

## CHAPTER 13

### Municipal Utilities

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## ARTICLE 1

### Utility Services

#### Sec. 13-1-10. Applicability.

The provisions of this Article shall be applicable to all Town utilities, including potable water, sanitary sewer and nonpotable water. (Ord. 2007-07 §1)

#### Sec. 13-1-20. Definitions.

Unless the context specifically indicates otherwise, the meaning of terms used in this Chapter shall be as follows:

*Approved backflow prevention device* means a device listed in the latest edition of the *Colorado Cross-Connection Control Manual*.

*Auxiliary water supply* means any water supply on or available to the premises other than the Town's water supply, any natural sources such as a well, spring, river, stream, pond, lake, etc., 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 Town 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 from any source or sources caused by backpressure and/or backsiphonage.

*Backflow prevention device* means a device to prevent the backflow caused by a pump, elevated tank, boiler or "head" in the pipe, or any means that could create greater pressure within a piping system than that which exists within the potable water supply.

*Backsiphonage* means the reverse flow of water or other liquids, mixtures, gases or substances into the distribution pipes of a potable water supply system caused by negative or sub-atmospheric pressure in the potable water supply system.

*BOD* (denoting *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 Centigrade, expressed in milligrams per liter.

*Building sewer* means the extension from the building drain to the public sewer or other place of disposal.

*Colorado Cross-Connection Control Manual* means a manual published by the Colorado Department of Public Health and Environment, Water Quality Control Division, addressing cross-connection control practices, which shall be used as a guidance document for implementing a cross-connection control program.

*Contamination* means the 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.

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

*Equivalent Residential Unit (ERU)* means a number related to the volume of water customarily consumptively used by an average dwelling unit housing two and seven-tenths (2.7) persons having not more than two thousand five hundred (2,500) feet of irrigated area. The ERU value assigned to a single-family residence is "1." The ERU value assigned to other uses is based on the estimated volume of water consumptively used by such uses as compared to the volume of water consumptively used by an average dwelling unit herein described. An ERU is also the yield of treated water delivered in the Town from one (1) unit of Colorado Big Thompson Project water.

*Garbage* means solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

*Industrial wastes* mean the liquid wastes from industrial manufacturing processes, trades or businesses as distinct from sanitary sewage.

*Nonpotable water* means water that is not safe for human consumption or that does not meet the requirements set forth in the State Primary Drinking Water regulation.

*Person* means any individual, firm, company, association, society, corporation or group.

*Pollution* means the presence of any foreign substance (organic, inorganic, radiological or biological) in the water that may degrade the water quality so as to constitute a hazard or impair its usefulness without causing a threat to the public health.

*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 the State Primary Drinking Water regulations.

*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 public sewers, with no particle greater than one-half (½) inch in any dimension.

*Public sewer* means a sewer to which all owners of abutting properties have equal rights, and which is controlled by public authority.

*Sanitary sewer* means a sewer which carries sewage and to which stormwaters, surface waters and groundwaters are not intentionally admitted.

*Sewage* means a combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such groundwater, surface water and stormwater as may be present.

*Sewage treatment plant* means any arrangement of devices and structures used for treating sewage.

*Sewer* means a pipe or conduit for carrying sewage.

*Slug* means any discharge of water, sewage or industrial waste 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 or flow during normal operation.

*Suspended solids* means solids which either float on the surface or are in suspension in water, sewage or other liquids, and which are removable by laboratory filtering.

*User* means any person or business which uses water from the Town water system, whether located inside or outside of the Town. (Ord. 2007-07 §1)

### **Sec. 13-1-30. Establishment of rates and fees.**

(a) The Board of Trustees shall, from time to time, establish user rates for each municipal utility, including but not limited to potable and nonpotable water and sanitary sewer. Such rates shall be authorized, and amended from time to time, as may be appropriate by ordinance or resolution as set forth in Appendix B to this Code.

(b) The Board of Trustees shall, from time to time, establish a plant investment fee for each municipal utility, including but not limited to a sanitary sewer plant investment fee, a water utility plant investment fee and a potable water plant investment fee. Such fees shall be set forth and amended from time to time as may be appropriate by ordinance or resolution as set forth in Appendix B.

(c) **Out-of-Town fees.** Utility services to properties outside the boundaries of the Town shall be at the sole discretion of the Board of Trustees, except as otherwise provided by any applicable service agreement between the Town and a special district. Nothing in this Chapter shall be construed as obligating or otherwise requiring the Town to serve with utilities any property outside the corporate boundaries, except as set forth in this Section. In the event utility service is requested outside the Town boundaries and the Town agrees to provide such service, the out-of-Town service rates and fees shall be as authorized and may be amended from time to time as may be appropriate by ordinance or resolution of the Board of Trustees as set forth in Appendix B. Nothing in this Section shall prohibit the Board of Trustees from entering into an agreement with any user or group of users to provide out-of-Town utility services at fees deemed to be reasonable by the Board of Trustees pursuant to a written agreement. (Ord. 2007-07 §1)

**Sec. 13-1-40. Notice of action by resolution.**

At such time as the Board of Trustees takes any action by resolution, notice of such action shall be sent by mail to residents of the Town. Any action taken by resolution shall not go into effect until at least thirty (30) days after passage of the resolution. (Ord. 2007-07 §1)

**Sec. 13-1-50. Fees and charges.**

(a) The Board of Trustees shall have the authority to adopt by resolution fees and charges for sewer and water utilities which may include, but need not be limited to, the following:

(1) Water utility:

- a. Fees for turning water on or off at the curb stop;
- b. Fees for permit applications;
- c. Fees for connection, repairs and disconnection of service lines;
- d. Fees for inspections, surveys, development and expansion;
- e. Standby fees;
- f. Plant investment fees;
- g. Meter installation charges;
- h. Water pumping station surcharges; and
- i. Other fees and charges as the utility deems necessary to cover costs of inspections, testing, maintenance and operations required by this Article.

(2) Sewer utility:

- a. Fees for all wastewater utility costs, including maintenance and operation;
- b. Fees for reimbursement of costs of establishing and operating the wastewater utility's pretreatment program;
- c. Fees for monitoring, inspections and surveillance procedures, including laboratory analysis;
- d. Fees for permit applications;
- e. Fees for connection, repairs and disconnection;
- f. Fees for inspections, surveys, development and expansion;
- g. Plant investment fees;

- h. Standby fees;
- i. Wastewater strength and lift station surcharges; and
- j. Other fees as the utility may deem necessary to carry out the requirements of this Article.

(b) If any person fails or refuses to pay when due any fee or charge imposed under this Chapter, the Board of Trustees may collect the unpaid amounts in accordance with any remedies permitted by statute or by this Code and any regulations promulgated thereunder. The Board of Trustees shall be authorized to commence collection procedures against either the owner of the property or the property itself for which fees and charges are past due. (Ord. 2007-07 §1)

**Sec. 13-1-60. Service charges.**

Service charges shall be established by the Board of Trustees and included in Appendix B to this Code. Service charges may include flat rates, charges based upon usage and surcharges. Water rates and charges shall be in an amount adequate to maintain, repair and operate the water works system, including reasonable capital expansion consistent with population. (Ord. 2007-07 §1)

**Sec. 13-1-70. Usage spike/surcharge authorized.**

(a) Sewer usage. Whenever there is a spike or unusual increase of at least twenty-five percent (25%) in the sewer usage, either on a daily or monthly basis, the Town is authorized to impose a surcharge on the usage rate. Such surcharge is designed to minimize usage spikes and to compensate the Town for additional infrastructure, capacity and equipment required to maintain the ability to service such spikes.

(b) Water usage. The Board of Trustees is authorized to act by resolution to set a surcharge for water usage over a property's annual allotment. Such annual allotment is determined by the Board of Trustees in response to the allocation set by the Northern Colorado Water Conservancy District. (Ord. 2007-07 §1)

**Sec. 13-1-80. System review fee.**

Any person who requests the Town to review the feasibility, costs and methods of Town service to a new development shall pay all of the actual costs incurred by the Town to perform such review. If required by the Town, the person requesting the review shall deposit an amount reasonably estimated by the Town to cover the costs when the request for review is made. The Town need not perform or continue any review services for such person without an adequate amount to pay the costs thereof being on deposit. Any unused portion of the deposit will be refunded, and any deficit will be invoiced to the person liable therefor within forty-five (45) days after the review is completed or terminated. (Ord. 2007-07 §1)

**Sec. 13-1-90. Past-due accounts.**

(a) Water usage is billed to the property owner or property manager of a service address, at the end of a billing period, for water usage during the billing period. A service account is considered past due when the billing for the current period reflects an unpaid balance from a previous billing period.

(b) Holders of interest, as shown on the Water Works Department records, of past-due service accounts shall be notified by first class mail. Notification shall include the date and time the water is scheduled to be shut off, the amount of penalty assessments, the amount of the notification fee and actions necessary to avoid penalties and discontinuation of service.

(c) The Town shall physically post notification to the premises at least twenty-four (24) hours prior to the scheduled shutoff for nonpayment. A notification fee will be added to the past due balance.

(d) The failure of any such person to receive notification of the impending shutoff shall not affect the validity of any actions taken under this Section and shall not relieve any person from obligations imposed on him or her by this Section.

(e) The Town shall discontinue water service for nonpayment at or after the specified date and time. When payment of a past due balance is not received by 1:00 p.m. on the scheduled shutoff date, a shutoff fee, as set forth in Appendix B to this Code, will be added to the past-due balance to cover costs to the Town in activating shutoff procedures.

(f) Whenever it is necessary to make a shutoff of water service from inside a user's building or premises, the Town Administrator may enter such building or premises, but shall present proper credentials and request entry. If such building or premises are unoccupied, he or she shall first make a reasonable effort to locate the owner or other person having charge or control of the building or premises and request entry. If such entry is refused, the Town Administrator shall have recourse to every remedy provided by law to secure entry. When the Town Administrator has first obtained a warrant or other remedy provided by law to secure entry, no owner, occupant or any other person having charge, care or control of any building or premises shall fail or neglect, after proper request is made as herein provided, to promptly permit entry by the Town Administrator.

(g) Water service which has been shut off for nonpayment shall be restored when the total past due balance, plus all assessments including interest, notification fees, attorney fees and court costs, has been paid in full.

(h) If, after water service is shut off for nonpayment, an owner of such property fails to reestablish water service within twelve (12) months of shutoff and fails to pay the minimum tap fees, the water tap allocated to that property shall be deemed abandoned and shall revert to the Town's ownership. Notice of this provision shall be mailed to the property owner and posted on the property by the Code Enforcement Officer at least sixty (60) days before such abandonment becomes effective. The owner may redeem such tap by paying all costs incurred by the Town, past due fees, minimum tap fees and interest within thirty-six (36) months after abandonment. Thereafter, the owner must apply for a water tap as a new user, subject to all current fees and water dedication requirements.

(i) The Town Administrator may continue water service to a customer who can verify exigent circumstances, or make a recommendation to the Board of Trustees to continue service. Any recommendation shall include a written alternative arrangement for payment of past-due balances, assessments and fees. The Board of Trustees shall act on such a recommendation at the first regular meeting scheduled after such recommendation has been made. (Ord. 2007-07 §1)

**Sec. 13-1-100. Liens.**

When any fee payable to the Town as required by this Chapter or set forth in Appendix B is not paid, including user fees, such unpaid amounts shall be a charge and lien upon the premises for which the amount is due from the date the same becomes due until paid, and the owner of every building, premises, lot or house shall be liable for the cost of taking and treating sewage or the provision of water to the premises. The lien and liability for such treating and taking of sewage or provision of water may be enforced by action at law or suit to enforce collection, or the Town may place a lien upon the property served by the wastewater collection treatment system, the potable water system or nonpotable system and certify such amount due to the County Commissioners for collection as taxes as provided by Section 31-5-708, C.R.S. (Ord. 2007-07 §1)

**Sec. 13-1-110. Unpaid charges to become lien.**

(a) All water rates and rents shall be a charge and lien upon the premises to which water is delivered, from the date the same become due and until paid, and the owner of every building, premises, lot or house shall be liable for all water delivered to or taken and used upon his or her premises, which lien and liability may be enforced by the Town by action at law or suit to enforce the lien. In case the tenant in possession of the premises or building pays the water rent or rates, it shall relieve his or her landlord from such obligation and lien; however, the Town shall not be required to look to any person whatsoever other than the owner for the payment of water rents and rates as provided in this Chapter.

(b) If such water rates and rents remain unpaid after a thirty-day demand for payment of the same has been made, such water rates and rents may be certified by the Town Clerk to the Board of County Commissioners, to be placed upon the tax list for the current year and to be collected in the same manner as other taxes are collected, together with all fees and costs of collection and a ten-percent penalty for administrative costs. (Ord. 2007-07§1)

**Sec. 13-1-120. Calculation of equivalent residential unit (ERU) value for premises.**

(a) Routine case values. For the purpose of calculating plant investment fees for water and sewer service, the number of ERUs for any premises shall, subject to the provisions of Subsection (b) below, be determined by the size and type of the water meter serving such premises, according to the following schedule:

<i>Meter Size and Type</i>	<i>ERU</i>
¾" Displacement	1.0
1" Displacement	2.5
1½" Turbine	5.0
2" Turbine	8.0
3" Turbine	16.0
4" Turbine	30.0

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

(c) Subsequent increases not related to increased meter size. Before the effective date of any change in the configuration of the water works system to premises served by the Town, which could reasonably be expected to increase the number of ERUs for such premises as determined pursuant to Subsection (b) above, the property owner shall notify the Town of the change. Any increase in the ERU value for the premises resulting from such change shall be determined by the Town and notice thereof given to the property owner. The property owner shall, within not less than ten (10) days after receipt of such notice, apply for permits for the increased service and shall in connection therewith pay any and all additional plant investment fees and convey any and all additional raw water to the Town, in the amounts determined pursuant to Subsection (d) below. Such application shall be treated as an application for new service to the extent of the increase. A property owner whose increased service is sufficiently large to require a main extension shall provide such extension at the property owner's cost. If a property owner fails to notify the Town as required herein before the change in use or configuration occurs, the Town, after giving the property owner notice and an opportunity to be heard, shall determine the new ERU value for the premises, calculate the increased plant investment fees and water conveyance requirements therefor, and charge the property owner the amount due for the same, plus interest accruing at the rate of ten percent (10%) per annum from the date of the change in use. In the event the property owner fails to comply with the requirements of this Section, the Town may terminate water service and may cause a lien to be placed upon the property as set forth in Section 13-1-100 for any amounts due to the Town pursuant to this Section.

(d) Calculation of new charges/conveyance requirement. The amount of the plant investment fees to be paid and the raw water required to be conveyed in connection with an increase in the ERU value for any premises, whether determined pursuant to Subsection (a) or (b) above, shall be determined by subtracting the current amount of the plant investment fee and the raw water conveyance requirement for the premises based upon its pre-change or preapplication ERU value from the current amount of the plant investment fees and the current raw water conveyance requirement for the premises based upon its increased ERU value. No refund of any plant investment

fee or raw water conveyance shall be made in connection with a reduction in the ERU value to any premises.

(e) ERU/gallon equivalent. An ERU will provide a maximum of two hundred thousand (200,000) gallons to a served property in any calendar year. If at any time any served property draws more than two hundred thousand (200,000) gallons of water per one (1) ERU, the Town may require a change in the ERU requirement pursuant to Subsection (b), (c) or (d) above, including additional plant investment fees or raw water conveyance. (Ord. 2007-07 §1)

**Sec. 13-1-130. Malfunctioning meter or remote meter.**

(a) If any meter fails to register water usage in any billing period, the service account shall be charged the average usage which occurred during the corresponding billing period of the previous three (3) years or a reasonable estimated usage when prior usage data is not available, as determined by the Town Administrator.

(b) If a water meter remote reader indicates a water usage less than usage indicated by the water meter, the water meter shall be removed and tested. If the test results indicate that a meter operates within reasonable limits as certified by the manufacturer and established by the Town Administrator, the meter reading shall be used to calculate water usage to be billed for the billing period in which it is discovered that the remote reader malfunctioned. If it is not possible to determine actual usage, the user shall be charged for the usage which occurred during the corresponding billing period for the previous three (3) years. Estimated usage when prior usage data is not available is determined by the Town Administrator. Excess usage shall be charged at the rate then in effect for the period in which the discrepancy between the meter and the remote reader was discovered. The service account may be granted an additional three (3) months to pay the charges for excess usage.

(c) If a situation regarding charges arising as a result of a malfunctioning water meter or remote meter is not addressed by this Chapter or other resolution adopted by the Town, then the Town Administrator shall resolve the issue in a manner acceptable to the Town, or he or she may make a recommendation for resolution of the issue to the Board of Trustees. (Ord. 2007-07 §1)

**Sec. 13-1-140. Owner-requested meter testing and shutoff procedures and assessments.**

(a) Water service may be discontinued upon request of the owner, lessee or user of water. The Town may require an affidavit signed by the owner, lessee or user prior to shutoff. The affidavit shall include the service address, reason for the shutoff request and whether the property is owner-occupied, tenant-occupied or vacant. Water shall not be discontinued if the reason for the requested shutoff is related to a landlord/ tenant dispute. If the shutoff is granted, there will be a fee assessed to restore the water service.

(b) Meter testing at the request of the owner, lessee or user shall be granted for the purpose of verifying the accuracy of the meter. If the meter is found to be operating within tolerable limits as certified by the manufacturer and as established by the Town, there will be a fee assessed for the testing provided. If the meter is found to be malfunctioning, there will be no charge for the meter testing service. (Ord. 2007-07 §1)

**Sec. 13-1-150. Lawn irrigation restrictions.**

The Board of Trustees shall have the authority to establish or amend, by resolution, watering restrictions which may include, but are not limited to, the following:

- (1) Providing for the Town shall be divided into two (2) divisions as follows:
  - a. The odd-numbered houses or premises shall use water on the odd-numbered days of each month.
  - b. The even-numbered houses or premises shall use water on the even numbered days of each month.

In each month having thirty-one (31) days, on the thirty-first day of each month, the odd-numbered houses or premises shall use water for domestic irrigation in the morning hours, and the even-numbered houses or premises may use water for such purposes in the afternoon hours.

(2) It is unlawful to sprinkle lawns, gardens and trees except on the days as provided in this Section. The Board of Trustees shall establish by resolution each year the hours for sprinkling. In the event the Board of Trustees does not establish sprinkling hours, no watering shall take place between the hours of 11:00 a.m. and 6:00 p.m. (Ord. 2007-07§1)

**Sec. 13-1-160. Wasting water prohibited.**

It is unlawful for any person to use or permit the use of water in such a manner as to allow water to run or waste upon the premises or buildings, to allow water to run through or out any water closet, lavatory, faucet or appliance whatsoever, or to in any manner allow water to be wasted by using faulty or imperfect plumbing or fixtures. (Ord. 2007-07 §1)

**Sec. 13-1-170. Raw water dedication historical use.**

No property shall be annexed to the Town, and no property which has previously been annexed into the Town, shall be approved for development until an investigation has been made to determine if any water historically used upon the property shall be dedicated to the Town for use with the potable or nonpotable water system or for use in the irrigation of planned green areas or open space. The owner of property intended to be annexed into the Town shall disclose all water and water rights attached to or currently used on the property and shall disclose all water historically used on the property (the last twenty-five [25] years). The owner and the Town shall, in the annexation agreement or development agreement, set forth which water, if any, shall be dedicated to the Town and a proposed use of the dedicated water. The parties shall also set forth if any credit is to be given to the owner for any raw water dedication required by this Chapter for such dedication. (Ord. 2007-07 §1)

**Sec. 13-1-180. Penalties.**

It is unlawful for any person to violate any of the provisions of this Chapter. Any person violating any provision of this Chapter shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Chapter continues and,

upon conviction of any such violation, the violator shall be punished in accordance with the provisions of Section 1-4-20 of this Code. In addition to any and all remedies, the Town may institute an appropriate action for injunction or abatement to enjoin, abate or remove any violation of this Chapter. (Ord. 2007-07 §1)

## **ARTICLE 2**

### **Water Regulations**

#### *Division 1 Potable Water System*

#### **Sec. 13-2-10. Establishment of Water Utilities Enterprise.**

(a) The Board of Trustees hereby recognizes and confirms that the operation of the municipal potable water system is an Enterprise within the meaning of Section 20, Article X of the State Constitution, and there is hereby established the Town Water Utility Enterprise as an Enterprise as described within Section 20, Article X of the State Constitution.

(b) All action (not inconsistent with the provisions of this Section) heretofore taken by the Board of Trustees or by the officers and employees of the Town directed toward the operation of the system as an Enterprise under Section 20, Article X of the State Constitution is hereby ratified, approved and confirmed.

(c) Funds collected by the Water Utility Enterprise to the extent allowed by law may be commingled for purposes of investment and financial management with the Sewer Utility Enterprise or other funds of the Town, so long as accurate records are kept as to the funds allocable to the Enterprise and to other funds of the Town.

(d) The Town shall establish a fund for all fees, rates, rents and charges for water service, and from which all expenditures for such operations shall be made. No part of such fund may be transferred to any other fund or used for purposes outside the expenses or bond payments of the Water Enterprise. (Ord. 2007-07 §1)

#### **Sec. 13-2-20. Incorporation of Water Service Agreement.**

Service furnished by the Town is generally subject to the Water Service Agreement between the Town and North Weld County Water District and any amendments thereto or successor or replacement agreements. The provisions of the Water Service Agreement are hereby incorporated into these rules and regulations to the extent that any such provisions apply to or affect the design, construction, installation, operation, maintenance or use of the Town water utilities or water furnished or taken from them. No property shall be entitled to receive water service unless the property is included within the boundaries of the Northern Colorado Water Conservancy District in conformity with the rules and regulations of said District. (Ord. 2007-07 §1)

**Sec. 13-2-30. Raw water conveyance.**

(a) For the purpose of enabling the Town to acquire a sufficient supply of water to meet the requirements of the Town system, at the time application is made for new water service or at such time as an increase in the ERU value for the premises is determined pursuant to Section 13-1-120 above, the property owner, at no cost to the Town, prior to connection to the Town system or before implementing increased service to property on the system, shall transfer to the Town, free and clear of all liens and encumbrances, the number of acre-foot units of Colorado-Big Thompson Project, Windy Gap or North Poudre water specified herein. The amount of additional acre-foot units required to be conveyed as a result of an increase in service for premises shall be calculated pursuant to Section 13-1-120 above.

(b) For all single-family residences served by a meter not more than three-fourths ( $\frac{3}{4}$ ) inch in size, the raw water conveyance requirement shall be one (1) acre-foot unit. For all other services, the raw water conveyance requirement shall be one (1) acre-foot unit multiplied by the number of ERUs, or fraction thereof, established for such premises pursuant to Section 13-1-120 above.

(c) The Town may permit or require any person subject to the raw water conveyance requirements specified in this Section to pay the Town an amount of money equal to the current fair market value of the water required to be transferred in lieu of transferring the water itself. Such payment shall be made at the time specified for transfer of the water.

(d) Nothing in Subsections (a) through (c) above shall limit the authority of the Town to enter into written agreements approved by the Board of Trustees providing for other methods of securing an adequate and sufficient supply of water to serve any particular development or premises, upon such terms as the Board of Trustees may determine, provided that no such agreement shall cause or permit any unreasonable or discriminatory pricing of water service. (Ord. 2007-07 §1)

**Sec. 13-2-40. Fire hydrant operation restrictions.**

It is unlawful for any person to operate a fire hydrant except employees of the Water Utility Department and members of the Fire Department, and other persons who have obtained written permission from the Town Administrator. Water shall not be sold from a fire hydrant except at the direction of the Town Administrator and upon payment of an appropriate charge. (Ord. 2007-07 §1)

*Division 2  
Nonpotable Water System*

**Sec. 13-2-210. Establishment of Nonpotable Water Works Enterprise.**

(a) There is hereby created the Town Nonpotable Water Enterprise, which Enterprise shall be responsible for the operation and maintenance of any nonpotable water works system owned or controlled by the Town.

(b) The Board of Trustees hereby designates itself as the ex officio governing body of the Enterprise and, to the extent it deems necessary, the governing body shall exercise the Town's legal authority relating to the system to the Enterprise, but shall not levy a tax.

(c) All action (not inconsistent with the provisions of this Section) heretofore taken by the Board of Trustees or by the officers and employees of the Town directed toward the operation of the system as an Enterprise under Section 20, Article X of the State Constitution is hereby ratified, approved and confirmed.

(d) Funds collected by the Enterprise to the extent allowed by law may be commingled for purposes of investment and financial management with the Water and Sewer Utility Enterprises or other funds of the Town, so long as accurate records are kept as to the funds allocable to the Enterprise and to other funds of the Town. (Ord. 2007-07 §1)

**Sec. 13-2-220. Applicability to private nonpotable water.**

This Division shall apply all water works systems located or operated within the Town, including private nonpotable water systems or quasi-public nonpotable water systems. (Ord. 2007-07§1)

**Sec. 13-2-230. Permit required.**

It is unlawful for any owner, lessee, user, person or entity to turn on or cause to be turned on water for any premises or take and use water on any premises from the nonpotable water works system without first obtaining the authorization from the Town. (Ord. 2007-07 §1)

**Sec. 13-2-240. Nonpotable water meter use required.**

(a) It is unlawful for any owner, lessee, user, other person or entity to take or use nonpotable water except through a meter supplied by or approved by the Town unless a special permit has been granted for the property which permits the area to be irrigated and the approximate amount of water to be used, and a flat fee has been established for the use of the nonpotable water.

(b) It is unlawful for any owner, lessee, user, other person or entity to take, use or obtain in any manner nonpotable water from the Town nonpotable water works system when the meter has been removed or when the service has been shut off by the Town or the point from which water is taken has otherwise been designated as unauthorized for use.

(c) Notwithstanding Subsections (a) and (b) above, the Town may enter into an agreement with any subdivider, homeowners' association or other entity to provide for an alternative means for assessing user charges or fees without the installation of a meter for each private property. The agreement may provide for a single master meter serving an entire subdivision or portion of the Town. The Town and the subdivider, homeowners' association or other entity may agree on any other method of assessing fees acceptable to the parties which provides for fair and equitable compensation for the use of nonpotable water. (Ord. 2007-07 §1)

**Sec. 13-2-250. Nonpotable water meter installation and maintenance.**

(a) The water meter, yoke and related equipment may be installed by a plumber licensed by the State and authorized to install the water service equipment, or the equipment may be installed by the Town, in which event the Town shall charge the actual cost of such installation, together with all necessary materials, equipment, time, labor and repairs to the streets, alleys or easements which may

be caused by the installation. The meter, valve, service line and materials shall become and remain the property of the Town.

(b) Meters, valves, service lines and all other materials used in the nonpotable water service installation shall meet the specifications outlined in the material standards approved by the Town and shall be installed as prescribed by ordinance, resolution or the plumbing code adopted by the Town. All materials used and construction performed shall be as directed by the Town and shall be inspected and accepted by the Town prior to nonpotable water service being provided.

(c) The Utilities Director or other authorized administrative employee shall have the authority to disconnect or shut off the nonpotable water from any main or service line for the purpose of repairing or causing the owner to repair the same when on private property, and for making connections or extensions or servicing of any part of the water works system. The Town shall be responsible for the general maintenance and repair of the meter. The owner of the premises shall be responsible for the maintenance and repair of the shut-off valve, service lines and any equipment necessary or required to provide nonpotable water service to the premises. The owner shall be responsible for the repair and maintenance of all items caused by freezing and leakage. All maintenance, repairs and replacements performed are subject to the procedures established in this Section. (Ord. 2007-07 §1)

**Sec. 13-2-260. Depth of water mains and service lines.**

(a) Unless otherwise specified by ordinance, or unless otherwise required or approved by the Town Administrator, the minimum depth of cover for all nonpotable water lines from the finished grade to the top of the pipe shall be four and one-half (4½) feet.

(b) Any person who locates, constructs or lays a pipeline in violation of this Section is guilty of a misdemeanor and, upon conviction shall be fined an amount not to exceed one thousand dollars (\$1,000.00). Each day a violation continues shall be a separate offense.

(c) Any person who constructs a nonpotable pipeline in violation of this Section which is located in a street, alley or other easement of the Town shall be liable to the Town for all costs of repair caused by the freezing of water in the pipeline or caused by pressures created by ice in the pipeline.

(d) Any person who constructs a nonpotable pipeline on private property in violation of this Section shall be liable to the property owner for the costs of all repair caused by the freezing of water in the pipeline or caused by pressures created by ice in the pipeline. (Ord. 2007-07 §1)

**Sec. 13-2-270. Nonpotable system use required.**

In all subdivisions or parts of Town where a nonpotable water system is installed, use of such system shall be required for all lot irrigation. All lot irrigation systems other than house-attached hose bibs must be connected to the nonpotable irrigation tap. (Ord. 2007-07 §1)

**Sec. 13-2-280. Nonpotable color code system required.**

The nonpotable water distribution system shall be installed with purple-colored pipe or material in combination with markings to consistently and clearly identify the nonpotable water system separately from the potable water works system. Fittings shall be designed and labeled so that

interconnection with the potable water works system cannot be made inadvertently. All pumps, pipes, outlets and reservoirs of the nonpotable system shall be clearly identified by a consistent color and marking clearly indicating that such equipment is part of the nonpotable system. (Ord. 2007-07 §1)

**Sec. 13-2-290. Stopcock required for nonpotable water.**

Each property served by the nonpotable water works system shall be served by a meter installed in a meter pit/vault. Each meter shall be supplied with a stopcock which may be used by the property owner to control nonpotable water service for repairs and to terminate the nonpotable water service for purposes of shutting down the irrigation system during winter weather. The stopcock may be used by the Town for purposes of terminating nonpotable water service for nonpayment of the charges for nonpotable water service. Failure to pay nonpotable water service charges may result in a notice of water shutoff and termination of potable water service, the collection of interest and placement of a lien upon the property as authorized in Sections 13-1-90 and 13-1-100 of this Chapter. (Ord. 2007-07 §1)

**Sec. 13-2-300. Flat fee calculation.**

In the event any property served by the nonpotable water work system is not equipped with a meter, then a flat charge may be levied against such property based upon the square footage of the lot from which has been subtracted the nonirrigated part of the lot which shall consist of the building envelope, accessory buildings and driveways. (Ord. 2007-07 §1)

**Sec. 13-2-310. Design; construction.**

Before any nonpotable water system is installed in any subdivision or part of the Town, the system shall be designed by a registered professional engineer and shall be constructed in a manner similar to the potable water system and as more specifically described in this Code. Before any nonpotable water system is put to use, a dye test on the nonpotable water system shall be performed to ensure proper functioning and to ensure that no cross-contamination or cross-connection has occurred. (Ord. 2007-07 §1)

**Sec. 13-2-320. Raw water conveyance.**

(a) For the purpose of enabling the Town to acquire a sufficient water supply to meet the requirements of the nonpotable water works system, each property owner annexing property into the Town and each property owner developing property in the Town which will use a nonpotable water system shall dedicate to the Town an adequate supply of water to meet the requirements of the nonpotable water works system, together with an appropriate nonpotable storage facility or to otherwise provide for nonpotable water storage as may be necessary to serve the proposed annexation or development.

(b) In those subdivisions or areas of the Town where a nonpotable water works system has been installed and an appropriate dedication of raw water provided to the Town, then the Town and the developer will agree upon an appropriate reduction in the equivalent residential unit requirement set forth in this Chapter. (Ord. 2007-07 §1)

## **ARTICLE 3**

### **Sewer Regulations**

#### **Sec. 13-3-10. Sewer Utilities Enterprise.**

(a) The Board of Trustees hereby recognizes and confirms that the operation of the municipal wastewater is an Enterprise within the meaning of Section 20, Article X of the State Constitution, and there is hereby established the Town Wastewater Utilities Enterprise as an Enterprise as described within Section 20 of Article X of the State Constitution.

(b) The Board of Trustees designates itself as the ex officio governing body of the Enterprise, and to the extent it deems necessary, the governing body shall exercise the Town's legal authority relating to the system of the Enterprise, but shall not levy a tax.

(c) All action not inconsistent with the provisions of this Section heretofore taken by the Board of Trustees or by the officers and employees of the Town directed toward the operation of the system as an Enterprise under Section 20 of Article X of the State Constitution is hereby ratified, approved and confirmed. (Ord. 2007-07 §1)

#### **Sec. 13-3-20. Use of public sewers required.**

(a) Every occupied structure located within the Town shall be connected to the public wastewater collection system unless hereinafter excepted.

(b) No person shall make any connection to, use, alter, disturb, uncover or make any entry into the public sanitary sewer system without consent of the Town Administrator.

(c) Where a public sanitary sewer system is not available, either because of distance from any sanitary sewer mains or where terrain makes it impractical or impossible to connect to the sanitary sewer system, private sewage disposal systems may be allowed upon obtaining approval from the Town. A private sewage disposal permit application shall be filed with the Town. Such permit shall be a duplicate copy of the permit application filed with the Weld County Department of Health. The permit fee may be charged as set forth in Appendix B. The permit shall not become effective until the installation is completed and has been inspected by the Weld County Department of Health and the Town Administrator if the Town deems such inspection necessary.

(1) When a dwelling or structure is connected to a private sewage disposal system and such private sewage system experiences any failure with regard to the leech field and is able to connect to the public sanitary sewer system and such main is within two hundred (200) feet of the dwelling, and if the Town determines that the public welfare requires the connection to the public sanitary sewer system, then the building service line shall be connected to such public sanitary sewer system within ninety (90) days. When any private sewage system is abandoned, such system shall be cleaned, inspected and filled with materials as provided by the Weld County Department of Health or the Town. Nothing in this Section shall be construed as obligating or otherwise requiring the Town to serve any property previously served by a private sewage system.

(2) All costs and expenses incident to the installation and connection of the building service line and the service line connection to the sanitary sewer main shall be borne by the property owner, as shall all costs of line maintenance from the main to the service property. The property owner shall also be responsible for any loss or damage that may be occasioned by the installation and connection of the building service line to the sewer main or any loss or damage arising from any obstruction between the main and the property. If any costs and expenses are not paid when due, including costs of involuntary connection to the public sanitary sewer system, then collection of such costs may be had as provided by statute. (Ord. 2007-07 §1)

## **ARTICLE 4**

### **Facilities and Connection to Utilities**

#### *Division 1 Construction Regulations*

##### **Sec. 13-4-10. Application for connection to utility.**

Any person desiring to make a connection to any Town utility, including water, wastewater or nonpotable water, or use water from any Town utility shall make application to the Town. No person shall connect to any utility or use water from any Town utility until such application is approved and the person or property owner has otherwise complied with all of the relevant provisions of this Chapter. (Ord. 2007-07 §1)

##### **Sec. 13-4-20. Design and construction standards.**

The Board of Trustees may adopt and publish design and construction standards for water and sanitary sewer facilities to be connected to the Town system or installed within its jurisdiction. Design and construction of water, sanitary sewer mains and appurtenances shall conform to such standards unless deviations are approved in writing by the Town Administrator. The Town may refuse to accept facilities inadequately constructed or constructed in variance with the Town requirements. The Town shall be held harmless for the engineer's or installer's failure to conform to the adopted standards and specifications. (Ord. 2007-07 §1)

##### **Sec. 13-4-30. Workmanship and materials.**

Previously used service lines may not be used in connection with new buildings, except if they have been inspected, tested and approved by the Town Administrator.

(1) The size, slope alignment, materials of construction of a building service line and methods to be used for excavating, placing the pipe, jointing, testing and backfilling the trench shall all conform to the requirements of the building code and plumbing code as adopted by the Town, and any other applicable rules or regulations of the Town.

(2) No person shall make connection of roof downspouts, exterior foundation drains or any other sources of surface runoff or groundwater to the sanitary sewer system.

(3) No building service line connected to the sanitary sewer system shall be used until a certificate of occupancy has been issued for the building and the service line has been inspected by the Town. Subsequent to such inspection and approval, a monthly user fee shall be due and payable until the service line is subsequently disconnected from the Town sanitary sewer system. (Ord. 2007-07 §1)

**Sec. 13-4-40. Paving streets; service lines to be laid.**

Before a street is paved, the owner of every lot constituting separate premises, abutting upon the street where a water main is laid shall pay the proper connection charges in Appendix B to this Code, as applicable, and the Town Administrator shall ensure that service lines are installed or replaced to meet current specifications prior to the street paving. (Ord. 2007-07 §1)

**Sec. 13-4-50. Depth of water mains and service lines.**

(a) Unless otherwise specified by ordinance, or unless otherwise required or approved by the Town Administrator, the minimum depth of cover for all water lines from the finished grade to the top of the pipe shall be:

- (1) Five (5) feet for pipelines twenty (20) inches and smaller.
- (2) Four and one-half (4½) feet for pipelines larger than twenty (20) inches.

(b) Any person who constructs a pipeline in violation of this Section which is located in a street, alley or other easement of the Town shall be liable to the Town for all costs of repair caused by the freezing of water in the pipeline or caused by pressures created by ice in the pipeline.

(c) Any person who constructs a pipeline on private property in violation of this Section shall be liable to the property owner for the costs of all repair caused by the freezing of water in the pipeline or caused by pressures created by ice in the pipeline. (Ord. 2007-07 §1)

**Sec. 13-4-60. Compound taps.**

(a) The use of compound taps or more than one (1) service line that attaches more than one (1) building to any tap is prohibited, except upon compliance with this Section. For existing properties where multiple dwellings or commercial units are served by the same tap, when any portion of the property is sold, or the property is divided or subdivided so that the buildings served by a single tap are in separate ownership, then the owner shall pay the full cost of a new tap for each building and installing new service lines, and shall be required to pay such plant investment fees and make such additional raw water dedications as are in existence at the time the compound tap is terminated. The owner of one (1) or more lots, premises or buildings which are served by a single service line shall pay the full cost of the taps and installing new service lines, and shall be required to pay plant investment fees and make such additional raw water dedications as are in existence at the time the compound tap is discovered. The owner may apply to the Board of Trustees for an exemption to the requirement of payment of plant investment fees and making such additional raw water dedications if it is determined that the compound tap was legal at the time it was made and that separation will not increase demand on the system.

(b) The owner of any property may apply to the Board of Trustees for an exemption to this Section, and such exemption may be granted only under the following circumstances:

(1) The property for which the exemption is requested is located in a residential zone and is used only for residential purposes.

(2) The additional service line extends only to an accessory structure and such structure is used only as an accessory to the primary residential use.

(3) The entire lot or parcel upon which the primary structure and the accessory structure are located is in single ownership. At any time when the accessory structure is no longer in common ownership with the primary structure, then the service line shall be discontinued and disconnected. Before service is again provided to such accessory structure, a new service line connecting to a main shall be installed and the appropriate system development fees paid.

(c) Where a compound tap exists at the time of adoption of this Chapter or where a compound tap is allowed pursuant to this Section, a document shall be prepared and filed with the County Clerk and Recorder for each property served with a compound tap. The recorded document shall state that the compound tap shall be separated prior to the sale of part of the property or a division of the property, causing the two (2) structures served by the compound tap to be in separate ownership and that, at such time, the owners of the premises being served by a compound tap shall pay the full cost of making a new tap and installing a new service line to the former accessory use property. The document shall set forth the lot and block description or such other description as will advise potential future owners of the need for separation. (Ord. 2007-07 §1)

#### **Sec. 13-4-70. Meter and stopcock installation.**

(a) Meters shall be placed at the direction of the Town Administrator and each new meter shall be installed outside in a meter pit or vault which complies with all codes of the Town. The water meter, yoke and related equipment may be installed in accordance with the plumbing code adopted by the Town, by a plumber licensed by the State and authorized to install the water service equipment. In the event the installation is made by the Town, the Town shall charge the actual cost of such installation, together with all necessary materials, equipment, time, labor and repairs to the streets, alleys or easements which may be caused by the installation. The meter, valve, service line and materials shall become and remain the property of the Town.

(b) Meters, valves, service lines and all other materials used in the water service installation shall meet specifications outlined in the material standards approved by the Town and shall be installed as prescribed by ordinance, resolution or the plumbing code then in effect in the Town. All materials used and construction performed shall be as directed by the Town and shall be inspected and accepted by the Town prior to water service being provided.

(c) The Town shall have the authority to disconnect or shut off the water from any main or service line for the purpose of repairing or causing the owner to repair the same when on private property, for making connections or extensions or for the servicing of any part of the water works system. The Town shall give notice wherever reasonably possible. The Town is not liable for any damages that may occur directly or indirectly on account of the Town water being cut off for any purpose.

(d) The Town shall be responsible for the general maintenance and repair of the meter. The owner of the premises shall be responsible for the maintenance and repair of the shutoff valve, all service lines from the curbstop to the premises and any equipment necessary or required to provide water service to the premises. The owner shall be responsible for the repair and maintenance of all items caused by freezing and leakage. The Town shall not be liable for any damages caused by malfunction, disrepair or otherwise of the service lines or equipment from the main to the curbstop and from the curbstop to the premises. All maintenance, repairs and replacements performed are subject to the procedures established in this Section.

(e) Existing meters inside buildings must have a stopcock on both sides of the meter. All meters shall be located where accessible for inspection and/or repair at any time during business hours. Meters previously installed inside buildings shall be relocated outside to meter pit/vaults when the following events occur: buildings are remodeled, plumbing systems are modified, accessibility becomes limited or as determined by the Town.

(f) Each property shall have a shutoff valve located within one (1) foot of the edge of the utility easement. (Ord. 2007-07 §1)

#### **Sec. 13-4-80. Cross-connections and pollution prohibited.**

(a) It is unlawful for any person to in any way pollute or cause the pollution of the Town's water or to make cross-connections to the waterworks from sewer drains, stormwater drains or any other waterworks system, including any irrigation system.

(b) Cross-connection control devices shall be installed on all fire line taps, all commercial and industrial taps and any other water tap which may present a hazard, either biologically or chemically and when an underground irrigation system is connected to the water system. This installation shall be in accordance with federal and state laws and regulations enacted for the protection of drinking water supplies, or as otherwise required by the Town. Property owners shall be responsible for the annual testing of all cross-connection control devices and shall present copies of all test results to the Town. (Ord. 2007-07 §1)

#### **Sec. 13-4-90. Manholes required.**

When required by the Town Administrator, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole, together with necessary meters and other appurtenances, to facilitate observation, sampling and measurement of the wastes. The manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Town Administrator. Manholes shall be installed by the owner at the owner's expense and maintained by the owner so as to be safe and accessible to the Town Administrator at all times.

(1) All measurements, tests and analyses as may be required by the Town Administrator may be made at the control manhole. Test samples shall be taken by customarily accepted methods to reflect the effect of constituents upon the sewage works to determine the existence of hazards to life, limb or property. The analyses involved will determine whether a twenty-four-hour composite of all outfalls of a premises is appropriate or whether a grab sample should be taken.

Normally, but not always, BOD and suspended solids analyses are obtained from twenty-four-hour composites of all outfalls, whereas pH levels are determined from periodic grab samples.

(2) No statement contained in this Section shall be construed as preventing any special agreement between the Town and any industrial user, whereby any industrial waste of unusual strength or character may be accepted by the Town for treatment, subject to payment therefor by the industrial user. (Ord. 2007-07 §1)

**Sec. 13-4-100. Backflow prevention requirements.**

(a) Auxiliary water supply: In the case of premises having an auxiliary water supply which is not or may not be safe of bacteriological, radiological or chemical quality and which is not acceptable as an additional source by the Town Administrator, the Town's water system shall be protected by an approved backflow prevention device in the service line appropriate to the degree of hazard.

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

(c) Internal cross-connections: The Town's water system shall be protected against backflow from the premises by an approved backflow prevention device in the water service line under the following conditions:

(1) In the case of premises having internal cross-connections that cannot be permanently corrected and controlled.

(2) Intricate plumbing and piping arrangements.

(3) Where entry to all portions of the premises is not readily accessible for inspection purposes, making it impracticable or impossible to ascertain whether or not dangerous cross-connections exist.

(d) When determined to be necessary, an approved backflow prevention device shall be installed at or near the property line or immediately inside the structure being served before the first branch line leading off the water service line. In all cases, the backflow prevention device shall be installed after the water meter. (Ord. 2007-07 §1)

**Sec. 13-4-110. Inspections.**

(a) Any employee of the Town or duly authorized agent of the Town bearing proper credentials and identification shall be permitted to enter all properties for purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this Chapter.

(b) While performing the necessary work on private properties referred to in Subsection (a) above, the employee or agent of the Town shall observe all safety rules applicable to the premises

established by the company or owner, and the company or owner shall be held harmless for injury or death to the agent or employee. The Town shall indemnify the company or owner against loss or damage to its property by the agent or employee and against claims and demands for personal injury or property damages asserted against the company or owner and growing out of the inspection, gauging or sampling operation, except as may be caused by the negligence or failure of the company or owner to maintain a safe workplace.

(c) An agent or employee of the Town bearing proper credentials and identification shall be permitted to enter all private properties through which the Town holds an easement, for the purposes of, but not limited, to inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage works lying within such easement. All entry and subsequent work, if any, on the easement shall be done in full accordance with the terms of the easement pertaining to the private property involved.

(d) Before the Town accepts newly constructed sanitary sewer facilities, the Town may conduct such inspection as it deems appropriate to ensure proper construction and compliance with the construction plans. The plans and specifications, service line locations and as-built documents shall be supplied to the Town prior to any structure being connected to the sanitary sewer system. Inspection may, when deemed appropriate by the Board of Trustees, include the use of a remote video camera in the main lines and such other testing as may be determined appropriate by the Town Administrator. (Ord. 2007-07 §1)

**Sec. 13-4-120. Right of entry.**

Upon presentation of proper credentials, the Town's designee may enter, at reasonable times, any subdivision, building, premises or area served by the water and sewer enterprises or on which water and sewer facilities, easements or other legal interests exist, to perform any duty and to inspect pipes, motors, meters, water fixtures or other manner in which water or wastewater is used or transported. Entry into an occupied residence shall only be with permission or pursuant to Section 13-1-90 of this Chapter. (Ord. 2007-07 §1)

**Sec. 13-4-130. Stop work authority.**

Whenever any work is being done contrary to the provisions of this Chapter, the Town Administrator may order the worked stopped by notice in writing served on any person engaged in doing or causing such work to be done, and any such person shall forthwith stop such work until authorized to proceed with the work. (Ord. 2007-07 §1)

*Division 2  
Meters and Utility Lines*

**Sec. 13-4-210. Water meter use required.**

(a) It is unlawful for any owner, lessee, user, other person or entity to take or use municipal water except through a meter supplied by or approved by the Town.

(b) It is unlawful for any owner, lessee, user, other person or entity to take or use in any manner water obtained from the Town water system when the meter has been removed, the service has been shut off by the Town or the point from which water is taken has otherwise been designated as unauthorized for use. (Ord. 2007-07 §1)

**Sec. 13-4-220. Authority to turn on water.**

No person other than a duly authorized employee of the Town shall open or turn on any Town water valve or curbstop regulating the flow of water from the Town water mains to any premises, lot, building or house for any reason. (Ord. 2007-07§1)

**Sec. 13-4-230. Inaccurate meter or tampering.**

If the Town determines that the meter serving any premises has become inaccurate or has been bypassed or tampered with, the Town shall adjust the billing account for that premises to prevent the same from receiving service at the expense of other users. Such adjustment shall be calculated based upon estimated consumption at the premises for the period during which the inaccuracy is deemed by the Town to have existed, using measured consumption at the premises for similar periods in prior years and measured consumption for other similar premises. If such condition was caused by or resulted from willful or intentional bypassing, tampering or unauthorized metering as set forth in Section 40-7.5-101 et seq., C.R.S., the Town may assess treble damages and collection costs as authorized by Section 40-7.5-102(2), C.R.S. (Ord. 2007-07§1)

**Sec. 13-4-240. Water and sewer line reimbursement.**

(a) Intent. It is the intent of the reimbursement procedure set forth in this Section to provide an appropriate incentive for developers of private property to pay for the initial construction of required infrastructure and water and sewer mains to connect the property to the existing public water and sewer systems by providing a process for the developer to recoup a portion of the initial construction cost of such water or sewer mains. The application for such reimbursement shall be made prior to final inspection and acceptance of the proposed improvements, and the period during which reimbursement can be made shall be no more than ten (10) years from the date of connection to the Town water or sewer system.

(b) Conditions invoking eligibility for reimbursement for connections to public water and sewer. Property benefiting from sanitary sewer service or water service can be either contiguous or noncontiguous to the system. Noncontiguous development requires the construction of off-premises mains. *Off-premises mains* are defined as mains constructed to serve a property which is not contiguous to existing water and sewer mains and which crosses other private property or properties. Excluded from this definition are water or sewer mains in the interior or on the perimeter of the property initially serviced. The measurement of the off-premises main shall be from the point it departs the initially served property along such main to the point of connection to the existing public system. All persons desiring water or sewer service for property abutting or in the drainage area of an off-premises main shall be required to pay reimbursement if all of the following circumstances exist:

(1) The off-premises main was constructed in accordance with Town specifications and requirements with prior approval by the Town, at the expense of one (1) or more private persons who have obtained approval for reimbursement pursuant to this Section.

(2) The person against whom the reimbursement is to be assessed requests approval for additional line extensions or services which connect to the off-premises main either directly or indirectly within ten (10) years of the completion of the construction. The initial ten-year period may be renewed for an additional five-year period or periods by action of the Town upon petition by the person who paid for such initial construction. If such renewal petition is not filed prior to the lapse of an initial or renewal period, such renewal shall not be allowed; the granting or denial of a renewal period shall be at the discretion of the Board of Trustees.

(3) The property to be served with water or sewer service was owned at the time of construction by a person who did not participate in the cost of construction.

(4) The owners of the property at the time of initial construction against which the reimbursement may be assessed were notified by the initial developer of their opportunity to participate in the cost of construction prior to completion of construction. With respect to all owners of property directly abutting the off-premises main, such notification shall be by both certified and first class postage prepaid mail. With respect to all owners of property not directly abutting the off-premises main but in the drainage service area of such off-premises main, such notification shall be in the form of signs (in the shape and form as those used for zoning request changes) announcing such opportunity, erected at the intersection of the off-premises main with all public streets and roads, and left standing at all times during construction of the off-premises infrastructure or main. A photographic record of such posting shall be provided to the Town at the time reimbursement is sought.

(c) Computation of reimbursement for connection to public mains. To be eligible for reimbursement for the initial ten-year period, a developer must seek prior approval of the Town. The area subject to the reimbursement procedure described in this Section shall consist of land tracts which the Town determines benefit from the off-premises main. Costs shall be proportionally allocated by the Board of Trustees to the land area on a frontage, flow capacity, drainage service area or other equitable basis if all conditions are met. The developer seeking reimbursement approval shall submit to the Town a proposed cost reimbursement formula for approval. The allocations shall be calculated on the basis of gross acreage, utility usage, number of buildable lots or the appropriate factors which will result in a fair reimbursement amount. The calculation shall include all rights-of-way, stormwater facilities, parks or other private land which may be dedicated to public purposes within each tract. In each case, the reimbursement will be computed by prorating the construction cost, without any additional charges other than interest, against the property served by the off-premises main. The reimbursement shall be paid prior to the approval of plans for construction of additional extensions or when service taps are requested, whichever comes first. An interest component may be added, but shall apply to the first ten-year period only and not to subsequent periods, and it shall be equal to that of ten-year U.S. Treasury bills at the completion of construction as evidenced by the date of final approval by the Town.

(d) Reimbursement payment procedure.

(1) Prior to any action by the Town requiring reimbursement pursuant to this Chapter, the person seeking reimbursement shall supply to the Town receipts, contracts or other evidence of the actual and reasonable cost of construction of the mains for which reimbursement is sought. The Town shall have no obligation under this Chapter to require reimbursement until the requirements of this Chapter have been met. The granting of reimbursement pursuant to this Chapter shall be a

legislative determination by the Board of Trustees and shall only be made when such reimbursement will be in the best interests of the Town.

(2) The Town may enter into a reimbursement agreement with the developer constructing the water and sewer mains or other infrastructure for which reimbursement is sought, and if such agreement is entered into, the agreement shall set forth the terms of the reimbursement as described in this Chapter. The agreement for reimbursement may be recorded in the Clerk and Recorder's office for the purpose of assuring that the reimbursement will be collected. Any document recorded pursuant to this Section shall contain a proper property description of the property against which reimbursement may be sought.

(3) The Town shall have no liability for its failure to collect any reimbursement described in this Chapter. The property owner or person entitled to reimbursement shall bear the responsibility for advising the Town of proper amounts for reimbursement and the need for reimbursement at the time the property benefited by the initial construction is developed. (Ord. 2006-07 §§1—10; Ord. 2007-07 §1)

**Sec. 13-4-250. Abandonment.**

(a) No person shall abandon any utility service line or connection without first obtaining a written permit therefor. The property owner shall, at his or her sole cost, uncover the service line and effectively seal the service line or connection as directed and approved by the Town.

(b) There shall be no abatement of the minimum utility charge for any residence or address for which utility service has previously been provided until the service line has been abandoned pursuant to this Section. Plant investment fees cannot be transferred to any other property without the consent of the Board of Trustees. (Ord. 2007-07 §1)

**Sec. 13-4-260. Protection from damage.**

(a) No unauthorized 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 sewage works. Any person violating this provision is guilty of a misdemeanor and may be punished as set forth in this Code or as provided for by federal or state law.

(b) It is unlawful for any person to injure or in any way damage any property of the Water Department, make taps without proper license and permit or interfere with the waterworks property, meters or appliances of the Water Department. Connecting to the Town waterworks after service has been disconnected for nonpayment constitutes an unauthorized action. (Ord. 2007-07 §1)

**Sec. 13-4-270. Trespassing; unlawful interference.**

It is unlawful for any unauthorized person to trespass upon the waterworks or the grounds upon which the same are constructed, in any manner to interfere with the waterworks or any part thereof, to meddle or interfere with any pipe, valve or appliance used to regulate the flow of water in the waterworks or any part thereof, or to change or alter the position of any valve or appliance regulating the flow of water in such pipeline or waterworks. (Ord. 2007-07 §1)

## **ARTICLE 5**

### **Discharge Regulations**

#### **Sec. 13-5-10. Unlawful discharge.**

(a) It shall be unlawful to discharge into the sanitary sewer system any of the following:

(1) Stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, unpolluted industrial water or any other water or material inappropriate to the sanitary sewer system.

(2) Any gasoline, benzene, naphtha, fuel, oil, pesticides, fertilizers or any other flammable or explosive liquid, solid or gas.

(3) Any waters or wastes containing toxic or poisonous soils, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, institute a hazard to humans or animals, create a public nuisance or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two (2) mg/1 as CN in the wastes discharged to the public sewer.

(4) Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works.

(5) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow of sewers, or other interference with the proper operation of the sewage works, such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, manure, hair and fleshings, entrails, paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

(b) No person shall discharge or cause to be discharged the following described substances, materials, waters or wastes if it appears likely, in the opinion of the Town Administrator, that such wastes can harm either the sewers, sewage treatment process or equipment, can have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his or her opinion as to the acceptability of these wastes, the Town Administrator will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant and other pertinent factors. The substances prohibited are:

(1) Any liquid or vapor having a temperature higher than one hundred fifty (150) degrees Fahrenheit (sixty-five [65] degrees centigrade);

(2) Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of one hundred (100) mg/1 or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) degrees Fahrenheit (zero [0] and sixty-five [65] degrees centigrade);

(3) Any garbage that has not been properly shredded; the installation and operation of any garbage grinder equipped with a motor of 1.5 horsepower or greater shall be subject to the review and approval of the Town Administrator;

(4) Any waters or wastes containing strong acid, iron pickling wastes or concentrated plating solutions, whether neutralized or not;

(5) Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances, or water exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Town Administrator for such materials;

(6) Any waters or wastes containing phenols or other taste- or odor-producing substances in such concentrations necessary, after treatment of the composite sewage, to meet the requirements of the state, federal or other public agencies having jurisdiction for such discharge to the receiving waters;

(7) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Town Administrator in compliance with applicable state or federal regulations;

(8) Any waters or wastes having a pH in excess of 9.0;

(9) Material 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 chlorine and sodium sulfate;

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

c. Unusual BOD, chemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load in the sewage treatment works;

d. Unusual volume of flow or concentration of wastes constituting slugs, as defined in this Chapter.

(10) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters. (Ord. 2007-07 §1)

#### **Sec. 13-5-20. Prohibited water alternatives.**

(a) If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 13-5-10 of this Chapter and which in the judgment of the Town Administrator may have deleterious effect upon the sewage works, processes, equipment or receiving waters or which otherwise create a hazard to life or constitute a public nuisance, the Town Administrator may:

- (1) Reject the wastes;
- (2) Require pretreatment to an acceptable condition for discharge to the public sewers;
- (3) Require control over the quantities and rates of discharge; and/or
- (4) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges.

(b) If the Town Administrator permits the pretreatment or equalization of waste flows, the design and installation of the plans and equipment shall be subject to review and approval by the Town Administrator and shall be subject to the requirements of all applicable codes, ordinances and laws. (Ord. 2007-07 §1)

**Sec. 13-5-30. Interceptors required.**

Grease, oil, lint and sand interceptors shall be installed and properly maintained for all carwashes, laundry facilities, equipment maintenance facilities, facilities routinely preparing meals for twenty (20) or more persons daily and commercial/industrial users and in any other instance when in the opinion of the Town Administrator they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, lint or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Town Administrator and shall be located as to be readily and easily accessible for cleaning and inspection. (Ord. 2007-07 §1)

**Sec. 13-5-40. Lift station or special equipment.**

If any lift station, force main or other special equipment is installed by the Town or by any developer and subsequently dedicated to the Town, the property, properties or subdivision served by such special equipment shall be required to pay any additional monthly or annual user fee to provide for the additional maintenance, power or equipment required to service or maintain such lift station, force main or other specialized equipment. (Ord. 2007-07 §1)