant.

(b) Price.

(1) The option price shall be that price agreed upon by the parties. If the parties do not agree upon an option price within thirty (30) days after notice of the City's intent to exercise its option is received by the owner, appraisal at the City's expense will establish the price that reflects the fair market value of the water rights.

(2) The appraisal shall be conducted by one (1) appraiser appointed by the City, one (1) appraiser appointed by the owner of the water rights, and a third appraiser who shall be appointed by both parties. The average of the three (3) appraisals shall be the option price.

(c) Right of first refusal.

(1) Grant of right. In addition to the grant of the option to purchase by the new user, there shall be a grant to the City by the user of a right of first refusal regarding the water rights subject to said option to purchase. If the City for any reason should choose not to exercise its option to purchase, it shall retain the right of first refusal in the event the water rights are sold independently of the land, for a period of ten (10) years following annexation, final approval, replatting or extension of water service to a subdivision.

(2) Notice period. If the owner of the water rights subject to the right of first refusal wishes to sell the water rights to a third party, he or she shall give to the City at least ninety (90) days' notice of his or her intention to effect a sale of the water rights by delivering to the City a bona fide written offer to purchase made by a third party.

(3) Exercise of right. During the ninety-day notice period provided for in this Subsection, the City shall enjoy its right of first refusal entitling it to purchase the water rights proposed for sale. If, within ninety (90) days following notice by the owner of his or her intention to sell his or her water rights, the City chooses to exercise its right of purchase, the City shall pay to the owner the fair market price of the water rights prevailing at the time of the offer, which price shall be at least equal to the amount tendered to the owner in a bona fide offer by the third party. In the event the City determines not to exercise its right to purchase the water rights offered for sale, the owner shall be free to sell the water rights to a third party; provided, however, that any such sale to a third party shall be for a price which is at least equal to that price which was tendered to and refused by the City. (Prior code 10.20.090)

ARTICLE VII

Raw Water Irrigation

Sec. 13-7-10. Policy.

Water is a finite and precious resource necessary for the preservation and enhancement of the public health, safety and welfare of the citizens of the City, and it is the policy of the City to promote the prudent and responsible utilization of the City's water resources and water delivery system. Therefore, use of the City's potable water system for irrigation of parks, green space, large lawns and yards and extensive landscaping is discouraged. The City encourages the use of raw water irrigation and the use of incentives to make irrigation water available to residents of the City. For new residential or commercial development, the developer or building permit applicant may submit plans and specifications to the City proposing the construction of a private raw water irrigation system to serve the property. If such plans and specifications are approved by the City and the developer or building permit applicant otherwise demonstrates compliance with the terms and conditions of this Article, the system will be eligible to receive the incentives described herein. (Ord. 10 §4, 2009; Ord. 19 §2, 2009)

Sec. 13-7-20. Penalties.

Any use of the City's potable water supply in violation of this Article shall be subject to the penalties provided for in Chapter 1, Article IV of this Code. Additionally, in the event that there is unauthorized use of potable water for irrigation in a development where a raw water irrigation system has been installed by a developer and the building permit applicant has received a water system improvement fee reduction pursuant to Section 13-4-70 of this Chapter and/or water rights dedication reduction pursuant to Subsection 13-6-30(f) of this Chapter, the customer shall take immediate steps to curtail such use or shall be subject to forfeiture of said reductions and shall be required to repay the amount of the water system improvements and water rights dedication fee reductions to the City at the rates then in effect. (Ord. 10 §4, 2009; Ord. 19 §2, 2009)

Sec. 13-7-30. Water system improvement fees reduction.

In the event plans and specifications are approved by the City for a qualifying raw water irrigation system pursuant to this Article, the developer or building permit applicant shall be entitled to a reduction of water system improvements fees in an amount equal to twenty-five percent (25%) of the total water system improvement fees otherwise payable to the City for potable water service to the property. Nothing herein shall require the City to refund any system improvement fees paid prior to the effective date of the ordinance codified herein. (Ord. 10 §4, 2009; Ord. 19 §2, 2009)

Sec. 13-7-40. Water rights dedication reduction.

In the event plans and specifications are approved by the City for a qualifying raw water irrigation system pursuant to this Article, the developer or building permit applicant shall be entitled to a reduction of water rights dedication or cash in lieu of water rights dedication in an amount equal to seventy-five percent (75%) of the total dedication requirement otherwise owed to the City for potable water service to the property. Nothing herein shall require the City to deed back any water rights dedication or refund any cash in lieu of water rights dedication fees paid prior to the effective date of this Article. (Ord. 10 §4, 2009; Ord. 19 §2, 2009)

Sec. 13-7-50. Raw water irrigation systems.

(a) All qualifying raw water irrigation systems in the City shall be installed, owned, operated and maintained by the developer or its successor in interest and shall be constructed according to design standards and specifications approved by the City.

(b) Any property owner or developer applying for new water service from the City and submitting for approval plans for a proposed water system to serve new residential or commercial development may choose to include a private raw water irrigation system to be approved by the City. Along with the preliminary drawings and plans for the overall water system, the property owner or developer shall include a report listing any irrigation water rights owned by the property owner or developer and a map showing any irrigation ditches, pipelines or other irrigation facilities proposed to serve or already serving the property. In addition, a developer desiring to install a raw water irrigation system pursuant to this Article shall also submit an irrigation plan to the City for its review and approval. The irrigation plan shall describe the amount of water used for irrigation on the property, the source and supply season of the water and shall describe measures designed to eliminate the use of City potable water for irrigation. Finally, plans and specifications for the raw water irrigation system shall be submitted to the City for its review and approval. No cross-connections to the City's potable water system shall be permitted for raw water irrigation systems. All piping, valves, sprinkler heads and other outlets shall be marked to differentiate raw water from potable water use. Outlets for raw water shall be posted or otherwise marked in a manner that will indicate clearly that the water is unsafe and shall not be used for drinking, cooking or bathing.

(c) No raw water irrigation system infrastructure shall be allowed in the City's rights-of-way without a separate license agreement from the City with terms and conditions satisfactory to the City, which the City may grant in its sole discretion. (Ord. 10 §4, 2009; Ord. 19 §2, 2009)

Sec. 13-7-60. Maintenance.

Developers and their successors in interest shall own, operate, maintain and repair all private raw water irrigation systems in the City. Maintenance of private raw water irrigation systems shall be subject to observation and inspection by the City Engineer. The developer or its successor in interest, most typically a home or unit owners' association, shall be required to operate, maintain and repair the private raw water irrigation system in good workmanlike order. If the City deems necessary at the City Council's discretion, and after notice and the right to cure have been given, the City has the right, but not the obligation, to perform any maintenance or repair work on a private raw water irrigation system and to bill that work to the owner of the system. Payment for such repair work shall be subject to all lien rights of the City and to any other remedy allowed by law or otherwise prescribed in this Code. (Ord. 10 §4, 2009; Ord. 19 §2, 2009)

Sec. 13-7-70. Covenants for customers of raw water irrigation systems.

Prior to receiving the water system improvement fee and water rights dedication reductions described in this Article, developers utilizing raw water shall include as a minimum the following provisions in their restrictive covenants, which covenants must be reviewed and approved by the City. If the subject property is not already subject to restrictive covenants, new covenants consisting of the following provisions shall be created, accepted by the City and recorded:

(1) In the event of any violation of the provisions of this Article, namely the unauthorized use of City potable water for irrigation use, the customer shall be subject to the penalties provided for in Chapter 1, Article IV of this Code. Additionally, in the event that unauthorized use of potable water for irrigation occurs in a development where a raw water irrigation system has been installed by a developer and the building permit applicant has received a water system improvement fee reduction pursuant to Section 13-4-70 and water rights dedication reduction pursuant to Subsection 13-6-30(f) of this Chapter, the customer shall take immediate steps to curtail such use or shall be subject to forfeiture of said reductions and shall be required to repay the amount of the water system improvements and water rights dedication fee reductions at the rates then in effect.

(2) Any excavation or repair work on raw water service lines shall be governed by and completed in accordance with the engineering requirements and specifications of the City and is subject to the observation, inspection and approval of the City Engineer to ensure that no City facilities are impacted by the work.

(3) Notification shall be provided to inform the public that nonpotable water is being used for irrigation and is not safe for drinking, cooking or bathing. The notification shall include posting of signs of sufficient size to be clearly read by the public at all of the entrances to properties utilizing raw water irrigation systems and in all public application areas (i.e., parks, open space, common areas, etc.). All piping, valves, sprinkler heads and other outlets shall be marked to differentiate raw water from potable water use. Outlets for raw water shall be posted or otherwise marked in a manner that will indicate clearly that the water is unsafe and shall not be used for drinking, cooking or bathing.

(4) Covenant provisions must detail operation, maintenance, repair and replacement of the raw water system, including assessment of property owners to fund the system and collection and lien procedures for unpaid assessments. The covenant provisions regarding raw water irrigation cannot be

revoked, amended or modified without the City's consent and approval. (Ord. 10 §4, 2009; Ord. 19 §2, 2009)