

CHAPTER 13

Municipal Utilities

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ARTICLE I

Sewers

Sec. 13-1-10. Fees established.

(a) Sewer plant investment fee. The sewer plant investment fee shall be reestablished in accordance with the following schedule:

<i>Meter Size</i>	<i>Sewer Plant Investment Fee</i>
¾"	\$ 3,700
1"	5,994
1½"	14,134
2"	23,273
3"	51,282
4"	88,319
5"	138,824

(b) Out-of-Town fees. Sewer service to properties outside the boundaries of the Town shall be at the sole discretion of the Town Board. Nothing in this Article shall be construed as obligating or otherwise requiring the Town to serve any property outside the corporate boundaries. In the event a request for sewer service outside the Town boundaries is approved, the sewer plant investment fee shall be double the fee set forth in Subsection (a) above. The monthly sewer service fees for out-of-Town users shall be one and one-half (1½) times the fees set forth in Subsection (a) above. (Prior code 13-1; Ord. 2004-1193 §1; Ord. 2005-1216 §1; Ord. 2006-1236 §1; Ord. 2006-1244 §2; Ord. 2007-1290 §2)

Sec. 13-1-20. Definitions.

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

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 degrees (20°) C, expressed in milligrams per liter.

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.

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

Combined sewer means a sewer receiving both surface runoff and sewage.

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, trade or business as distinct from sanitary sewage.

Natural outlet means any outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater.

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

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

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 in 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 storm, surface and ground waters are not intentionally admitted.

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

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

Sewage works means all facilities for collecting, pumping, treating and disposing of 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 (24) hour concentration or flows during normal operation.

Storm drain (sometimes termed *storm sewer*) means a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial waster, other than unpolluted cooling water.

Superintendent means the Town Manager, or his or her authorized deputy agent or representative, or such other person as shall be appointed by the Town Board.

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

Watercourse means a channel in which a flow of water occurs, either continuously or intermittently. (Prior code 13-2; Ord. 2004-1193 §1; Ord. 2006-1236 §1)

Sec. 13-1-30. Use of public sewers required.

(a) It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the Town, or in any area under the jurisdiction of the Town, any human or animal excrement, garbage or other objectionable waste.

(b) It shall be unlawful to discharge to any natural outlet within the Town, or in any area under the jurisdiction of the Town, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Article.

(c) Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage.

(d) The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes, situated within the Town and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the Town, is hereby required at his or her expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer, in accordance with the provisions of this Article within ninety (90) days after date of official notice to do so, provided that said public sewer is within one hundred (100) feet of the property line.

(e) Nothing in this Chapter shall be construed as preventing or otherwise limiting the installation of individual disposal systems which may otherwise be authorized by this Code. (Prior code 13-3; Ord. 2006-1236 §1)

Sec. 13-1-40. Building sewers and connections.

(a) No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Town Clerk.

(b) The owner or his or her agent shall make application for a building sewer permit on a special form furnished by the Town. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Town Clerk. A permit and inspection fee of fifty dollars (\$50.00) for a residential or commercial building sewer permit and fifty dollars (\$50.00) for an industrial building sewer permit shall be paid to the Town at the time the application is filed.

(c) All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(d) 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 no private sewer is available or can be constructed to the rear building through an 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 building sewer.

(e) Old building sewers 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 Article.

(f) The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Town. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.

(g) 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 sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

(h) No person shall make connection of roof downspouts, exterior foundation 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 sanitary sewer.

(i) The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Town, or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. 9. All such connections shall be made gastight and watertight. All sewer cleanouts shall be located on the exterior of buildings and shall be at a location accessible for service. Any deviation from the prescribed procedures and materials must be approved by the Director of Public Works before installation.

(j) The applicant for the building sewer permit shall notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Superintendent.

(k) 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 in a manner satisfactory to the Town. (Prior code 13-4; Ord. 2006-1236 §1)

Sec. 13-1-50. Use of the public sewers.

(a) No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water or unpolluted industrial process waters to any sanitary sewer.

(b) Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the Superintendent. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Superintendent, to a storm sewer, combined sewer or natural outlet.

(c) No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

(1) Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.

(2) 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, constitute a hazard to humans or animals, create 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/l as CN in the wastes as discharged to the public sewer.

(3) 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.

(4) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in 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, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair, fleshings, entrails, paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

(d) 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 Superintendent that such wastes can harm either the sewers, sewage treatment process or equipment, have an adverse effect on the receiving stream, or otherwise endanger life, limb or public property or constitute a nuisance. In forming his or her opinion as to the acceptability of these wastes, the Superintendent 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 degrees (150°) (65°C).

(2) Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two degrees (32°) and one hundred fifty degrees (150°) (0° and 65°C).

(3) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths ($\frac{3}{4}$) horsepower or greater shall be subject to the review and approval of the Superintendent.

(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 wastes 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 Superintendent for such materials.

(6) Any waters or wastes containing phenols or other taste- or odor-producing substances, in such concentrations exceeding limits which may be established by the Superintendent as necessary, after treatment of the composite sewage, to meet the requirements of the State, Federal or other public agencies of 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 Superintendent in compliance with applicable State or Federal regulations.

(8) Any waters or wastes having a pH in excess of 9.5.

(9) 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. Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.

d. Unusual volume of flow or concentration of wastes constituting slugs as defined herein.

(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.

(e) 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 Subsection (d) above, and which in the judgment of the Superintendent, may have a 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 Superintendent 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 under the provisions of Subsection (j).

If the Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Superintendent, and to the requirements of all applicable codes, ordinances and laws.

(f) Grease, oil and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand 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 Superintendent, and shall be located as to be readily and easily accessible for cleaning and inspection.

(g) Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his or her expense.

(h) When required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed by the owner at his or her expense, and shall be maintained by him or her so as to be safe and accessible at all times.

(i) All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this Article shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property. The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premises is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from twenty-four (24) hour composites of all outfalls, whereas pH's are determined from periodic grab samples.

(j) No statement contained in this Section shall be construed as preventing any special agreement or arrangement between the Town and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Town for treatment, subject to payment therefor, by the industrial concern. (Prior code 13-5; Ord. 2006-1236 §1)

Sec. 13-1-60. Sewer connections; maintenance of privies.

No person owning or occupying any lot or premises within any regularly established sewer district of this Town shall be permitted to have upon his or her premises any privy or water closet, except as

the same is properly connected with a sewer, and no person shall hereafter construct within a sewer district any cesspool, but all waste, soil and drain pipes shall be connected with the sewer. (Prior code 13-6; Ord. 2006-1236 §1)

Sec. 13-1-70. Protection from damage.

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 sewer works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct. (Prior code 13-7; Ord. 2006-1236 §1)

Sec. 13-1-80. Powers and authority of inspector.

(a) The Superintendent and other duly authorized employees of the Town bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this Article. The Superintendent shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

(b) While performing the necessary work on private properties referred to in Subsection (a) above, the Superintendent or duly authorized employees of the Town shall observe all safety rules applicable to the premises established by the company, and the company shall be held harmless for injury or death to the Town employees, and the Town shall indemnify the company against loss or damage to its property by Town employees and against liability claims and demands for personal injury or property damages asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Subsection 13-1-50(h).

(c) The Superintendent and other duly authorized employees of the Town bearing proper credentials and identification shall be permitted to enter all private properties through which the Town holds a duly negotiated 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 said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved. (Prior code 13-8; Ord. 2006-1236 §1)

Sec. 13-1-90. Sewer Utilities Enterprise.

(a) The Town Board hereby recognizes and confirms the operation of the municipal sewer system (the "system") as an "enterprise" within the meaning of Section 20 of Article X of the State Constitution.

(b) The Town Board hereby formally establishes the Town Sewer Utilities Enterprise (the "Enterprise"), pursuant to the Act, for the purpose of continuing the operation of the system as a Water Activity Enterprise under the Act and as an "enterprise" within the meaning of Section 20 of Article X of the State Constitution.

(c) The Town Board hereby designates itself as the ex officio governing body of the Enterprise, pursuant to the Act.

(d) To the extent it deems necessary, the governing body of the Enterprise shall exercise the Town's legal authority relating to the system, but shall not levy a tax.

(e) All action (not inconsistent with the provisions of this Section) heretofore taken by the Town Board 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.

(f) All ordinances, resolutions, bylaws, orders and other instruments, or parts thereof, inconsistent herewith are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any ordinance, resolution, bylaw or other instrument, or part thereof, heretofore repealed.

(g) If any section, subsection, paragraph, clause or other provision of this Section shall, for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability thereof shall not affect any of the remaining sections, subsections, paragraphs, clauses or provisions of this Section. (Prior code 13-9; 2004-1193 §1; Ord. 2006-1236 §1)

ARTICLE II

Water

Sec. 13-2-10. Declaration of purpose.

There is hereby created and established a Water Department of the Town, for the purpose of management, maintenance, care and operation of the water works of the Town. (Prior code 13-21; Ord. 2006-1236 §1)

Sec. 13-2-20. Definitions.

Unless the context specifically indicates otherwise, the meaning of terms used in this 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 supplying water to a tank, plumbing fixture, other device or vessel and the flood level rim of said vessel.

Approved means accepted by the Department of Public Works as meeting the applicable specifications stated or cited in this Article.

Approved backflow prevention device means a device listed in the latest University of Southern California, Foundation for Cross Connection Control and Hydraulic Research "List of Approved Backflow Prevention Assemblies."

Auxiliary water supply means any water supply on or available to the premises other than the Town's water supply or any natural sources 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 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 of water from any source or sources caused by backpressure and/or backsiphonage.

Backflow prevention device means a device or means designed to prevent backflow created by backpressure, backsiphonage or backpressure and backsiphonage acting together.

Back pressure means the backflow caused by a pump, elevated tank, boiler or "head" in 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 subatmospheric pressure in the potable water supply system.

Certified cross-connection control device technician means a person who has shown his or her competency and has passed the cross-connection control technician certification examination given by the Water Distribution and Wastewater Collection Systems Council. This person shall be familiar with appropriate laws, rules and regulations which address cross-connection control. He or she shall be able to make competent tests and repairs on all approved backflow prevention devices and stay abreast of all new products and information on the subject. The technician shall be listed by the Colorado Department of Health.

Check valve means a self-closing device which is designed to permit the flow of fluids in one direction. A single check valve is not an approved backflow prevention device.

Colorado Department of Health cross-connection control manual means a manual that has been published by the State addressing cross-connection control practices which shall be used as a guidance document for implementing a cross-connection control program.

Containment, protection by, means the installation of an approved backflow prevention device or method on the water service lines servicing any premises, location, facility or area. Protection by containment shall be used when the potable water system may be contaminated or polluted by substances used or stored within a building or premises.

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.

Critical level means the point on a backflow prevention device or vacuum breaker, conforming to approved standards and established by testing laboratory, 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 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.

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

Director means the Director of Public Works of the Town or his or her duly authorized representative.

Double check valve assembly means a backflow prevention device which consists of two (2) independently operating check valves which are internally loaded, with four (4) properly located test cocks for testing purposes. The assembly shall be located between two (2) drip-tight valves.

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 Town may create, a danger to the health and well-being of the water used. 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 potable water system that has not been properly protected by an air-gap separation or an approved backflow prevention device. Unprotected plumbing type cross-connections are considered to be a health hazard.

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

Hazard, system, means an actual or potential threat of severe damage to the physical properties of the potable water system or the user'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 caused by a cross-connection.

Industrial fluids system means any system containing a fluid or solution which may be chemically, biologically, radiologically or otherwise contaminated or polluted in a form or concentration such as would constitute a health, system, pollution 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 potable water system which may have deteriorated in sanitary quality; chemicals in fluid form; plating acids and alkalis, circulated 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 or system, etc.; oils, gases, glycerin, glycols, paraffins, caustic and acid solutions and other liquid and gaseous fluids used in industrial or other purposes or for fire-fighting purposes.

Isolation means the control of cross-connections within a building's plumbing system by the installation of approved backflow prevention devices or methods at or near the potential sources of pollution or contamination.

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.

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 State Primary Drinking Water regulations.

Reduced pressure principal device means an assembly of two (2) independently operating approved check valves with a hydraulic automatic operating differential relief valve between the two (2) checks closing shutoff valves and having four (4) properly located test cocks for the testing of the check and relief valves. The entire assembly shall be an approved backflow prevention device.

Submerged inlet means a water pipe or extension thereof from a potable water supply terminating below the flood level rim of a tank, vessel, fixture or appliance which may contain water of questionable quality, waste or other contaminant or pollutant.

User means any person or business that uses water from the Town water system, whether located inside or outside of the Town.

Vacuum means any pressure less than atmospheric pressure.

Vacuum breaker, atmospheric, means a vacuum breaker consisting of an air inlet opening and a nonloaded floating 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) continuous hours.

Vacuum breaker, pressure, means a vacuum breaker designed to prevent backsiphonage only, consisting of a spring-loaded check valve, a spring-loaded air inlet opening, a tightly closing shutoff valve on each side of the device and two (2) appropriately located test cocks. The device shall not be subjected to backpressure. The entire assembly shall be an approved backflow prevention device.

Water distribution and wastewater collection systems certification council means the group which has been designated by the State Department of Health to administer and maintain the cross-connection control technician certification program.

Water service connection means the terminal end of the Town's water service connection from the Town's potable water distribution system; i.e., where the Town loses jurisdiction and sanitary control over the water at its point of delivery to the user's stop box or shutoff valve or meter, whichever comes first from the water main. This shall include irrigation systems and fire sprinkler systems. Service connection shall also include water service connection from a fire hydrant and all other temporary or emergency water service connections from the potable water system.

Water system means the complete distribution system which is made up of two (2) parts: the Town's water system and the user's system. The Town's water system shall consist of the source facilities of the water system under the complete control of the Town, up to the point where the user's water system begins. The source shall include all components of the facilities utilized in the production, treatment, storage and delivery of water to the distribution system. The Town's distribution system shall include the network of conduits used for the delivery of water from the source to the user's water system. The user's water system shall include those parts of the facilities beyond the termination of the Town's distribution system which are utilized in conveying the Town-delivered potable water to points of use. (Prior code 13-22; Ord. 2006-1236 §1)

Sec. 13-2-30. Powers and duties of Town Manager.

The Town Manager shall have the immediate control and management of all things pertaining to the Town water works system, and he or she shall perform all acts that may be necessary for the prudent, efficient and economical management and protection of said water works, subject to the approval and confirmation of the Town Board. The Town Board shall have the power by resolution to prescribe such other and further rates, rules and regulations as it may deem necessary. (Prior code 13-23; Ord. 2004-1193 §1; Ord. 2006-1236 §1)

Sec. 13-2-40. Receipts and deposits.

The Town Clerk shall keep a correct account of all receipts, make out all bills for water rents and materials furnished to property owners, collect the same and deposit the proceeds. (Prior code 13-24; Ord. 2006-1236 §1)

Sec. 13-2-50. Inspections.

Whenever, in the judgment of the Town Manager, he or she deems it necessary, the Town Manager or his or her authorized representative may inspect the premises or buildings of any water user for the purpose of examining the condition of all pipes, motors, meters and water fixtures, or the manner in which the water is used. (Prior code 13-25; Ord. 2004-1193 §1; Ord. 2006-1236 §1)

Sec. 13-2-60. Application for connection and use of water.

Any person desiring to make a connection to the water system or use water therefrom shall make written application to the Town. No person shall connect to the water system or use water therefrom until such application has been approved and such person has otherwise complied with all relevant provisions of the Code. (Prior code 13-26; Ord. 2006-1236 §1)

Sec. 13-2-70. Water plant investment fee.

Any applicant desiring to take and use water from the water utility of the Town shall pay a water plant investment fee for each individual service pursuant to the schedule of fees set forth herein. Such fees shall be paid in full prior to the time water is used for any purpose. Said fees shall be in addition to all other charges and required dedication of raw water as set forth in this Article and elsewhere in this Code.

(1) Schedule 1. New in-town water taps.

a. The water plant investment fee shall be reestablished in accordance with the following schedule:

<i>Meter Size</i>	<i>Water Plant Investment Fee</i>
¾"	\$ 6,725
1	10,895
1½"	25,690
2"	42,300
3"	93,209
4"	160,526
5"	252,322

b. All taps in excess of three-fourths (¾) inch shall be charged a fee negotiated by the Town Manager and approved by the Town Board upon the recommendation of the Town Engineer. All plant investment fees are subject to revision from time to time by resolution made by the Town Board.

(2) Schedule 2. Enlargement of existing in-town water taps. In the event that a property owner applies for and obtains permission to increase the size of his or her water tap, he or she shall pay an additional water plant investment fee.

(3) Schedule 3. Out-of-town water taps. Water service to owners of property outside the boundaries of the Town shall be at the sole discretion of the Town Board. Nothing in this Article shall be construed as obligating or otherwise requiring the Town to serve any property outside its corporate boundaries. In the event a request for water service outside the Town boundaries is approved, the water plant investment fee shall be double the fee set forth in Subsection (1) hereof. (Prior code 13-27; Ord. 2004-1193 §1; Ord. 2006-1236 §1; Ord. 2006-1244 §1; Ord. 2007-1290 §1)

Sec. 13-2-80. Grant of water rights required.

(a) All premises requesting original water service from the Town shall furnish to the Town, without cost to the Town, water rights in the amount of three (3) acre-feet of water for each acre of land zoned Single-Family Residential SF-1 District, Single-Family Attached Residential SF-2 District and Planned Mobile Home Park PD-MHP Development, and annexed to the Town.

(b) The water requirements for all zoning districts other than those listed in the paragraph above shall be reviewed and determined by the Town Board as specific development plans are proposed. The basis of water requirements shall be the anticipated annual water usage of the development.

(c) The foregoing water rights requirements shall be based upon their initial intended use and shall be required to be satisfied one (1) time only for each annexation, subdivision, subdevelopment and parcel of land. If the initial intended use is altered or changed, the owner of such tract shall furnish such additional water as shall be determined by the Town to be due on account of such different use.

(d) The water requirements herein shall be satisfied by water rights which are acceptable to the Town. Such water rights shall be transferred to the Town at the time that the request for water service is presented to the Town Board for approval.

(e) In no case shall the fact that a portion of any tract or lot was served previously with water from the Town water utility excuse the furnishing of additional water rights when new water service is requested for other portions of said tract or lot. In the event the present owner or owners of any existing tract or lot sells, conveys or otherwise permits a portion or portions of such tract or lot to be used for building purposes, such additional water shall be furnished for such portion or portions in the amount or amounts determined by the Town to be applicable thereto and from those sources as are approved by the Town; provided, however, that in no case shall such additional water be less than one (1) full acre-foot for residential use. The Town may accept cash in lieu of water. The amount of such payment shall be determined in the sole discretion of the Town. (Prior code 13-28; Ord. 2004-1193 §1; Ord. 2006-1236 §1)

Sec. 13-2-90. Metered water rate schedules.

(a) With the specific exception of structures with one (1) meter and containing one (1) or more dwelling units as defined in Section 16-2-20 of this Code, the charge for water on a monthly basis taken through a meter inside the corporate limits of the Town shall be as follows:

(1) A monthly charge established by resolution of the Town Board will be assessed on the basis of the size of the property owner's water meter.

(2) In addition to the aforesaid charge, a monthly charge, to be established by resolution of the Town Board, shall be calculated on the basis of the amount of water taken through the property owner's meter.

(b) For structures with a single meter containing one (1) or more dwelling units as defined in Section 16-2-20 of this Code, the charge for water on a monthly basis taken through a meter inside the corporate limits of the Town shall be as follows:

(1) Each month a base charge equal to the number of dwelling units in a structure times a fee established by resolution of the Town Board shall be assessed.

(2) In addition to the aforesaid charge, a monthly charge established by resolution of the Town Board shall be calculated on the basis of the amount of water taken through the property owner's meter.

(c) The rate schedule set forth above shall apply to all users outside the corporate limits of the Town, but the applicable schedule shall be increased by one and one-half (1½) times. All users outside the corporate limits of the Town shall be on individual meters. (Prior code 13-29; Ord. 2004-1193 §1; Ord. 2006-1236 §1)

Sec. 13-2-100. Estimate of charges in event of meter failure.

If any meter shall fail to register in any billing period, the water user shall be charged according to the average quantity of water used in a similar period. (Prior code 13-30; Ord. 2006-1236 §1)

Sec. 13-2-110. Effective date of billings.

Billing for water service and any other notices relating to the water utility shall be effective upon mailing the billing or notice to the last known address of the property owner as shown on the records of the Town Clerk. (Prior code 13-31; Ord. 2006-1236 §1)

Sec. 13-2-120. Payment of water charges.

All charges for the use of water as provided by this Code are due and payable at the Town Hall. All charges are due on the 20th day of the month. Charges are delinquent and service is subject to termination on the 20th day of the following month. Partial payments may be accepted at the sole discretion of the Town. A past due statement and notice of termination of service may be sent upon delinquency. (Prior code 13-32; Ord. 2006-1236 §1)

Sec. 13-2-130. Reserved.

Sec. 13-2-140. Termination of service for nonpayment of charges.

In case any water user shall fail to pay all charges as prescribed by this Article, the Town may shut off the water and the water shall not be turned on again until all charges, together with the charge for turning on the water, are paid. (Prior code 13-34; Ord. 2006-1236 §1)

Sec. 13-2-150. Charges for turning water on or off.

(a) Following termination of service due to nonpayment.

(1) There shall be a charge, to be established by resolution of the Town Board, for turning the water on again after it has been turned off due to nonpayment of the bill or failure to abide by the rules and regulations as set forth in this Article. Such amounts are to be charged if the turn-on or turn-off is made during regular working hours.

(2) If the turn-on is made after regular working hours of the staff person performing the task, the charge shall be as established by resolution of the Town Board. All property owners shall be responsible for metered service until such service is actually turned off.

(b) Normal circumstances.

(1) The regular fee for turning water on to any premises after it has been turned off for any period of time shall be as established by resolution of the Town Board. This fee must be paid at the time the owner signs the application for service.

(2) The property owner or designated representative must be present at the property when the water is turned on. In the event that the owner or designated representative is not present at the scheduled time, a fee established by resolution of the Town Board will be charged for each additional trip to the property. (Prior code 13-35; Ord. 2004-1193 §1; Ord. 2006-1236 §1)

Sec. 13-2-160. Interference with water facilities prohibited.

It shall be unlawful for any person to tap any water lines or to make any connections therewith, or in any manner to interfere with the property, equipment, pipes, valves or any other water appliances of the Town, or to change or alter the position of any valve or appliance regarding the flow of water in any pipeline, without the express written authority of the Town Manager or the Town Engineer. (Prior code 13-36; Ord. 2004-1193 §1; Ord. 2006-1236 §1)

Sec. 13-2-170. Connections to water system.

It shall be unlawful for any person to make any connection with any water pipeline which forms a part of the Town's water system except as may be properly authorized by the Town Engineer. It shall be unlawful to make any connection with any privately owned water line which is connected to the Town's water system or to change, alter or renew any presently existing private water line connected with the Town's water system with any pipe larger than that which is already in existence, except as provided herein. (Prior code 13-37; Ord. 2006-1236 §1)

Sec. 13-2-180. Restrictions on water use.

(a) The use of water from the water utility for lawn sprinkling purposes may, upon recommendation of the Town Manager, be prohibited or restricted as determined by resolution of the Town Board. Such order shall be effective when notice thereof is published once in a newspaper published or circulated within the Town. Upon the publication of such notice, the sprinkling restrictions or prohibitions so prescribed shall take effect and any violator thereof may be punished by penalties as provided by this Code. Water shall not be used through hoses or pipes without nozzles or sprinklers attached thereto. This regulation shall apply to all users of water service.

(b) The setting of sprinklers or nozzles so as to interfere with traffic on sidewalks is prohibited.

(c) In the event of an emergency that should require the immediate curtailment of the use of water from the water utility, the Town shall have the authority to make such restrictions as it deems necessary for the protection of the public. (Prior code 13-38; Ord 2004-1193 §1; Ord. 2006-1236 §1)

Editor's Note: Ord. Nos. 2003-1143, 2003-1146 and 2003-1151, copies of which are available at the Town Clerk's office, established, and thereafter rescinded, certain water use restrictions.

Sec. 13-2-190. Shutoff of water for repairs.

Water may be shut off from any street main when necessary to repair the main or to make any connections or extensions of the water mains or to perform any other work necessary to maintain the water system. (Prior code 13-39; Ord. 2006-1236 §1)

Sec. 13-2-200. Reservation of rights by Town.

The use of water under the provisions of this Article shall not constitute or be deemed to be a relinquishment of any water or water right by the Town, and the Town reserves the full right to determine all matters in connection with the control and use of said water. (Prior code 13-40; Ord. 2006-1236 §1)

Sec. 13-2-210. Use of water by other than customers prohibited.

It shall be unlawful for any person having water service hereunder to permit any other person, firm or corporation to take or use water from his or her said water service for use on property not connected to the Town water system, except as provided herein. (Prior code 13-41; Ord. 2006-1236 §1)

Sec. 13-2-220. General regulations for water service lines.

(a) Original service lines from the water main to the structure to be served shall be installed by the water user at his or her expense.

(b) It shall be unlawful for any person other than a licensed plumber or a Town-authorized representative to install a water service line from the main to the meter pit or curb stop. All service lines shall be of Type K copper or other suitable material as determined by the Town. Corporation stops, meter risers or curb stops and service lines shall be of the size and type specified by the Town. All service lines shall be buried at least fifty-four (54) inches below the established grade of the street or ground. When the main is of greater or lesser depth, the service line shall be brought to the required depth as soon as taps shall be inspected by the Town's authorized representative prior to use.

(c) The water service line from the street main to the water distribution system of the building to be serviced with water shall be of sufficient size to furnish an adequate flow of water to meet the requirements of the building at peak demand and in no case shall be less than three-fourths ($\frac{3}{4}$) inch nominal diameter.

(d) In the case that the water user desires to disconnect his or her premises, he or she shall not be permitted to take up that portion of the service line between the main and the curb stop or the meter pit or take up the meter pit, but at his or her expense the water shall be shut off at the corporation stop and all appliances from the water main to and including the meter pit shall remain in the ground and become the property of the Town. New services shall not be approved by the Town and the water shall not be turned on until old service lines are dug up and the corporation stop shut off at the main. (Prior code 13-42; Ord. 2006-1236 §1)

Sec. 13-2-230. Installations prior to street paving.

Before any street containing a water line is paved, the Town shall cause to be installed all service lines with meter pits or curb stops and meter risers, as the Town determines necessary to serve said property when fully developed. (Prior code 13-43; Ord. 2006-1236 §1)

Sec. 13-2-240. Individual service lines required.

Each property shall be served by its own service line, and no connection with the water utility shall be made by extending the service line from one (1) property to another property. (Prior code 13-44; Ord. 2006-1236 §1)

Sec. 13-2-250. Maintenance of service lines and fixtures.

(a) The owner of any property connected to the Town water utility shall be responsible for the maintenance of the water service line from the property line where the water service line enters upon the property of the user to the structure being served, and the owner shall keep this line in good condition and, at his or her expense, shall at all times keep all pipes, fixtures and appliances on his or her property tight and in good working order so as to prevent waste of water.

(b) The Town will maintain the service line from the water main to the point where the line enters onto the private property. Where a curb stop or meter pit has been installed in the service line near the actual property line, the point of change of maintenance responsibilities shall be at the curb stop or meter pit. (Prior code 13-45; Ord. 2006-1236 §1)

Sec. 13-2-260. Water meters: requirements and installation.

(a) All water services supplied by the Water Utilities Enterprise shall be metered. Use of any water without proper metering shall be prohibited.

(b) All meters shall be of a size, type and design approved by the Town Manager and shall be installed in a readily accessible location for the meter reader. All water meters shall be installed either in a frost-proof meter pit or inside the structure with a remote reading device connected to allow reading from the outside of the structure. All meters shall be installed with a stopcock on each side of the meter.

(c) At the time of construction of new commercial or industrial buildings which will be served by the Sewer Utilities Enterprise, the Town Manager may require, at the sole discretion of the Town, the installation of dual water meters for such commercial or industrial water users where usage of water partially for irrigation purposes would otherwise create inequitable billing by the Sewer Utilities Enterprise for sewer discharge. In such instances, the second meter shall record water used exclusively for irrigation purposes, and the use of such water shall be reflected in water billings by the Water Utilities Enterprise, but shall not be reflected in sewer billings by the Sewer Utilities Enterprise.

(d) Each meter shall be inspected by the Town and shall be properly adjusted before installation.

(e) A record shall be made and preserved of each meter or meters installed, giving the location, the serial number and the size of the meters.

(f) All meters for all water services shall be installed by the Town or an authorized representative of the Town at the expense of the property owner. (Prior code 13-46; Ord. 2004-1193 §1; Ord. 2006-1236 §1)

Sec. 13-2-270. Maintenance of meters.

All water meters shall be maintained by the Town and shall be tested and repaired as necessary. Meters may be inspected at any reasonable time by the Town. (Prior code 13-47; Ord. 2006-1236 §1)

Sec. 13-2-280. Meter interference and bypass prohibited.

It shall be unlawful for any person to tamper or interfere with any meter or meter seal or to so arrange a water service or piping that the use of water will not actuate the meter. The Town shall discontinue water service immediately to any user who violates the provisions of this Section until satisfactory payment has been made for all water used and all repairs to the meter and piping. (Prior code 13-48; Ord. 2006-1236 §1)

Sec. 13-2-290. Size of water mains.

The size of the main required to serve any part of the Town shall be determined by the Town. No main less than four (4) inches in diameter shall be placed in the water distribution system. (Prior code 13-49; Ord. 2006-1236 §1)

Sec. 13-2-300. Extension of water mains; payment of costs.

When water mains are extended, the property owners benefited thereby, as determined by the Town, shall pay all of the costs of extending such mains insofar as such costs relate to the size of the main required to serve the property benefited. In the event the Town requires that such main be of a size larger than eight (8) inches, the Town shall pay the additional costs incurred on such amount. At the time of annexation, or as the property abutting such water main is developed and connections are made to said water main, the Town may collect a charge assessed in relation to the affected property, based upon the original construction cost. (Prior code 13-50; Ord. 2006-1236 §1)

Sec. 13-2-310. Construction of mains for a subdivision.

(a) All water mains required within a platted subdivision, including cross-ties, shall be installed at the cost of the subdivider. The subdivider shall install mains to the farthest point of his or her subdivision.

(b) When a subdivider finds it necessary to extend a water main from the existing water system through land owned by someone other than the subdividers or construct lines on the perimeter of said subdivision, the subdivider shall pay the cost of the original construction. Cost of construction shall include the acquisition of any necessary easement, if applicable. The size of the mains shall be determined by the Town and where the required mains are larger than eight (8) inches, the Town shall pay a percentage of the cost as set forth in this Section.

(c) The subdivider shall install the mains in his or her subdivision by private contractor, subject to approval by the Town of the plans and specifications and actual construction. Failure to do so may

result in the Town's refusal to participate in oversizing costs and acceptance of the mains for perpetual maintenance. (Prior code 13-51; Ord. 2006-1236 §1)

Sec. 13-2-320. Control and operation of fire hydrants.

All fire hydrants connected to the Town's water mains shall be a part of the water system and shall be kept in repair by the Town's staff. No person, other than a fireman of the Windsor-Severance Fire District, Town employee or other person authorized by the Town, shall operate any fire hydrant. (Prior code 13-52; Ord. 2006-1236 §1)

Sec. 13-2-330. Unprotected cross-connection prohibited.

It shall be unlawful to make, install, maintain or permit any cross-connection with the water system without providing protection against backflow by proper installation and maintenance of an approved backflow prevention device to insure that it is in proper working order. Failure to permit entry to the premises shall result in discontinuance of water services to said premises. (Prior code 13-53; Ord. 2006-1236 §1)

Sec. 13-2-340. Inspection of user's system.

The Director of Public Works shall have the authority to access and inspect any private water system to determine whether cross-connections or other violations of this Article exist, and to determine the extent and degree of hazard the system poses to the Town's water system. The Director also has the right to inspect any installed approved backflow prevention device to ensure that it is in proper working order. Failure to permit entry to the premises shall result in discontinuance of water service to said premises. (Prior code 13-54; Ord. 2006-1236 §1)

Sec. 13-2-350. Notice to remove or correct violation.

(a) When a condition involving a violation of this Article resulting in a hazard is determined to exist, the Director of Public Works shall notify in writing the owner of the premises. The notification shall include a description of the hazard and required remedial action and set a reasonable time period in which the property owner must have the violation removed or corrected.

(b) If the property owner fails to correct the violation in the specified time, the Director of Public Works may, if in his or her judgment an imminent health hazard exists, request that the water service to the building or premises be terminated. Additional fines or penalties, as otherwise set forth in this Code, may also be assessed following termination of service. (Prior code 13-55; Ord. 2006-1236 §1)

Sec. 13-2-360. Testing, repair and replacement of backflow prevention devices.

(a) It shall be the responsibility of the property owner, at any premises where a backflow prevention device is installed, to have a certified operational test made immediately after original installation of the device and least once annually thereafter at the property owner's expense. In those instances where the Director of Public Works deems the hazard to be great enough, he or she may require certified inspections at more frequent intervals. All inspections and tests must be performed by a certified cross-connection control technician.

(b) In the event that a device fails a test or inspection or cannot be repaired, the technician must verbally report it to the Director of Public Works and the property owner. This notification shall be made immediately, if possible, but in no case later than one (1) work day after the discovery of the failing device. A written notification shall follow within three (3) working days. All devices which do not pass the certified test shall be repaired or replaced at the expense of the property owner within fifteen (15) working days of the test. The device must be re-tested by a certified technician following repairs or replacement.

(c) A written report shall be submitted to the Director of Public Works within five (5) working days of any test or work performed on a device. All records of the certified test, repairs and replacements of a backflow prevention device shall be maintained by the Director of Public Works, the property owner and the certified technician for a period of not less than two (2) years. (Prior code 13-56; Ord. 2006-1236 §1)

Sec. 13-2-370. Premises requiring backflow prevention devices.

(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 Director of Public Works, 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:

(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;

The Town's water system shall be protected against backflow from the premises by an approved backflow prevention device in the water service line. (Prior code 13-57; Ord. 2006-1236 §1)

Sec. 13-2-380. Location of the backflow prevention device.

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. (Prior code 13-58; Ord. 2006-1236 §1)

Sec. 13-2-390. Required types of backflow prevention devices.

(a) In the case of any premises where there is an auxiliary water supply as stated in preceding paragraphs of this Article and it is not subject to any of the following rules, the Town's water system shall be protected by an approved air-gap separation or an approved reduced pressure principal backflow prevention device.

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

(c) 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 Town's water system, the water system shall be protected by an approved air-gap separation or an approved reduced pressure principal backflow prevention device. Examples of premises where these conditions will exist include sewage treatment plants, sewage pumping stations, chemical manufacturing plants, hospitals, mortuaries and plating plants.

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

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

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

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

(2) Pressure vacuum breakers shall be installed at the beginning of each irrigation circuit and at a minimum of twelve (12) inches above the highest irrigation head on the circuit. Individual irrigation circuits having quick coupling valves or other similar type heads that will permit pressure to be retained in the circuit shall have a pressure vacuum breaker installed as a minimum requirement for each circuit. Irrigation systems using the subsurface drip method shall have a pressure vacuum breaker on each circuit. A pressure vacuum breaker may not be installed where a double check valve assembly, reduced pressure principal backflow prevention device or air-gap separation is required.

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

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

(g) Water systems for fighting fire, derived from a supply that cannot be approved as safe or potable for human use, shall be kept wholly separate from drinking water pipelines and equipment. In cases where the domestic water system is used for both drinking and fire-fighting purposes, approved backflow prevention devices shall be installed to protect such individual drinking water lines as are not used for fire-fighting purposes.

(h) The use of a Town fire hydrant shall only be done with the approval of the Director of Public Works. Any time water is taken out of a fire hydrant for the purpose of filling a tank or container, this will require the use of an air-gap or an approved reduced pressure principal backflow prevention device, which will be installed on the line connection the fire hydrant. (Prior code 13-59; Ord. 2006-1236 §1)

Sec. 13-2-400. Standards for backflow prevention devices.

(a) Any backflow prevention device required herein shall be of a model and size approved by the Director of Public Works. The standards used for approval shall be those of the American Water Works Association (AWWA), the American Society of Sanitary Engineering and the Foundation of Cross-Connection Control and Hydraulic Research (FCC & HR) of the University of Southern California in their present form and as they subsequently may be amended from time to time.

(b) Those backflow prevention devices which are not subject to the approval of the laboratory listed in (a) above, i.e., in line dual checks, atmospheric vacuum breakers or hose bibb vacuum breakers, shall have full approval by appropriate organizations such as the American Society of Sanitary Engineering, International Association of Plumbing and Mechanical Officials or Los Angeles Mechanical Laboratory. (Prior code 13-60; Ord. 2006-1236 §1)

Sec. 13-2-410. Water Utilities Enterprise.

The Town Board hereby declares that pursuant to Section 37-45.1-101 et seq., C.R.S., the Windsor Water Utilities Enterprise is a water activity enterprise receiving less than ten percent (10%) of its annual revenues and grants from other governmental entities and which is authorized to issue its own revenue bonds pursuant to applicable law. (Prior code 13-61; Ord. 2004-1193 §1; Ord. 2006-1236 §1)

Sec. 13-2-420. Lawn watering restrictions.

(a) From May 1 through September 30 of each year, no lawn watering shall be permitted between the hours of 10:00 a.m. and 6:00 p.m.

(b) Lawn watering with privately owned well water or raw water shall not be restricted, provided that the user of any such well or raw water for lawn watering has obtained and posted in a visible location a permit issued by the Town for the current year. (Ord. 2007-1291 §§1, 2)

ARTICLE III

Storm Drainage

Sec. 13-3-10. Purpose and intent.

The Town Board hereby finds, determines and declares the necessity of providing stormwater drainage facilities for the drainage and control of flood and surface waters within the Town, including areas to be subdivided and developed, in order that storm and surface waters may be properly drained and controlled, pollution may be reduced, the environment enhanced and the health, safety and welfare of the Town and its inhabitants may be safeguarded and protected. (Prior code 13-81; Ord. 2004-1193 §1; Ord. 2006-1236 §1)

Sec. 13-3-20. Owners of property to provide on-site drainage facilities as a condition of development.

In accordance with the assumptions of the Drainage Master Plan, the owners of property to be developed within the Town shall be required, as a condition of development, to provide at their sole expense, such on-site stormwater drainage facilities as are required by the Plan and made necessary by the development. Such requirements shall include an obligation of owners of property to provide facilities necessary to convey stormwater runoff to major drainage ways. Since the development of elevated land can increase the amount of stormwater runoff from such land onto adjoining lands at lower elevations, the owner of elevated land has the legal duty to prevent such increased runoff from doing damage to other lands, which duty shall be deemed satisfied if adequate facilities are installed as required by this Section. Thus, in determining under this Section what facilities a landowner shall be responsible for constructing, the amount of increased stormwater runoff that will result from the development shall be taken into account. (Prior code 13-82; Ord. 2006-1236 §1)

Sec. 13-3-30. Stormwater Drainage Utility Enterprise.

(a) The Town Board hereby recognizes and confirms the operation of the stormwater drainage system (the "System") as an enterprise within the meaning of Section 20 of Article X of the State Constitution.

(b) The Town Board hereby formally reestablishes the Town's Stormwater Drainage Utility Enterprise for the purpose of continuing the operation of the System as a water activity enterprise and as an "enterprise" within the meaning of Section 20 of Article X of the State Constitution.

(c) The Town Board hereby designates itself as the governing body of the Stormwater Drainage Utility Enterprise.

(d) To the extent it deems necessary, the Town Board, as the governing body of the Stormwater Drainage Utility Enterprise, shall exercise the Town's legal authority relating to the System, but shall not levy a tax.

(e) All action heretofore taken by the Town Board 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. (Prior code 13-83; Ord. 2004-1193 §1; Ord. 2006-1236 §1)

Sec. 13-3-40. Adoption of Drainage Master Plan.

The Drainage Master Plan, dated June 9, 2003, is hereby adopted by the Town. The Town Board finds and concludes that the adoption of the Drainage Master Plan is in the best interest of the health, safety and welfare of the citizens of the Town. The Town Board further finds that the Drainage Master Plan provides an adequate, justifiable and reasonable basis upon which to assess the New Growth Basin Impact Fee and the Monthly Basin User Fee established by the ordinance codified herein, as well as the collection of those fees and the acquisition and construction of stormwater drainage facilities. (Prior code 13-84; Ord. 2004-1193 §1; Ord. 2006-1236 §1)

Sec. 13-3-50. New Growth Basin Impact Fee and Monthly Basin User Fee established.

(a) The Town Board hereby establishes a New Growth Basin Impact Fee and a Monthly Basin User Fee to be paid by the owners of developed property in the Town. The Town Board shall periodically review the rates established by the ordinance codified herein, and, by subsequent ordinance, shall adjust those rates as may be necessary to accomplish the purpose and intent of this Article and the Drainage Master Plan adopted hereby. Such adjustment shall be based upon a revision of the estimates of the cost of the construction and maintenance of such facilities and the rate at which revenue therefor is received by the Town. Prior to making any such adjustment, the Town Board shall seek recommendations from the Town Manager, the Director of Engineering and the Director of Finance.

(b) The New Growth Basin Impact Fee shall be collected prior to the issuance of any building permit or, in the event construction is undertaken and no building permit is required, upon commencement of construction. Any change in the amount of the New Growth Basin Impact Fee shall be effective only as to property that has not paid the fee in full prior to any subsequent modification of the New Growth Basin Impact Fee. After the collection of the New Growth Basin Impact Fee as to a particular property, the amount of the fee for that property shall not be increased. Except as otherwise provided in this Article regarding additions or expansion of developed property, a New Growth Basin Impact Fee shall not be assessed against any property for which any stormwater drainage plant investment fee has been paid pursuant to any previous ordinance in effect prior to the effective date of the ordinance codified herein.

(c) Any change in the New Growth Basin Impact Fee as calculated by the ordinance codified herein shall be effective for all property to be developed within the Town and shall be calculated by the formula hereinafter set forth. The Monthly Basin User Fee as calculated by this Article shall be effective for all developed property within the Town and shall be collected by the formula hereinafter set forth. (Prior code 13-85; Ord. 2004-1193 §1; Ord. 2006-1236 §1)

Sec. 13-3-60. New Growth Basin Impact Fee.

(a) A New Growth Basin Impact Fee is hereby imposed upon each and every lot or parcel of land to be developed within the Town, and the owners thereof, with respect to any improvement that creates an impervious surface covering more than three hundred fifty (350) square feet of the lot or parcel. The fee is deemed reasonable and necessary to pay for the design, right-of-way acquisition and

construction or reconstruction of major stormwater drainage systems needed to protect the health, safety and welfare and inhabitants of the basin. In accordance with the Drainage Master Plan and for purposes of this Article, the basin shall include all property within the boundaries of the Town. The New Growth Basin Impact Fee established hereby shall be based upon the cost of the design, right-of-way acquisition and construction or reconstruction of major stormwater drainage systems in accordance with the Drainage Master Plan, the area of each lot or parcel of land and the runoff coefficient of the lot or parcel of land. In accordance with the provisions of this Article, the Director of Engineering shall determine the rates to apply to each lot or parcel of land within the guidelines set forth herein and shall establish the New Growth Basin Impact Fee in accordance with the rate, together with the other factors set forth herein.

(b) For purposes of this Article, *impervious* shall be defined as "roof, asphalt, concrete or similar surfaces." *Pervious* shall be defined as "lawn, open space or similar surfaces."

(c) The Director of Engineering shall calculate the New Growth Basin Impact Fee as follows:

(1) Impervious Rate Factor. The Impervious Rate Factor of each lot or parcel of land shall be based upon the average percentage of impervious area. The Director of Engineering shall assume the following basis in assigning the Impervious Rate Factor for categories of development:

<i>Category of Development</i>	<i>Impervious Rate Factor</i>
Very Low Density Single-Family Residential (VLD SFR) 1.5 acres	0.10
Very Low Density Single-Family Residential (VLD SFR) 2.5 acres	0.10
Single-Family Residential (SFR) high density	0.40
Single-Family Residential (SFR) medium density	0.40
Light Industrial (LI)	0.80
Heavy Industrial (HI)	0.90
Commercial (C)	0.95
Multi-Family Residential (MFR)	0.70
Residential Mixed Use (RMU)	0.50

It shall be the responsibility of the Director of Engineering to determine the basic category of development for each lot or parcel of land in accordance with the schedule set forth above and based upon the percentage of impervious area and corresponding Impervious Rate Factor typical for the particular land use and/or zoning for that lot or parcel of land. The decision of the Director of Engineering shall be subject to review and appeal pursuant to the provisions of this Article as hereinafter set forth.

(2) New Growth Basin Impact Fee Factor. Subject to modification by subsequent ordinance as aforesaid, the New Growth Basin Impact Fee Factor is initially established at \$0.1838 per square foot of net impervious area.

(3) Area. The New Growth Basin Impact Fee rate calculation for each lot or parcel of land shall be predicated upon the net area in square feet of the lot or parcel.

(4) Calculation.

a. With regard to initial improvements, the New Growth Basin Impact Fee for each lot or parcel of land shall be calculated in accordance with the following formula:

$$\text{New Growth Basin Impact Fee} = (\text{Impervious Rate Factor}) \times (\text{New Growth Basin Impact Fee Factor}) \times (\text{Area})$$

b. With regard to additions and expansions, the New Growth Basin Impact Fee calculation for each developed lot or parcel of land upon which an addition or expansion is proposed, whether attached to an existing structure or not, shall be calculated in accordance with the following formula:

New Growth Basin Impact Fee shall equal the difference between the fee as calculated in accordance with the formula set forth above in this Section, Subparagraph (c)(4)a, for the lot or parcel of land of all existing and proposed improvements and the same lot or parcel with only the existing improvements.

(d) The New Growth Basin Impact Fee assessed hereby shall be segregated, credited and deposited in a special fund and shall not be transferred therefrom except to pay for expenses directly attributable to the stormwater drainage activities as aforesaid. The New Growth Basin Impact Fee assessed hereby shall not be used for general or other governmental or proprietary purposes of the Town, except to pay for the equitable share of the cost of accounting and management thereof. The New Growth Basin Impact Fee shall be collected, maintained and expended in strict accordance with the requirements of Section 29-20-801, C.R.S., and subsequent amendments thereto. Nothing contained herein shall prohibit the Town from making temporary interfund loans or transfers as may be specifically allowed by law. (Prior code 13-86; Ord. 2006-1236 §1)

Sec. 13-3-70. Review and appeal of Director of Engineering's determination of Impervious Rate Factor for calculation of New Growth Basin Impact Fee.

(a) As is established by the provisions of this Article, the determination of the Director of Engineering with regard to the Impervious Rate Factor for calculation of the New Growth Basin Impact Fee shall be conclusive unless by a preponderance of evidence the owner of any lot or parcel of land shall establish, to the satisfaction of the Director of Engineering, that the Impervious Rate Factor used for calculation of the New Growth Basin Impact Fee for the lot or parcel of land in question should deviate from the assumed Impervious Rate Factor as established by this Article. The suggested deviation shall be supported by a study performed by a qualified engineer, and all costs incurred in connection with said study shall be borne by the party seeking review of the Director of Engineering's determination.

(b) Within ten (10) days of receipt of an application for review as aforesaid, the Director of Engineering shall review the application and shall render a decision as to whether or not there should be a deviation from the Impervious Rate Factor for calculation of the New Growth Basin Impact Fee as established by this Article.

(c) Within ten (10) days of the decision of the Director of Engineering, an appeal may be taken to the Town Board by filing a notice of such appeal with the Town Clerk. The notice of appeal shall specify the written decision from which the appeal is taken and shall briefly state the grounds for such appeal. The Town Clerk shall place the appeal on the agenda of the Town Board for a regularly scheduled meeting to take place within thirty (30) days. At such hearing, the Town Board shall have the power to affirm or reverse the decision of the Director of Engineering. In the event the Town Board reverses the decision of the Director of Engineering, it shall direct the Director to recalculate the New Growth Basin Impact Fee in accordance with its findings. In no case shall the Town Board have the authority to negotiate the amount of the New Growth Basin Impact Fee or waive the New Growth Basin Impact Fee. (Prior code 13-87; Ord. 2004-1193 §1; Ord. 2006-1236 §1)

Sec. 13-3-80. New Growth Basin Impact Fee credits.

(a) With the approval and at the request of the Town, a developer may elect to construct certain stormwater drainage facilities described in the Drainage Master Plan. In no instance shall these facilities include any stormwater drainage facilities that the developer is otherwise required to construct at its sole cost as a reasonable requirement of any development proposal. A developer may apply for credit against New Growth Basin Impact Fees due, up to, but not exceeding, the full obligation for the New Growth Basin Impact Fees as required by the provisions of this Article.

(b) Credits for construction of such stormwater drainage facilities shall be transferable within the same development but may not be applied to other developer obligations for the construction of public facilities. Credit shall be in an amount equal to the fair market value of the construction at the time of its completion and shall not exceed the amount of the New Growth Basin Impact Fees due and payable for the proposed development.

(c) The determination of any credit under this Section shall be undertaken through the submission of an Application for Credit Agreement, which shall be submitted to the Director of Engineering. Such application shall include the following information:

(1) If the proposed application involves a credit for any contribution, the following documentation must be provided:

- a. A copy of the development agreement wherein the contribution was agreed to; and
- b. Proof of payment; or
- c. If payment has not been made pursuant to agreement, the proposed method of payment.

(2) If the proposed application involves construction, the following documentation must be provided:

- a. The proposed plan of the specific construction, prepared and certified by a duly qualified licensed Colorado engineer.
- b. The projected cost for the construction, which shall be based on local information for similar improvements, along with the construction timetable for the completion thereof. Such estimated cost shall include the cost of construction or reconstruction, the cost of all labor and

materials, financing charges, interest prior to and during the construction, and for one (1) year after completion of construction, cost of plans and specifications, survey of estimates of costs and of revenues, cost of professional services and all other expenses necessary or incident to determining the feasibility or practicability of such construction.

c. Within ten (10) days of receipt of the proposed application, the Director of Engineering shall determine if the application is complete. If it is determined that the proposed application is not complete, the Director of Engineering shall send a written statement to the applicant outlining the deficiencies. The Director of Engineering shall take no further action on the proposed application until all such deficiencies have been corrected or otherwise settled.

d. Once the Director of Engineering determines that the proposed application is complete, the application shall be reviewed within thirty (30) days. The application shall be approved if it complies with the standards set forth in this Subsection.

(d) A fee payor affected by the decision of the Director of Engineering regarding credits, may appeal such decision to the Town Board by filing with the Director of Engineering within ten (10) days a written notice stating and specifying briefly the grounds for such appeal. The Director of Engineering shall place such appeal on the Town Board' agenda for the next regularly scheduled meeting. Following a hearing at the regularly scheduled meeting, the Town Board shall affirm or reverse the decision of the Director of Engineering. In the event the Town Board reverses the decision, it shall instruct the Director of Engineering to readjust the credit in accordance with its findings. The decision of the Town Board shall be final. (Prior code 13-88; Ord. 2004-1193 §1; Ord. 2006-1236 §1)

Sec. 13-3-90. Capital contribution front-ending agreements.

The Town may enter into a capital contribution front-ending agreement with any developer who proposes to construct stormwater drainage facilities as aforesaid, to the extent that the fair market value of the construction of such facilities exceeds the obligation to pay New Growth Basin Impact Fees for which credit is provided pursuant to Section 13-3-80 above. The determination of the amount of the Town's obligation under any such agreements shall be determined by the Director of Engineering pursuant to the procedures set forth in Section 13-3-80. Any review of that determination shall likewise be governed by the provisions of that Section. (Prior code 13-89; Ord. 2006-1236 §1)

Sec. 13-3-100. Annual recommendation for expenditure of fees.

Each year, at the time the annual budget is reviewed, the Director of Engineering, after reviewing the Drainage Master Plan, shall recommend to the Town Board, appropriations to be spent by the Town from New Growth Basin Impact Fee funds. After review of the recommendations, the Town Board shall approve or modify the recommended expenditures. Each year a minimum of twenty-five percent (25%) of the funds collected shall be designated for reimbursement of amounts owing on capital contribution front-ending agreements, as are more fully described in Section 13-3-90 above. Any amounts not appropriated shall be carried forward to the following year. (Prior code 13-90; Ord. 2004-1193 §1; Ord. 2006-1236 §1)

Sec. 13-3-110. Refund of New Growth Basin Impact Fees not spent.

Any New Growth Basin Impact Fee collected shall be returned to the fee payor, or the fee payor's successor in interest, if the fee has not been spent within ten (10) years from the date the building permit for the development was first issued, along with interest of five percent (5%) per annum. Fees shall be

deemed to have been spent on the basis of the first fee collected shall be the first fee spent. (Prior code 13-91; Ord. 2006-1236 §1)

Sec. 13-3-120. Monthly Basin User Fee.

(a) With respect to any improvement that creates an impervious surface covering more than three hundred fifty (350) square feet of lot or parcel, a Monthly Basin User Fee is hereby imposed upon each and every developed lot or parcel of land within the Town, as well as the owners thereof. This fee is deemed reasonable and necessary to pay for the operation, maintenance, administration and routine functions of the existing Town stormwater drainage facilities and for the operation, maintenance and administration of such future stormwater drainage facilities as may be established within the Town, and to pay for the design, right-of-way acquisition and construction or reconstruction of such existing and future Town stormwater drainage facilities. All of the proceeds of this fee are deemed to be in payment for the use of the stormwater drainage system by the real property on and with respect to which the fee is imposed upon the owners. Further, the Town Board finds that this fee benefits all users of the Town's stormwater drainage facilities, by allowing for the construction, improvement, operation and maintenance of stormwater drainage facilities in the Town that promote the health, safety and welfare of such users during storms and floods.

(b) The Director of Engineering shall determine the fee that shall apply to each specific lot or parcel of land within the guidelines set forth herein.

(1) Impervious Rate Factor. The Impervious Rate Factor of each lot or parcel of land shall be based upon the average percentage of impervious area. The Director of Engineering shall assume the following basis in assigning the Impervious Rate Factor for categories of development:

<i>Category of Development</i>	<i>Impervious Rate Factor</i>
Very Low Density Single-Family Residential (VLD SFR) 1.5 acres	0.10
Very Low Density Single-Family Residential (VLD SFR) 2.5 acres	0.10
Single-Family Residential (SFR) high density	0.40
Single-Family Residential (SFR) medium density	0.40
Light Industrial (LI)	0.80
Heavy Industrial (HI)	0.90
Commercial (C)	0.95
Multi-Family Residential (MFR)	0.70
Residential Mixed Use (RMU)	0.50

It shall be the responsibility of the Director of Engineering to determine the basic category of development for each lot or parcel of land in accordance with the schedule set forth above and based upon the percentage of impervious area and corresponding Impervious Rate Factor typical for the particular land use and/or zoning for that lot or parcel of land.

(2) Operations and Maintenance Rate. Each lot or parcel of land shall be assessed a monthly base amount of two dollars and twenty cents (\$2.20) plus \$0.00009 per square foot of net

impervious area for operations and maintenance, subject to modification by the Town Board, as is otherwise provided for by this Article.

a. The operation and maintenance rate portion of the Monthly Basin User Fee as established by this Section shall be increased by one dollar (\$1.00) per month for the purpose of mosquito control.

b. The aforesaid increase shall apply equally to each lot or parcel of land and shall be billed pursuant to the provision of this Section.

c. The mosquito control portion of the Monthly Basin User fee established by this Article shall be segregated, credited and deposited in a special fund and shall not be transferred therefrom except to pay for expenses directly attributable to mosquito control. The funds assessed hereby shall not be used for general or other governmental or proprietary purposes of the Town, except to pay for the equitable share of the cost of accounting and management thereof.

(3) Monthly Basin Improvement Rate. Each lot or parcel of land shall be assessed a monthly amount for basin improvement, subject to modification by the Town Board, as is otherwise provided for by this Article. This rate is initially established at \$0.00046 per square foot of net impervious area.

(4) Area. The Monthly Basin User Fee Rate calculation for each lot or parcel of land shall be predicated upon the net area in square feet of the lot or parcel.

(5) Calculation.

The Monthly Basin User Fee for each lot or parcel of land shall be calculated in accordance with the following formula:

$$\text{Monthly Basin User Fee} = [(\text{Operations and Maintenance Rate}) \times (\text{Impervious Rate Factor}) \times (\text{Square Footage Area of Lot or Parcel of Land}) + \$1.70] + [(\text{Monthly Basin Improvement Rate}) \times (\text{Square Footage Area of Lot or Parcel of Land}) \times (\text{Impervious Rate Factor})]$$

(c) The Monthly Basin User Fee shall not be collected in connection with any Town street, road or alley, or any railroad right-of-way used exclusively for trackage and related safety appurtenances.

(d) The Monthly Basin User Fee assessed hereby shall be segregated, credited and deposited in a special fund and shall not be transferred therefrom except to pay for expenses directly attributable to the stormwater drainage activities as aforesaid. The Monthly Basin User Fee assessed hereby shall not be used for general or other governmental or proprietary purposes of the Town, except to pay for the equitable share of the cost of accounting and management thereof. The Monthly Basin User Fee shall be collected, maintained and expended in strict accordance with the requirements of Section 29-20-801, C.R.S., and subsequent amendments thereto. Nothing contained herein shall prohibit the Town from making temporary interfund loans or transfers as may be specifically allowed by law. (Prior code 13-92; Ord. 2005-1209 §1—3; Ord. 2006-1236 §1; Ord. 2006-1243 §1; Ord. 2007-1292 §1)

Sec. 13-3-130. Billing for Monthly Basin User Fee and administrative fee for establishment of Monthly Basin User Fee accounts.

The Monthly Basin User Fee shall be billed and collected with the monthly utility bill for those lots or parcels of land utilizing other Town utilities, and shall be billed and collected separately for those lots or parcels of land, and owners thereof, not utilizing other Town utilities. All such bills for Monthly Basin User Fees shall be rendered monthly and shall become due and payable in accordance with the rules and regulations established by the Director of Finance for the collection of utility bills. A one-time administration fee shall be charged for the establishment of Monthly Basin User Fee accounts. This fee shall be initially set at ten dollars (\$10.00) for each account established; such fee may be modified by the Town Board by resolution. (Prior code 13-93; Ord. 2004-1193 §1; Ord. 2006-1236 §1)

ARTICLE IV

Utility Accounts

Sec. 13-4-10. Delinquency fee.

(a) By resolution, which may be amended from time to time, the Town Board shall establish a delinquency fee for municipal utility accounts.

(b) The delinquency fee shall be charged for each month in which a delinquency occurs. No charge shall be made on any account for the first delinquency, and said charge shall be assessed in the second month.

(c) Any delinquency fees assessed hereunder against a property shall become a perpetual lien upon the property and may be collected in accordance with the provisions of this Article. (Prior code 13-101; Ord. 2004-1193 §1; Ord. 2006-1236 §1; Ord. 2006-1237 §3)

Sec. 13-4-20. Unpaid utility charges, fees and delinquencies shall constitute a perpetual lien; collection of utility charges, fees and delinquencies.

(a) Any charges or fees imposed by this Code for utility services, together with interest, delinquency fees, shut-off and turn-on costs and costs of collection, if not paid by the due date specified on the utility bill, constitute a perpetual lien on the property to which the utility service was delivered.

(b) The attachment of such lien is not dependent on the recording of written notice, and the lien is prior and superior to all other liens, claims, titles and encumbrances whether or not prior in time, except liens for general taxes. The lien remains attached to the property from the date the fees and charges become due until all such fees and charges, together with interest, delinquency fees, shut-off and turn-on costs and costs of collection, if any, are paid.

(c) The Town is not required to seek payment of utility bills from any person other than the owner of the property served. No change of ownership, occupation or possession affects the application of this Section, and the failure of any owner to discover that property was purchased against which a lien for utility services exists in no way affects such owner's liability for payment in full.

(d) The Town may enforce the lien by a suit for foreclosure and sale of the property subject to the lien. The proceeds of the sale shall be applied to the unpaid fees and charges and allowable costs in the manner provided for foreclosure of statutory liens.

(e) The lien may also be enforced by certification of assessment upon the property to the treasurer of the county wherein the property is located for collection by the county in the same manner as delinquent general taxes and special assessments upon such property are collected, or by any other means provided by law.

(f) Delinquent utility fees and charges, together with interest and costs of collection, may also be collected by civil suit against the owner of the property, commenced at any time after the charges become delinquent.

(g) The remedies provided under this Section are cumulative and supplemental to each other.

(h) This Section shall apply to all utility services rendered by the Town on or after April 15, 2006. (Ord. 2006-1237 §§4, 5)