

Chapter 13 MUNICIPAL UTILITIES

**Chapter 13 MUNICIPAL UTILITIES** [11](#)

ARTICLE 1. - WATER ACTIVITY

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FOOTNOTE(S):

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**Editor's note**— Sections 1—6 of Ord. 1, Series 2013, adopted Apr. 2, 2013, repealed former Ch. 13, Arts. 1—5, and reenacted it as herein set out, omitting the provisions of former Art. 5, pertaining to trash service, from recodification. "Parts" have been redesignated "Divisions" in conformance with the Code's style. Former Ch. 13 pertained to similar subject matter. See the Code Comparative Table and Disposition of Ordinances Table for prior derivation. ([Back](#))

**ARTICLE 1. WATER ACTIVITY** [12](#)

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FOOTNOTE(S):

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**Editor's note**— Section 1 of Ord. 1, Series 2013, retitled Art. 1 from "Water and Sewer Policy" to "Water Activity" as herein set out. ([Back](#))

**DIVISION 1. GENERAL POLICY AND DEFINITIONS**

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**Sec. 13-1-100. Policy and purpose.**

- (a) It is hereby declared that the rules and regulations hereinafter set forth will serve a public use and are necessary to ensure and protect the health, safety, prosperity, security, and general welfare of the inhabitants of the Town.
- (b) The purpose of the rules and regulations hereinafter set forth is to provide for the control, management, and operation of the water system and wastewater system owned, maintained and operated by the Town, including all additions, extensions, and connections thereto.
- (c) The use of water under the provisions of this Chapter shall not constitute or be deemed to be a relinquishment of any water or water rights by the Town and the Town reserves the full right to determine all matters in connection with the control and use of said water.

(Ord. 3 §1, 2004; Ord. 7 §1, 2010; Ord. 1 §2(Pt. 1), 2013)

**Sec. 13-1-110. Definitions.**

As used in this Article 1, the word and phrases that follow shall mean the following:

*Accommodation unit* means one (1) habitable room or suite of rooms within a structure intended primarily for sleeping purposes and without a cooking facility. Examples of accommodation units are hotel rooms, hotel suites, hostel rooms, bed and breakfast rooms and lock-offs without a cooking facility.

*Backflow device* means a backflow device or air gap meeting the standards and installation requirements of the American Society of Sanitary Engineers, the latest edition of the Colorado Department of Public Health and Environment's Colorado Control Manual, and/or the requirements of the Town. Approval of a backflow device by the Town will be dependent on the hazards assessed but shall not be less than the Colorado Department of Public Health and Environment's Colorado Control Manual requirements for potable water system protection. Approval of a backflow device by the Town shall also be contingent on inspection and testing by a certified control technician.

*Board or Board of Trustees* means the elected or appointed Board of Trustees of the Town with responsibility for policy and management oversight of the water and wastewater system operated by the Town. "Board" or "Board of Trustees" shall also mean and refer to the governing body of the Town of Red Cliff Water Activity Enterprise established pursuant to Division 2 of this Article 1.

*Certified control technician* means a person who has passed and possesses a current certification from one (1) of the following national certification councils: American Society of Sanitary Engineers, the

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American Backflow Prevention Association, or the American Boards of Certification for backflow tester and repairer.

*Commercial unit* means any structure or area within a structure that is designed or arranged with the capability for occupancy and use independent of the rest of the structure that is used to engage in business, commerce, industry, manufacturing, marketing, and/or sale of products and services of any kind.

*Cooking facility* means an arrangement in a structure or area within a structure that is designed or arranged with the capability for occupancy and use independent of the rest of the structure that provides refrigeration and/or freezing capability, the ability to cook with heat (including, but not limited to, hot plates, electric frying pans, toaster ovens, crock pots, counter-top burners, stoves, ovens or microwave ovens) and facilities for washing and cleaning.

*Customer* means any person or entity authorized to connect to and use the water system and/or wastewater system owned, maintained and operated by the Town. "Customer" includes any person or entity who applies to the Town for a water and/or wastewater connection, a water and/or wastewater disconnection, or any other service agreement relating to the water system and/or wastewater system owned, maintained and operated by the Town. "Customer" also includes the owner of any property served by the system.

*Cross-connection* means a connection or potential connection between any part of the Town's potable water system and any other environment containing other substances in a manner that, under any circumstances, would allow such substance to enter the Town's potable water system. Other substances may be gases, liquids or solids, such as chemicals, waste products, steam, water from other sources (potable or nonpotable) or any other matter that may change the color or add odor to the water.

*Curb stop valve* means a water service shut-off valve located on a service line between a water main or stub out and the structure served by the service line. Curb stop valves are owned by customers of the system.

*Multi-unit structure* means a structure that contains one (1) or more residential units, commercial units or accommodation units each of which is designed or arranged with the capability for occupancy and use independent of the rest of the structure.

*Private main* means any water main or wastewater main that is connected to the system but not owned or maintained by the Town. Generally, a main is designated as private if it does not conform to the specifications enumerated in this Article 1, if it is not in the best interests of the Town to accept it or if free and clear title to the line cannot be transferred to the Town.

*Residential unit* means any structure or area within a structure that is designed or arranged with the capability for occupancy and use independent of the rest of the structure with one (1) or more contiguous, habitable rooms designed, arranged, occupied, or intended to be occupied by one (1) or more individuals living together as a household or one (1) family. A residential unit has facilities for living, cooking, sleeping and/or bathing and is generally configured to provide independent access. Examples of residential units are single-family homes, condominiums, townhouses, duplexes, multiplexes, apartments, efficiencies, lock-offs with a cooking facility and mobile homes.

*Service line* means any pipe, line or conduit used or to be used (1) to provide water service from a water main or stub out to a structure or (2) to provide wastewater service from a structure to a wastewater main, whether or not the pipe, line or conduit is connected. Service lines are owned by customers of the system.

*Single-family equivalent (SFE)* means a numerical value assigned to any connection to the water system based on the anticipated usage attributed to such connection to the water system. The rates and charges applicable to any connection to the water system will be based on the SFE assigned to the connection and the actual use of water through the connection.

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*Stub out* means a connection device or line that is connected to a water or wastewater main and intended to facilitate the connection of a service line to the system.

*System* means the water system and wastewater system owned, maintained and operated by the Town.

*Tap* means the connection of a service line to the water system or wastewater system, either directly to a stub out or water and/or wastewater main or indirectly through a private main. Taps cannot be transferred to or utilized at any property or structure except the property or structure for which the tap was originally issued.

*Tap fee* means the fee required to be paid to the Town by a customer for the privilege of connecting to the water system and/or wastewater system. Tap fees are based on the intended use of the structure being connected to the water system and/or wastewater system.

*Town* means the Town of Red Cliff. "Town" also means and refers to the Town of Red Cliff Water Activity Enterprise established by Division 2 of this Article 1.

*Wastewater connection* means a pipe that allows a continuous flow of wastewater from a structure into a wastewater main.

*Wastewater main* means any wastewater line, wastewater interceptor or wastewater collector used as a conduit for wastewater in the wastewater system but does not include service lines or a customer's internal plumbing works.

*Wastewater system* means the network of wastewater mains, wastewater treatment facilities and appurtenances, accessories, or portions thereof owned, maintained and operated by the Town.

*Water connection* means a pipe that allows a continuous flow of water from a water main to a structure.

*Water main* means any distribution line or transmission line used as a conduit for water in the water system but does not include services lines, private mains or a customer's internal plumbing works.

*Water meter* means a device for measuring the quantity of water flowing through a service line. Water meters are owned by customers of the system.

*Water system* means the network of water mains, water treatment facilities and appurtenances, accessories, or portions thereof owned, maintained and operated by the Town.

(Ord. 1 §2(Pt. 1), 2013)

**Sec. 13-1-120. Town ownership.**

- (a) The Town owns all existing water mains, wastewater mains, water treatment facilities, wastewater treatment facilities and the appurtenances and accessories thereto connected with and forming an integral part of the system whether they were originally constructed, financed, paid for or otherwise acquired by the Town or some other person or entity.
- (b) The Town does not own private mains.
- (c) The Town owns water service lines up to the curb stop valve, a customer's property line, or the edge of easement, whichever is closest to the water main.
- (d) An easement, whether recorded or not and whether a water main or wastewater main is actually within a recorded easement or not, is deemed to exist in favor of the Town if a customer is accepting service from a service line connected to a water main or wastewater main. The Town shall have access over said easement to effect repairs, maintenance and replacement.

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(Ord. 1 §2(Pt. 1), 2013)

**Sec. 13-1-130. Customer ownership.**

- (a) Customers own:
  - (1) Those portions of water service lines not owned by the Town;
  - (2) The entire wastewater service line from the structure to the main line;
  - (3) The water meter associated with and connected to any water service line;
  - (4) The curb stop valve associated with and connected to any water service line;
  - (5) Any lift station associated with and connected to any water or wastewater service line; and
  - (6) The plumbing and fixtures within their own premises.
- (b) The principles of ownership set forth in this Section shall not be changed or altered by the fact that the Town may construct, finance, pay for, repair, maintain, or otherwise affect a customer's water service line, wastewater service line, water meter, curb stop valve, or lift station.
- (c) Ownership of a water service line, wastewater service line, water meter, curb stop valve, or lift station does not entitle, allow or authorize a customer to make unauthorized use of the system or make alterations to service lines, water meters, curb stop valves or lift stations once connected to the system.

(Ord. 1 §2(Pt. 1), 2013)

**Sec. 13-1-140. Town operation and maintenance.**

- (a) The Town is responsible for providing water to and collecting wastewater from customers through the system.
- (b) The Town is responsible for maintenance, repair and replacement of those portions of the system owned by it, including, but not limited to, water mains, wastewater mains, water treatment facilities, wastewater treatment facilities, service lines, up to the curb stop valve, a customer's property line, or the edge of easement, whichever is closest to the water main, and all appurtenances and accessories thereto.
- (c) The Town reserves the right to shut off water mains for the purpose of maintenance, repair, replacement, extension or any other purpose. The Town shall not be liable or responsible for and no claim for damages will be allowed against the Town arising from or related to such a shut off.
- (d) In all cases of routine maintenance, the Town shall make a reasonable effort to notify customers in advance of the shutoff, giving an estimate of the time the water system and/or wastewater system will be out of service.
- (e) The Town shall not be liable or responsible for and no claim for damages will be allowed against the Town arising from or related to any interruption of service brought about by circumstances beyond the Town's control.
- (f) The Town shall not be liable or responsible for and no claim for damages will be allowed against the Town arising from or related to: blockage in the water system and/or wastewater system causing backup of service; damages caused by smoking of lines to determine connections to the water system and/or wastewater system; breakage of main lines; interruption of water and/or wastewater service and the conditions resulting there from; damage from the breaking of any service line, curb stop valve, water meter or lift station; failure of the water supply; shutting off or turning on water; installation of connections or extensions; damage caused by water running or escaping from open or defective

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faucets; burst service lines or breakage of other facilities not owned by the Town; damage to water heaters, boilers, or other appliances resulting from shutting water off or turning it on or from inadequate, excessive, or sporadic pressures; or from doing anything to the water system and/or wastewater system deemed necessary by the Town.

(Ord. 1 §2(Pt. 1), 2013)

**Sec. 13-1-150. Customer responsibilities.**

- (a) Customers are responsible for maintenance, repair and replacement of those portions of water service lines not owned by the Town, wastewater service lines from a structure to the wastewater main line, water meters, curb stop valves, lift stations and the plumbing and fixtures within their own premises at their own cost and expense.
- (b) Any customer who fails, refuses or neglects to maintain, repair and replace those portions of water service lines not owned by the Town, wastewater service lines from a structure to the wastewater main line, water meters, curb stop valves, lift stations and the plumbing and fixtures within their own premises at their own cost and expense may be subjected to fees, charges, penalties and remedial actions by the Town as set forth herein.
- (c) Customers are responsible for repairing any damage they cause to a water main and/or wastewater main at their own cost and expense, including replacement of any water main and/or wastewater main if reasonably necessary. Any customer who fails, refuses or neglect to repair any damage caused to a water main and/or wastewater main at their own cost and expense may be subject to fees, charges, penalties and remedial actions by the Town as set forth herein.

(Ord. 1 §2(Pt. 1), 2013)

**Sec. 13-1-160. Authority to enter, inspect and work.**

- (a) Whenever necessary to make an inspection to enforce any provision of this Article 1 or to perform any work authorized by this Article 1 and whenever there is a reasonable basis to believe there exists in any structure or premises within the jurisdiction of the Town a violation of any provision of this Article 1, authorized representatives of the Town, upon presentation of an appropriate work order and proper credentials, may enter such structure or premises at reasonable times to inspect, perform work or otherwise perform any duty imposed by this Article 1; provided that, except in emergency situations, the Town shall give the occupant or the owner, if there is no occupant and the owner can be located through reasonable efforts, twenty-four (24) hours' written notice of the Town's intention to enter, inspect and perform work.
- (b) A customer's failure to permit such entry, inspection or work by an authorized representative of the Town may be deemed a violation of this Article 1.

(Ord. 1 §2(Pt. 1), 2013)

**Sec. 13-1-170. Violations.**

- (a) Any person violating any of the provisions of this Article 1 may be subjected to the imposition of fines, fees, charges and penalties by the Town.

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- (b) Any person violating any of the provisions of this Article 1 shall be liable to the Town for any expenses, losses or damages, including reasonable administrative fees, reasonable attorney fees and costs, occasioned by reason of such violation.
- (c) Any person causing damage to the system by misuse, negligence or other action shall be liable to the Town for all costs of repair and remediation.
- (d) The Town reserves the right to revoke or discontinue service to any property or customer for violations of this Article 1.

(Ord. 1 §2(Pt. 1), 2013)

**Sec. 13-1-180. Waiver, suspension, modification and variance.**

- (a) The Board shall have the authority to waive, suspend or modify the provisions of this Article 1 at its sole discretion. A waiver, suspension, or modification must be granted by the Board by resolution. A waiver, suspension or modification is an exception to the provisions of this Article 1 for the specific instance in question, will be subject to the terms and conditions imposed by the Board and will not be construed as continuing for future instances.
- (b) The Board shall have the authority to grant a variance from the provisions of this Article 1. A variance must be granted by the Board by resolution. A variance may be granted based on unusual conditions, unique circumstances or undue hardship, not self-imposed, and subject to the terms and conditions imposed by the Board.

(Ord. 1 §2(Pt. 1), 2013)

**Sec. 13-1-190. Intent.**

This Article 1 shall be liberally construed to effectuate the general purposes set forth herein. No omitted or additional material in this Article 1 shall be construed as an alteration, waiver, deviation, limitation or restriction of any grant of power, duty or responsibility imposed or conferred on the Town by virtue of statutes now existing. Nothing contained herein shall be construed as to prejudice the right of the Town to secure the full benefit and protection of any statute now existing or that may be enacted pertaining to the governmental or proprietary affairs of the Town.

(Ord. 1 §2(Pt. 1), 2013)

***DIVISION 2. WATER ACTIVITY ENTERPRISE***

[Sec. 13-1-200. Establishment of enterprise.](#)

[Sec. 13-1-210. Governing body.](#)

[Sec. 13-1-220. Maintenance of enterprise status.](#)

[Sec. 13-1-230. Issuance of bonds.](#)

[Sec. 13-1-240. Enterprise fees and charges.](#)

[Sec. 13-1-250. Water activity enterprise annual budget.](#)

[Sec. 13-1-260. Water Activity Revenue Fund established.](#)

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**Sec. 13-1-200. Establishment of enterprise.**

There is hereby established, pursuant to the terms and provisions of the Water Activity Law, Title 37, Article 45.1, C.R.S., the Town of Red Cliff Water Activity Enterprise ("enterprise"). The enterprise consists of the system, whether situated within or without the Town's boundaries, including all present or future improvements, extensions, enlargements, betterments, replacements, or additions thereto. The enterprise has all of the authority, powers, rights, obligations, and duties provided or permitted by the Water Activity Law and the Colorado Constitution as further prescribed by ordinance or resolution of the Town.

(Ord. 1 §3(Pt. 2), 2013)

**Sec. 13-1-210. Governing body.**

The governing body of the enterprise (the "governing body") is the Board. The governing body is subject to all of the applicable laws, rules, and regulations pertaining to the Board. Whenever the Board is in session, the governing body shall also be deemed to be in session. It shall not be necessary for the governing body to meet separately from the regular and special meetings of the Board nor shall it be necessary for the governing body to specifically announce or acknowledge that actions taken thereby are taken by the governing body. The governing body may conduct its affairs in the same manner and subject to the same laws which apply to the Board for the same or similar matters; provided that in accordance with Section 37-45.1-104(2), C.R.S., the governing body may authorize the issuance of bonds by adoption of a resolution.

(Ord. 1 §3(Pt. 2), 2013)

**Sec. 13-1-220. Maintenance of enterprise status.**

The enterprise shall at all times and in all ways conduct its affairs so as to continue to qualify as a "water activity enterprise" within the meaning of Section 37-45.1-102, C.R.S., and as an "enterprise" within the meaning of Article X, Section 20, Colorado Constitution. Specifically, but not by way of limitation, the enterprise is not authorized, and shall not receive ten percent (10%) or more of its annual revenue in grants from all Colorado state and local governments combined.

(Ord. 1 §3(Pt. 2), 2013)

**Sec. 13-1-230. Issuance of bonds.**

The enterprise is authorized to issue bonds, notes, or other obligations payable from the revenues derived or to be derived from the system, in accordance with the Water Activity Law. The Board may also authorize the issuance of such bonds, notes, or other obligations in accordance with the laws of the State of Colorado and in so doing shall not be deemed to be acting as both the governing body and the Board. The enterprise shall assume ownership of the system.

(Ord. 1 §3(Pt. 2), 2013)

**Sec. 13-1-240. Enterprise fees and charges.**

The Board shall adopt by resolution for and on behalf of the enterprise the following rates, fees, and charges:



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- (1) Minimum and sufficient water and wastewater rates;
- (2) Plant investment fees; and
- (3) Other fees and charges as the Board deems necessary to cover the cost of inspection, testing fees for engineering design review, operations, maintenance, and extensions of the system.

(Ord. 1 §3(Pt. 2), 2013)

**Sec. 13-1-250. Water activity enterprise annual budget.**

The Board shall adopt an annual budget for the enterprise, separate from the Town's general fund budget.

(Ord. 1 §3(Pt. 2), 2013)

**Sec. 13-1-260. Water Activity Revenue Fund established.**

- (a) There is hereby established an enterprise fund, to be known as the "Water Activity Revenue Fund," in which shall be deposited all revenues derived by the enterprise from its operation of the system. All funds received from the water and wastewater rates shall be used for the operation, maintenance, debt service, replacement of and additions to the system. All amounts on hand in such fund shall be invested by the Board in investment proper for public funds.
- (b) The enterprise may pledge all or any portion of the Water Activity Revenue Fund, including revenues anticipated to be collected, to payments of principal, interest, premium, if any, and reserves for revenue bonds or any other obligations lawfully issued or otherwise contracted for by the enterprise for the payment or other financing of costs of the system or for the purpose of refunding any obligations issues or otherwise contracted for such purpose.

(Ord. 1 §3(Pt. 2), 2013)

***DIVISION 3. OPERATION AND MAINTENANCE***

[Sec. 13-1-300. Connection to system.](#)

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**Sec. 13-1-300. Connection to system.**

It shall be unlawful for any person or entity to tap onto or otherwise connect to the system without first having obtained the Town's approval and complied with all of the provisions of this Article 1.

(Ord. 1 §2(Pt. 3), 2013)

**Sec. 13-1-303. Application for service.**

- (a) Any person or entity seeking to tap onto or otherwise connect to the water system and/or wastewater system shall submit an application for new service to the Town, together with any required fees established by the Town pursuant to this Article 1.
- (b) All information requested on the tap application must be provided. A site plan or improvement plan showing the location of the structure to be served by the new service relative to property lines, utility lines, curb stop valve and easements shall be submitted with the tap application. A copy of the building permit, if applicable, and building floor plan indicating the location of the water meter and remote reading device shall also be submitted with the tap application. For commercial applications, the Town will determine the required meter size based on the proposed use and fixtures involved.

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(Ord. 1 §2(Pt. 3), 2013)

**Sec. 13-1-306. Approval of application.**

- (a) If the Town approves an application for new service, the applicant shall be required to pay the Town all fees and charges established by the Town pursuant to this Article 1 relating or pertaining to the application and proposed new service, including, but not limited to, tap fees, prior to connecting to the water system and/or wastewater system.
- (b) The Town reserves the right to deny an application for new service when, in the opinion of the Town, the new service proposed by an applicant would create an excessive or unreasonable seasonal or other demand on the system. The Town further reserves the right to deny an application for new service based on unresolved obligations between the Town and applicant, inadequate documentation of easements or any other reason as determined by the Town.
- (c) If the Town denies an application for new service, the Town will refund any tap fees previously submitted by the applicant but shall not be required or obligated to refund any other fees or charges paid by the applicant related or attributable to the Town's consideration of the application.

(Ord. 1 §2(Pt. 3), 2013)

**Sec. 13-1-309. Service outside town boundaries.**

- (a) No water and/or wastewater services shall be provided by the Town to any property outside the boundaries of the Town except by resolution of the Board and subject to such terms and conditions as are imposed by the Board.
- (b) Charges and fees for furnishing water and/or wastewater services outside the boundaries of the Town shall be determined by the Board at its sole discretion in accordance with this Article 1.
- (c) In every case where the Town furnishes water and/or wastewater services to a property outside the boundaries of the Town, the Town reserves the right to discontinue such service when, in the judgment of the Board, it is in the best interest of the Town to do so. Any water and/or wastewater services provided to properties outside the boundaries of the Town shall be considered a revocable license.

(Ord. 1 §2(Pt. 3), 2013)

**Sec. 13-1-312. Reassessment of tap fees.**

Should any information disclosed on or provided in connection with an application for new service prove at any time to be materially false or misleading or should the applicant omit any material information from the application, the Town shall have the right to: (1) reassess the tap fee originally charged to the rate current at the time of discovery of the false or omitted information; (2) disconnect the service in question; (3) back-charge the property in question for tap fees and service charges that may be due and owing; and/or (4) charge the applicant such other additional fees, charges and penalties as are authorized by this Article 1. Any reassessed tap fees, back-charged tap fees and service charges and additional fees, charges and penalties shall be due and payable immediately and bear interest in accordance with this Article 1 from the date of the original application.

(Ord. 1 §2(Pt. 3), 2013)

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**Sec. 13-1-315. Revocation of tap rights.**

The right to connect to the system and to receive water and/or wastewater system services shall be revocable by the Town upon non-payment of any fees, charges or penalties owed to the Town that remain unpaid for a period of thirty (30) days whether or not the customer holding the right to connect to the system has actually connected to the system. If the right to connect to the system is revoked by the Town, the customer may reacquire any tap rights so revoked by reapplying for new service in accordance with Section 13-1-303. The Town will consider the reapplication only after payment of all fees, charges and penalties owed to the Town by the customer and payment of the tap fees charged by the Town pursuant to this Article 1.

(Ord. 1 §2(Pt. 3), 2013)

**Sec. 13-1-318. Conditional service.**

- (a) The Town reserves the right to issue a written notice of conditional service to a customer where conditions exist which are not in compliance with the provisions of this Article 1 but water and/or wastewater service may continue.
- (b) The notice of conditional service may provide that as a condition to continuing to receive water and/or wastewater services from the Town, the customer must agree in writing to indemnify and hold the Town harmless for any damage resulting from the existence of the condition.

(Ord. 1 §2(Pt. 3), 2013)

**Sec. 13-1-321. Fire sprinkler system.**

- (a) If an applicant for new service intends to utilize a fire protection water sprinkler system, a plan of the proposed fire sprinkler system that has been approved by the appropriate fire authority shall be submitted to the Town with the application for new service.
- (b) Any fire protection water sprinkler system shall utilize the same service line and water meter as that servicing the applicant's proposed domestic water use.
- (c) All proposed fire protection water sprinkler systems shall meet the requirements of all applicable city, county and state building and fire protection codes and shall be protected from fluctuating water main pressures by means of a pressure-reducing valve. All proposed fire protection water sprinkler systems shall be equipped with a backflow prevention device appropriate to the degree of hazard contained therein and as otherwise provided in this Article 1.

(Ord. 1 §2(Pt. 3), 2013)

**Sec. 13-1-324. Use of system.**

Taps and service connections are approved only for the specific uses stated in the application for water and/or wastewater service and only for the property or structure for which the tap was originally approved.

(Ord. 1 §2(Pt. 3), 2013)

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**Sec. 13-1-327. Changes in use.**

- (a) Customers shall notify and obtain approval from the Town prior to any expansion or addition to the service being provided by the Town, any change in use of the property being served by the Town and any substantial change in wastewater characteristics.
- (b) Any such change in use that, in the opinion of the Town, will increase the burden placed on the system by the customer may require a redetermination of the tap fees and monthly service charges to which the customer is subject and require payment by the customer of any additional tap fees and monthly service charges resulting from the redetermination prior to the Town's approval of the change in use.
- (c) When an expansion or change in use results in a redetermination of the tap fees and monthly service charges to which a customer is subject, credit for the existing use shall be given. Tap fees based on the current rate for the specific use as stated in the original permit shall be credited against the redetermined tap fee so that only the unpaid portion of any redetermined tap fee shall be due. However, if the redetermination results in a conclusion that the tap fee, if assessed currently, would be in an amount less than the tap fee originally paid, the redetermined fee shall not result in a refund to the customer. Payment of any redetermined tap fee and/or service charges shall be a condition to approval of the proposed changed use.

(Ord. 1 §2(Pt. 3), 2013)

**Sec. 13-1-330. Unauthorized use.**

- (a) No person or entity shall be allowed to connect to the system or enlarge or otherwise change equipment, service, or use of property being served without prior payment of applicable tap fees and charges and approval by the Town for the connection or changed use. Any such connection, enlargement, or changed use without prior payment to and approval by the Town may be deemed an unauthorized use of the system.
- (b) Any person or entity believed to be engaged in an unauthorized use of the system shall be notified in writing of such belief by the Town and afforded thirty (30) days from the date of the Town's notice in which to respond. If the Town determines, based on the response, that the person or entity is engaged in an unauthorized use of the system, it may impose fees, charges and penalties or take such other remedial action as authorized herein.
- (c) A failure to respond to the Town's notice may be deemed to be an admission that the person or entity is engaged in an unauthorized use of the system in which case the Town may impose such fees, charges, penalties and remedial actions as are authorized herein.
- (d) If a person or entity disputes that it is engaged in an unauthorized use of the system, such person or entity shall grant permission to the Town to conduct an inspection of the property in question at a reasonable time to determine the nature of the equipment, service and use of the property. A failure to grant permission to conduct an inspection may be deemed to be an unauthorized use of the system and subject the person or entity to the imposition of such fees, charges, penalties and remedial actions as are authorized herein. If, after an investigation conducted pursuant to this Subsection, the Town determines that the person or entity is engaged in an unauthorized use of the system, it may impose such fees, charges, penalties and remedial actions as are authorized herein.
- (e) If the Town determines that a person or entity is engaged in an unauthorized use of the system, the Town may:
  - (1) Require the person or entity engaged in an unauthorized use of the system or the owner of the property served by the unauthorized use, if different, to immediately pay the then-current tap fees and all accrued services and administrative charges related to the unauthorized use;

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- (2) Subject the person or entity engaged in the unauthorized use of the system or the owner of the property served by the unauthorized use, if different, to a penalty equal to the then-current tap fee, such penalty constituting liquidated damages toward the Town's costs associated with the unauthorized use;
  - (3) Revoke all water and/or wastewater services being provided to any customer engaged in an unauthorized use of the system; or
  - (4) Take all necessary steps to terminate the unauthorized use of the system and charge the person or entity engaged in the unauthorized use of the system or the owner of the property served by the unauthorized use for all costs and expenses incurred by the Town in terminating the unauthorized use plus any administrative charges authorized by this Article 1.
- (f) The Town may revoke all water and/or wastewater services being provided to any customer upon the customer's non-payment of any fees, charges and penalties imposed pursuant to this Section.

(Ord. 1 §2(Pt. 3), 2013)

**Sec. 13-1-333. Suspended service.**

- (a) When a building is moved or destroyed and water and/or wastewater services are suspended as a result thereof, the original tap approval shall remain in effect, provided that the customer submit a written request to the Town to be placed on suspended service.
- (b) A property that is vacant permanently or on a long-term basis is also eligible for suspended service in accordance with this Section. Any customer desiring to place its property on suspended service shall so notify the Town in writing, setting forth in such notice the date upon which it desires to place its property on suspended service which date shall not be less than thirty (30) days after the date of the notice. The Town will only approve the request and place the customer on suspended service if the property has a curb side valve, in which case the Town will turn the water service off at the curbside valve. Any property without a curb side valve is not eligible for suspended service.
- (c) Any customer on suspended service shall request reinstatement of service through written notice to the Town. If less than one (1) year has elapsed since the customer's service was suspended in accordance with Subsection (a) or (b), the Town may charge the customer the turn-on fee established by the Town in accordance with this Article 1 plus any administrative charges authorized by this Article 1; if more than one (1) year has elapsed since the customer's service was suspended in accordance with Subsections (a) and (b), the Town will turn on the customer's water service at no cost to the customer.
- (d) Any customer on suspended service will remain obligated to pay all debt service fees authorized by this Article 1 and the Town will continue to charge such customer the debt service fee on a monthly basis.

(Ord. 1 §2(Pt. 3), 2013)

**Sec. 13-1-336. Abandonment of service line.**

When a service line is abandoned, the customer shall cap the water connection off at the water main or stub out and plug the wastewater connection at the wastewater main at its cost and expense. If the customer does not cap the water connection off or plug the wastewater connection, the Town may do so and charge the customer for all costs and expenses incurred in so doing plus any administrative charges authorized by this Article 1.

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(Ord. 1 §2(Pt. 3), 2013)

**Sec. 13-1-339. Abandonment of tap.**

- (a) Any customer desiring to abandon a water and/or wastewater tap previously issued by the Town shall so notify the Town in writing, setting forth in such notice the date upon which it desires to abandon its water and/or wastewater tap which date shall not be less than thirty (30) days after the date of the notice.
- (b) The Town will consider the water and/or wastewater tap abandoned for all intents and purposes as of the date set forth in the customer's written notice and will cease charging the customer any fees related to the abandoned tap as of that date except for existing outstanding charges and the interest and affiliated charges associated therewith and as otherwise set forth in this Section.
- (c) Any customer who abandons a tap pursuant to this Section is required to cap the water connection and/or plug the wastewater connection associated with the tap at its cost and expense within thirty (30) days of the date of abandonment set forth in the customer's written notice. If the customer does not cap the water connection and/or plug the wastewater connection pursuant to this Subsection, the Town may do so and charge the customer for all costs and expenses incurred in so doing plus any administrative charges authorized by this Article 1.
- (d) Any customer who abandons a water and/or wastewater tap and the owner of any property served by a water and/or wastewater tap abandoned pursuant to this Section shall be required to reapply for a new service and pay all requisite fees, including tap fees, pursuant to Section 13-1-303 in order to obtain water and/or wastewater service to the property.

(Ord. 1 §2(Pt. 3), 2013)

**Sec. 13-1-342. Tampering with system.**

- (a) No person shall uncover, alter, disturb, make any connection with or make an opening into the system without authorization from the Town.
- (b) No person shall maliciously, willfully or negligently break, damage, destroy, cover, uncover, deface or tamper with any portion of the system.
- (c) Any person who violates this Section shall be assessed a fine for each violation and, at the Town's discretion, may be prosecuted to the full extent of Colorado law for tampering and malicious damage to Town property.

(Ord. 1 §2(Pt. 3), 2013)

**Sec. 13-1-345. Water meters.**

- (a) All water use must be metered and all connections to the water system shall include a water meter. Any unmetered use of water may be deemed an unauthorized use of the system and addressed by the Town pursuant to Section 13-1-330.
- (b) The Town reserves the right to require that the use of water by each unit in a multi-unit structure be separately metered and that the connection to the water system by each unit in a multi-unit structure include a separate water meter.
- (c) Customers are responsible for obtaining, installing, maintaining and repairing water meters at their own cost and expense. Water meters shall be purchased from the Town.

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- (d) Meter sizes for all applications shall be determined by the Town. Meter size shall be determined by a fixture count assessment according to the International Plumbing Code. All water meters shall have devices for remote reading as well as a Meter Transceiver Unit (MXU) for automated radio-meter reading. The type of water meter and location of the meter shall be subject to Town's approval. All water meters shall be accessible for maintenance. Any meter not installed in accordance with the Town's specifications shall be immediately replaced by the customer at the customer's cost and expense upon written notification from the Town.
- (e) If the Town has reason to believe a water meter is inoperable, defective or in need of maintenance, repair or replacement, it shall notify the customer served by that meter in writing that the meter is defective, inoperable or otherwise in need of maintenance. A customer so notified shall have thirty (30) days in which to effectuate maintenance, repair or replacement of the water meter.
- (f) If a customer fails to maintain, repair or replace the water meter within thirty (30) days as requested by the Town, the Town may enter the customer's property and/or premises in order to effectuate the necessary maintenance, repair or replacement of the water meter and thereafter charge the customer for all costs and expenses incurred by the Town in relation to the maintenance, repair or replacement plus such additional administrative charges, penalties and fines as are authorized herein. The Town shall provide customers at least forty-eight (48) hours advanced written notice before entering property to effectuate maintenance, repair or replacement of the water meter pursuant to this Section.

(Ord. 1 §2(Pt. 3), 2013)

**Sec. 13-1-348. Curb stop valves.**

- (a) All connections to the water system require a curb stop valve. Any connection to the water system that does not include a curb stop valve may be considered an unauthorized use of the system and addressed by the Town pursuant to Section 13-1-330.
- (b) Customers are responsible for obtaining, installing, maintaining and repairing curb stop valves at their own cost and expense.
- (c) If the Town has reason to believe a curb stop valve is inoperable, defective or in need of maintenance, repair or replacement, it shall notify the customer served by that curb stop valve in writing that the curb stop valve is defective, inoperable or otherwise in need of maintenance. A customer so notified shall have thirty (30) days in which to effectuate maintenance, repair or replacement of the curb stop valve.
- (d) If a customer fails to maintain, repair or replace the curb stop valve within thirty (30) days as requested by the Town, the Town may shut off water service to the customer and charge the customer such administrative charges, penalties and fines as are authorized by this Article 1. The Town shall have no obligation to restore water service pursuant to this Subsection until such time as the curb stop valve has been maintained, repaired or replaced as requested by the Town and the customer has paid all charges, fees, penalties and fines imposed by the Town pursuant to this Section.
- (e) If a customer fails to maintain, repair or replace the curb stop valve within thirty (30) days as requested by the Town, the Town may enter the customer's property and/or premises in order to effectuate the necessary maintenance, repair or replacement of the curb stop valve and thereafter charge the customer for all costs and expenses incurred by the Town in relation to the maintenance, repair or replacement plus such additional administrative charges, penalties and fines as are authorized herein. The Town shall provide customers at least forty-eight (48) hours advanced written notice before entering property to effectuate maintenance, repair or replacement of the curb stop valve pursuant to this Section.

(Ord. 1 §2(Pt. 3), 2013)



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**Sec. 13-1-351. Maintenance and repair of service lines.**

- (a) Customers shall be responsible for all costs and expenses associated with constructing water service lines from the curb stop valve, the property line or the edge of easement, whichever is closest to the water main, to the structure served by the service line.
- (b) Customers shall be responsible for maintaining, repairing and replacing water service lines at their own cost and expense.
- (c) If the Town has reason to believe a water service line is defective, inoperable or in need of maintenance, repair or replacement, it shall notify the customer served by that water service line in writing that the water service line is defective, inoperable or otherwise in need of maintenance. A customer so notified shall have thirty (30) days in which to effectuate maintenance, repair or replacement of the water service line.
- (d) If a customer fails to maintain, repair or replace the water service line within thirty (30) days as requested by the Town, the Town may shut off water service to the customer and charge the customer such administrative charges, penalties and fines as are authorized by this Article 1. The Town shall have no obligation to restore water service pursuant to this Subsection until such time as the water service line has been maintained, repaired or replaced as requested by the Town and the customer has paid all charges, fees, penalties and fines imposed by the Town pursuant to this Section.
- (e) If a customer fails to maintain, repair or replace the water service line within thirty (30) days as requested by the Town, the Town may enter the customer's property and/or premises in order to effectuate the necessary maintenance, repair or replacement of the water service line and thereafter charge the customer for all costs and expenses incurred by the Town in relation to the maintenance, repair or replacement plus such additional administrative charges, penalties and fines as are authorized herein. The Town shall provide customers at least forty-eight (48) hours advanced written notice before entering property to effectuate maintenance, repair or replacement of the water service line curb pursuant to this Section.

(Ord. 1 §2(Pt. 3), 2013)

**Sec. 13-1-354. Turn-on/turn-off service.**

- (a) All routine turn-on and turn-off of water service at the curb stop valve shall be performed only by authorized representatives of the Town.
- (b) During emergencies, a customer may turn off the water service at the curb stop valve in which event the customer shall notify the Town of the turn-off and the emergency circumstances leading to it as soon as reasonably practicable. Only authorized representatives of the Town will be authorized to turn on the water service after the emergency circumstances have abated.
- (c) The Town will not charge customers when initial service is provided or when the turn-on/turn-off service is performed for customers requiring maintenance to their service lines. In all other circumstances, the Town shall assess the turn-off/turn-on charge authorized by this Article 1 for each turn-off and turn-on it performs for customers, including turn-offs and turn-ons it performs in connection with the revocation of service.
- (d) Payment of all fees, charges, fines and penalties owed to the Town by a customer will be required prior to turn-on of water service.

(Ord. 1 §2(Pt. 3), 2013)

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**Sec. 13-1-357. Safety devices.**

Customers with boilers and/or other appliances which depend on pressure or water in pipes or a continual supply of water are responsible for providing, at their own cost and expense, suitable safety devices to protect themselves and their property from stoppage of water supply and/or loss of pressure. The Town expressly disclaims any liability or responsibility for any damage resulting from a customer's failure to provide such appropriate protection.

(Ord. 1 §2(Pt. 3), 2013)

**Sec. 13-1-360. Fire hydrants.**

- (a) It is a violation of this Article 1 for any person except members of a fire department or authorized representatives of the Town to open or attempt to draw water from any fire hydrant without prior written approval from the Town.
- (b) No landscaping, retaining walls, or structures shall obstruct access to fire hydrants.

(Ord. 1 §2(Pt. 3), 2013)

**Sec. 13-1-363. Efficient and beneficial use.**

- (a) Customers shall use water efficiently and only for beneficial purposes.
- (b) Customers shall prevent unnecessary waste of water and keep all water outlets closed when not in actual use. Hydrants, urinals, water closets, bathtubs and other fixture must not be left running for any purpose other than the use for which they were intended.

(Ord. 1 §2(Pt. 3), 2013)

**Sec. 13-1-366. Water supply emergencies.**

- (a) If conditions of the system or the water supply so limit the availability of water that normal water use may endanger the adequacy of the water supply, the Town may declare a water supply emergency and implement emergency water use restrictions and such additional restrictions as are reasonably necessary to conserve and protect the water supply and to insure a regular flow of water and storage through the system. Such emergency use restrictions shall remain in force and effect until the Town determines that the conditions requiring their imposition no longer exist.
- (b) Whenever there is a shortage of water and, in the opinion of the Board, an emergency exists, the Board shall have the power to regulate the sprinkling hours by resolution. Such regulation shall be posted in a public place in the Town and such power shall continue until such time as the emergency ends.
- (c) A failure to comply with any restrictions imposed by the Town in accordance with this Section may be deemed a violation of this Article 1.

(Ord. 1 §2(Pt. 3), 2013)

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**Sec. 13-1-369. Bleeder lines.**

Where the Town permits bleeder lines, only one (1) bleeder line per tap will be permitted. The maximum bleeder size will be one-fourth-inch diameter tubing. Each bleeder shall be equipped with a one-fourth-inch globe or needle valve for modulating the flow during winter months and turning off the flow during summer months.

(Ord. 1 §2(Pt. 3), 2013)

**Sec. 13-1-372. Other water sources.**

It shall be a violation of this Article 1 for any person or entity to connect or introduce water, from whatever source derived, in or to the water system.

(Ord. 1 §2(Pt. 3), 2013)

**Sec. 13-1-375. Pollution and interference.**

It shall be a violation of this Article 1 for any person to pollute or interfere in any manner with the reservoirs, streams, trenches, pipes and drains used in and necessary for the construction, maintenance and operation of the water system and over any streams or source from which water is taken by the Town for five (5) miles above the point from which said water is taken.

(Ord. 1 §2(Pt. 3), 2013)

**Sec. 13-1-378. No use during fire alarms.**

During a declared fire emergency, the use of garden hoses and all outlets where a constant flow is maintained is positively prohibited. A failure to comply with this Section may be deemed a violation of this Article 1.

(Ord. 1 §2(Pt. 3), 2013)

**Sec. 13-1-381. Maintenance of wastewater service lines.**

- (a) Customers shall be responsible for all costs and expenses associated with constructing the entire length of wastewater service lines and/or any related wastewater service facilities, including, but not limited to, lift stations.
- (b) Customers shall be responsible for maintaining, repairing and replacing wastewater service lines at their own cost and expense.
- (c) If the Town has reason to believe a wastewater service line is inoperable, defective or in need of maintenance, repair or replacement, it shall notify the customer served by that wastewater service line in writing that the wastewater service line is defective, inoperable or otherwise in need of maintenance. A customer so notified shall have thirty (30) days in which to effectuate maintenance, repair or replacement of the wastewater service line.
- (d) If a customer fails to maintain, repair or replace the wastewater service line within thirty (30) days as requested by the Town, the Town may shut off water service to the customer and charge the customer such administrative charges, penalties and fines as are authorized by this Article 1. The Town shall

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have no obligation to restore water service pursuant to this Subsection until such time as the wastewater service line has been maintained, repaired or replaced as requested by the Town and the customer has paid all charges, fees, penalties and fines imposed by the Town pursuant to this Section.

- (e) If a customer fails to maintain, repair or replace the wastewater service line within thirty (30) days as requested by the Town, the Town may enter the customer's property and/or premises in order to effectuate the necessary maintenance, repair or replacement of the wastewater service line and thereafter charge the customer for all costs and expenses incurred by the Town in relation to the maintenance, repair or replacement plus such additional administrative charges, penalties and fines as are authorized herein. The Town shall provide customers at least forty-eight (48) hours advanced written notice before entering property to effectuate maintenance, repair or replacement of the wastewater service line pursuant to this Section.

(Ord. 1 §2(Pt. 3), 2013)

**Sec. 13-1-384. Prohibited discharges.**

No person shall discharge, or cause to be discharged, into the wastewater system any storm water, surface water, groundwater, roof runoff, subsurface drainage, metal sludge, toxic matter, hazardous material, ignitable material or any unprocessed industrial wastes.

(Ord. 1 §2(Pt. 3), 2013)

**Sec. 13-1-387. Control manhole.**

- (a) When required by the Town, any customer served by a wastewater service line carrying special wastewater shall install and maintain, at its own cost and expense, a suitable control manhole in the wastewater service line to facilitate observation, sampling and measurement of wastes. A control manhole on a wastewater service line for monitoring wastewater will be required for all restaurants and bakeries.
- (b) A customer's failure to comply with the requirements of this Section may result in revocation of water service by the Town and/or the imposition of such fees, charges and penalties as are authorized by this Article 1.

(Ord. 1 §2(Pt. 3), 2013)

**Sec. 13-1-390. Grease traps.**

- (a) Grease traps are required for all restaurants and bakeries. Grease traps shall be sized in accordance with the most recent International Plumbing Code and installed by the customer at its own cost and expense. Grease traps shall be maintained by customers on a regularly scheduled basis to ensure proper operation at their own cost and expense.
- (b) The Town is authorized to inspect grease traps at reasonable times and review and copy grease trap operating records to ensure that proper maintenance is being performed.
- (c) Customers shall not use chemicals that have an adverse effect on the wastewater system to dissolve grease.
- (d) If the Town determines that a customer's wastewater contains grease having an adverse effect on the wastewater system, the customer will be required to install a larger grease trap within ninety (90)

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days of being notified in writing of the requirement to do so by the Town. Installation of larger grease traps pursuant to this Subsection shall be at the customer's own cost and expense.

- (e) A customer's failure to comply with the requirements of this Section may result in the Town cleaning the customer's grease trap and charging the customer all costs and expenses incurred by the Town in relation thereto plus such additional administrative charges, penalties and fines as are authorized herein. Installation of a grease trap by a customer shall constitute authorization by the customer for the Town to enter the customer's property at a reasonable time with at least twenty-four (24) hours advance notice and clean any grease trap located therein.
- (f) A customer's failure to comply with the requirements of this Section may result in revocation of water service by the Town or the imposition of such fees, charges and penalties as are authorized by this Article 1.

(Ord. 1 §2(Pt. 3), 2013)

**Sec. 13-1-393. Board review.**

Any matter or issue not otherwise addressed by the provisions of this Article 1 will be addressed by the Board on a case-by-case basis.

(Ord. 1 §2(Pt. 3), 2013)

***DIVISION 4. RATES; ENFORCEMENT***

[Sec. 13-1-400. Fees and charges.](#)

[Sec. 13-1-405. Determination of SFE.](#)

[Sec. 13-1-410. Tap fees.](#)

[Sec. 13-1-415. Other taxes.](#)

[Sec. 13-1-420. Responsible parties.](#)

[Sec. 13-1-425. Unpaid obligations to the town.](#)

[Sec. 13-1-430. Revocation of service.](#)

[Sec. 13-1-435. Unpaid bills a lien on property.](#)

[Sec. 13-1-440. Civil actions.](#)

[Sec. 13-1-445. Remedies cumulative.](#)

**Sec. 13-1-400. Fees and charges.**

The Board shall periodically establish by resolution:

- (1) Water and wastewater rates based upon metered consumption and the SFE assigned to a customer;
- (2) Uniform monthly debt service fees chargeable to all customers and users of the system;
- (3) Tap fees;

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- (4) Additional charges, fees, fines, and penalties appropriate for any violation of this Article 1;
- (5) Charges and fees to be paid for the provision of water and/or wastewater services to properties outside the boundaries of the Town; and
- (6) All other charges, fees, fines and penalties authorized by this Article 1.

(Ord. 1 §2(Pt. 4), 2013)

**Sec. 13-1-405. Determination of SFE.**

- (a) The Town shall assign an SFE to each metered connection to the water system in accordance with this Section. The Town shall periodically establish by resolution water-meter-size-to-SFE ratios for different types of connections (i.e., residential or commercial) to the water system.
- (b) The SFE for a residential unit shall be 1.0 unless the water meter size for the residential unit determined by the Town pursuant to Section 13-1-345 is greater than three-fourths-inch, in which case the SFE for a residential unit shall be based on the size of the water meter for the residential unit and in accordance with the water-meter-size-to-SFE ratios periodically established by the Town.
- (c) The SFE for a commercial unit shall be based on the size of the water meter for the commercial unit determined by the Town pursuant to Section 13-1-145 and in accordance with the water-meter-size-to-SFE ratios periodically established by the Town.
- (d) The SFE for an accommodation unit shall be 0.35.
- (e) In a multi-unit structure where each unit's connection to the water system is separately metered, the SFE for each unit shall be based on the nature of the connection to the water system (i.e., residential or commercial), the size of the water meter for the unit determined by the Town pursuant to Section 13-1-345 and in accordance with the water-meter-size-to-SFE ratios periodically established by the Town.
- (e) In a multi-unit structure where each unit's connection to the water system is not separately metered, the SFE for the entire structure shall be calculated by adding up the SFE for each unit in the multi-unit structure determined in accordance with Subsections (b) through (d).
- (f) For any unit or structure that meets the definition of both a residential unit and a commercial unit, the Town reserves the right to treat that unit as a commercial unit for the purposes of this Section.

(Ord. 1 §2(Pt. 4), 2013)

**Sec. 13-1-410. Tap fees.**

Tap fees are in addition to the cost of making the tap and shall be paid in full by the customer prior to connecting to the system or at the time of issuance of a building permit, whichever occurs first. Customers are responsible for paying all costs and expenses associated with making the tap.

(Ord. 1 §2(Pt. 4), 2013)

**Sec. 13-1-415. Other taxes.**

Payment of any water and/or wastewater rates, charges, fees, fines or penalties authorized by this Article 1 shall not relieve the person paying the same from the payment of any other taxes hereinafter imposed by ordinance, it being the intent of this Article that such water and/or wastewater rates, charges,

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fees, fines and penalties prescribed by the various sections or subsections of this Article shall be cumulative except where otherwise specifically provided.

(Ord. 1 §2(Pt. 4), 2013)

**Sec. 13-1-420. Responsible parties.**

Responsibility for payment of any water and/or wastewater rates, charges, fees, fines or penalties authorized by this Article 1 shall rest with the owner of the property at which such services were provided by the Town and the Town reserves the right to pursue the remedies authorized by this Article 1 against the owner.

(Ord. 1 §2(Pt. 4), 2013)

**Sec. 13-1-425. Unpaid obligations to the town.**

- (a) If any water and/or wastewater rates, charges, fees, fines or penalties authorized by this Article 1 remain unpaid thirty (30) days or more after they are due, the Town will post a notice at the property at which the water and/or wastewater services giving rise to the unpaid rates, charges, fees, fines and penalties were provided advising the customer that their water and wastewater account with the Town is delinquent and past due and notifying the customer of the date by which fully payment must be made in order to avoid the additional remedial actions authorized herein.
- (b) The Town may collect any delinquent account by revoking service to the customer pursuant to Section 13-1-430 subject to satisfaction of the delinquent account, imposing such additional charges, fees, fines and penalties as are authorized by this Article 1 or initiating a civil action pursuant to Section 13-1-440.
- (c) If any water and/or wastewater rates, charges, fees, fines and penalties authorized by this Article 1 remain delinquent ninety (90) days or more after they are due, the Town may enforce a lien against the property at which the water and/or wastewater services giving rise to the delinquent rates, charges, fees, fines and penalties were provided as provided by this Article 1 and by law.
- (d) All outstanding balances to the Town shall bear interest at a rate of one percent (1%) per month, compounded monthly.

(Ord. 1 §2(Pt. 4), 2013)

**Sec. 13-1-430. Revocation of service.**

- (a) The Town reserves the right to revoke service to any customer for any violation of this Article 1.
- (b) The Town reserves the right to revoke service to any customer who fails to pay in full all amounts due and owing to the Town in relation to the Town's provision of water and/or wastewater service within thirty (30) days of the date upon which such amounts are due.
- (c) The Town shall have no obligation to restore service to any customer in the event of revocation as provided for in this Section until the customer has fully abated or remediated the basis for the revocation and paid all accrued charges, fees, fines and penalties owed to the Town pursuant to this Article 1.
- (d) The Town shall be under no obligation to any customer whose account is not current to perform any affirmative obligation contained in this Article 1 for the benefit of such customer.

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(Ord. 1 §2(Pt. 4), 2013)

**Sec. 13-1-435. Unpaid bills a lien on property.**

- (a) All delinquent water and/or wastewater rates, charges, fees, fines and penalties authorized by this Article 1 shall be a lien upon the property served by the water and/or wastewater services giving rise to the delinquent rates, charges, fees, fines and penalties from the time such charges become due and shall be a perpetual charge and lien against said property until paid.
- (b) The Town may certify the amount of any delinquent water and/or wastewater rates, charges, fees, fines and penalties plus interest at a rate of one percent (1%) per month, compounded monthly, and the costs of collection, including reasonable attorney fees, as a charge against the property served by the water and/or wastewater services giving rise to the delinquent rates, charges, fees, fines and penalties to the County Treasurer for collection in the same manner as delinquent ad valorem taxes.

(Ord. 1 §2(Pt. 4), 2013)

**Sec. 13-1-440. Civil actions.**

The Town may recover any delinquent water and/or wastewater rates, charges, fees, fines and penalties plus interest at a rate of one percent (1%) per month and the costs of collection, including reasonable attorney fees, by judgment and execution thereon in a civil action in any court of competent jurisdiction.

(Ord. 1 §2(Pt. 4), 2013)

**Sec. 13-1-445. Remedies cumulative.**

No remedy provided by this Article 1 shall be exclusive of any other remedy and each remedy shall be cumulative of all others.

(Ord. 1 §2(Pt. 4), 2013)

***DIVISION 5. CROSS-CONNECTION CONTROL***

[Sec. 13-1-500. General policy.](#)

[Sec. 13-1-510. General requirements.](#)

[Sec. 13-1-520. Requirements of customer.](#)

**Sec. 13-1-500. General policy.**

The Town shall be responsible for the protection of the its potable water distribution system from contamination or pollution due to the backflow of contaminants or pollutants through a water connection. If, in the judgment of the Town, an approved backflow device is required at a customer's water connection or within a customer's private water system for the safety of the water system, the Town shall give notice in writing to such customer to install such approved backflow device at specific locations on its premises.



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The customer shall install such approved backflow device within the time frame set forth in the notice at its own cost and expense. Failure, refusal, or inability of the customer to install, have tested, or maintain such an approved backflow device may cause the Town to discontinue water service to the premises until such requirements have been satisfactorily met.

(Ord. 1 §4(Pt. 5), 2013)

**Sec. 13-1-510. General requirements.**

- (a) All new connections to the water system shall have an approved backflow device. The Town will provide on-site evaluation and/or plan review in order to determine the type of approved backflow device that will be required as a condition of service. All new connections requiring an approved backflow device shall be inspected and tested by a certified control technician.
- (b) Any changes in service, including, but not limited to, reconnection, change in the number of fixture values, or change in the type or water service, shall require installation of an approved backflow device.
- (c) For connections or premises without backflow devices existing prior to March 15, 2013, the Town may perform on-site evaluations and/or plan reviews and inform the customer by letter of any corrective action deemed necessary, the method of correction, and the time allowed for correction as a condition of continued service. Up to sixty (60) days will be allowed but may be shortened depending on the degree of hazard involved. The Town does not waive the right to require an approved backflow device if future conditions require such.
- (d) All backflow devices shall be tested at least annually by a certified control technician using the latest test procedures as specified by one (1) of the following councils: American Society of Sanitary Engineers, the American Backflow Prevention Association, or the American Boards of Certification.
- (e) At the Town's sole discretion, a service connection will be severed if the degree of hazard warrants such action in order to protect the Town's potable water supply. Discontinuance of service may be summary, immediate and without written notice whenever, in the judgment of the Town, such action is necessary to protect the Town's potable water supply or the distribution system.
- (f) If, after written notice from the Town, a customer fails to comply with the Town's directives or fails to allow access for inspection, immediate termination of service may occur, or, at the Town's discretion, no more than an additional ten (10) days shall be granted to comply with said directive. Failure to allow access by the customer for inspection by the Town may classify the premises as a high-hazard risk to the Town's potable water supply.
- (g) The Town shall maintain records of all backflow device inspections and test results for a minimum of three (3) years.
- (h) Upon written application by a customer, the Board may vary any of the requirements of this Section upon the finding by the Town that an approved backflow device is not necessary to protect the Town's potable water supply. The Board may approve the variance with or without conditions.

(Ord. 1 §4(Pt. 5), 2013)

**Sec. 13-1-520. Requirements of customer.**

- (a) Customers shall be responsible for the elimination or protection of all cross-connections (known or unknown by the Town) on their premises by an approved backflow device at their own cost and expense. Such backflow device expenses shall include installation, maintenance, protection, testing, repair, removal, or replacement of such devices as required by the Town as a condition of service.

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- (b) Customers shall not bypass, disable, remove, or modify any backflow device without prior written consent from the Town. Any modifications may result in termination of service.
- (c) Customers will comply with current N.F.P.A. standards and/or current Town requirements when designing, installing, and maintaining any fire suppression system as a condition of service.

(Ord. 1 §4(Pt. 5), 2013)

***DIVISION 6. WATERSHED PROTECTION***

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[Sec. 13-1-605. Jurisdiction and map.](#)

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[Sec. 13-1-655. Permit review; burden, issuance or denial.](#)

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[Sec. 13-1-690. Legal action.](#)

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**Sec. 13-1-600. Purpose.**

The purpose for the watershed is to establish the full exercise of the powers of the Town in maintaining and protecting the Town's water supply from injury, damage, pollution and activities that will create a hazard to health and water quality. The Town's authority herein shall be for the purpose of reviewing and restricting any activity within the watershed which creates a foreseeable risk of damage or injury to the Town's water supply. The Town's review authority within the watershed shall therefore be concurrent to the authority of the County or any other government entity to review and/or require permits for the same activity as the Town may regulate.

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(Ord. 9, 2008; Ord. 7 §1, 2010; Ord. 1 §5(Pt. 6), 2013)

**Sec. 13-1-605. Jurisdiction and map.**

The jurisdiction of the watershed shall extend over the territory occupied by the Town waterworks and all reservoirs, streams, trenches, pipes and drains used in and necessary for the construction, maintenance and operation of the same and over Turkey Creek, Eagle River and the Town waterworks and all water sources tributary thereto for five (5) miles above the points from which water is diverted for use by the Town. The official watershed map, with all notations, references and other information shown thereon, is located in the office of the Town Clerk.

(Ord. 9, 2008; Ord. 7 §1, 2010; Ord. 1 §5(Pt. 6), 2013)

**Sec. 13-1-610. Definitions.**

As used in this Article, the following words and phrases shall be defined as follows:

*Best management practice* means an effective means of preventing or reducing harmful effects of land use activities and includes recommended methods, structures and practices designed to prevent or reduce pollution of the air, land and/or water from these activities. Best management practices may be found in various publications, manuals and documents of the Colorado Department of Public Health and Environment, Colorado State University, Colorado Department of Transportation and other sources that may be acceptable to the Town.

*Director* means the Director of the Department of Public Works or his or her designee or representative.

*Diversion or divert* means removing water from its natural course or location, or controlling water in its natural course or location by means of a ditch, canal, flume, reservoir, bypass, pipeline, conduit, well, pump or any other structure or device.

*Exigent circumstances* means any situation where there is imminent danger of loss of life, harm by injury or damage to or destruction of property or any other dangerous or harmful situation regarding the public health, safety and well-being.

*Mineral* means an inanimate constituent of the earth in a solid, liquid or gaseous state which, when extracted from the earth, is useable in its natural form or is capable of conversion into a useable form as a metal, metallic compound or chemical or as an energy source or a raw material for manufacturing or construction material, but does not include surface or subsurface water.

*Mining and extraction* mean any removal or development of a mineral from its natural occurrence on affected land or from a watercourse and includes, but is not limited to, drilling, blasting, scaling, crushing, tunneling, excavating, dredging, panning or sluicing, and includes any tailing piles, tailing ponds, waste dumps or concentration, milling, evaporation or other on-site processing activities or any buildings, structures or machinery used in such operation. *Mining and extraction* do not include hand-panning or the use of battery-powered concentrate wheels or minislucices.

*Permit* means any permit issued pursuant to this Article.

*Permittee* means a person issued a permit.

*Person* means and shall include a firm, company, organization, partnership, entity, agency, corporation, association or other organization acting as a group or unit, as well as an individual. It shall also include an executor, administrator, trustee, receiver or other representative appointed according to law. Whenever the word *person* means used in any Section of this Article prescribing a penalty or fine, as to firms, associations and other organizations, the word shall include the partners, members or agents

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who are responsible for any violation of such Section hereof and, as to corporations, shall include the officers, agents or members thereof who are responsible for any violation of this Article. *Person* includes the singular and the plural.

*Pollutant* means dredged spoil, dirt, slurry, solid waste, incinerator residue, sewage, sewage sludge, garbage, trash, chemicals, chemical waste, biological nutrients, biological material, temperature changes, radioactive material, heat, wrecked or discarded equipment, rock, sand, cellar dirt or any industrial, municipal or agricultural waste.

*Pollution* means the people-made, people-induced or natural alteration of the physical, chemical, biological or radiological integrity of water.

*Sewage disposal system* means a septic tank or other facility designed and constructed for the purpose of receiving and disposing of sewage.

*Watercourse* means any and all river, streams, creeks, intermittent washes, gullies, tributaries, reservoirs, lakes, ponds, wetlands or other types of natural or created water bodies, including structures or devices to channel water within the watercourse, and further includes all groundwater tributaries.

*Waterworks* means all components of the Town's water supply system, including but not limited to all equipment, diversion structures, dams, canals, ditches, flumes, pipelines, conduits, reservoirs, drains, wells, pumps, buildings, structures, roads, watercourses and other facilities necessary for the construction, maintenance and operation of the water supply system.

*Wetlands* means those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. "Wetlands" includes, by way of illustration, swamps, marshes, bogs and similar areas.

(Ord. 9, 2008; Ord. 7 §1, 2010; Ord. 1 §5(Pt. 6), 2013)

**Sec. 13-1-615. Interpretation and construction.**

Nothing in this Article shall infringe upon the authority of any other municipality, county or other governmental entity to regulate land use or activities within their respective jurisdictions on lands outside the corporate limits of the Town that are also within the Town's jurisdiction pursuant to this Article. Notwithstanding any lawful regulations, permits or approvals issued by any state or federal agency, municipality, county or any other governmental entity concerning land use or activities on land that is also within the Town's jurisdiction described in this Article shall not in any way infringe upon, limit or supersede the terms and conditions of any permit validly issued pursuant to the provisions of this Article and the authority hereunder to regulate such activities and land use.

(Ord. 9, 2008; Ord. 7 §1, 2010; Ord. 1 §5(Pt. 6), 2013)

**Sec. 13-1-620. Regulated activities.**

(a) The Town has determined that the activities set forth below may harm the Town's waterworks or pollute the Town's water supply. Subject to the exceptions provided for in Section 13-3-60 below, it shall be unlawful for any person to engage in any of the specified activities as follows within the area of the Town's jurisdiction as defined in this Article without first obtaining a permit from the Town authorizing such activity:

- (1) Excavation, dredging, filling, grading or compaction of any topsoil, sand, rock, dirt or other material over an area in excess of one-half ( $\frac{1}{2}$ ) acre. The area disturbed by the construction and

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maintenance of a driveway to a single-family residence shall not be included in the calculation of the one-half-acre threshold under this Section.

- (2) Any surface or subsurface mining or mineral resource extraction, including any and all oil and/or natural gas extraction or mining.
  - (3) Use of any restricted-use pesticide (RUP), herbicide, fungicide, rodenticide, insecticide or any other chemical for eradication or control of any plants or animals that is within one hundred (100) feet of any watercourse.
  - (4) Removal of any vegetation or trees by any method over an area in excess of one-half (½) acre.
  - (5) Construction, maintenance and/or operation of any sewage treatment disposal system with an average design capacity greater than two thousand (2,000) gallons per day, provided that any sewage disposal system with an average design capacity less than two thousand (2,000) gallons per day is also subject to regulation under this Article if it is not installed, operated and maintained in compliance with all applicable laws, rules, regulations, permits and best management practices or is located within one hundred (100) feet of any watercourse.
  - (6) Alteration, improvements or modification of any watercourse.
  - (7) Dumping, depositing or discharging any pollutant into any watercourse, or dumping, depositing or storing any pollutant on land within one hundred (100) feet of any watercourse.
  - (8) Construction, maintenance and/or operation of a surface or subsurface tank that stores chemicals, chemical waste, biological nutrient or material, radioactive material, petroleum product or any industrial, municipal or agricultural waste, excepting residential propane tanks and septic systems not covered under Paragraph (5) above.
  - (9) Construction of any impervious surface greater than twenty-five thousand (25,000) square feet that could direct any contamination or pollutant toward a watercourse or Town waterworks.
  - (10) Any other activity that will cause material injury, damage or harm to the Town's waterworks or pollution of the Town's water supply as reasonably determined by the Town, based upon the written communication of a licensed engineer or qualified professional which specifies the cause and extent of such injury, damage, harm or pollution.
  - (11) Any of the activities prohibited in this Section, regardless of the amount of acreage affected, if such activities are located in or within one hundred (100) feet of any watercourse and/or if such activity is associated with the construction of any water diversion, storage or conveyance structure, including but not limited to such structures as diversion headworks, dams, canals, ditches, flumes, pipelines, conduits, reservoirs, drains, wells and pumps, and further including any equipment, buildings, structures, roads and other facilities necessary for the construction, maintenance and operation of the structures.
- (b) Any limitation on acreage imposed by this Section includes the cumulative amount of acreage encompassed by any and all proposed activities by any person on any contiguous or noncontiguous parcels of land that are part of the same plan, project or development.

(Ord. 9, 2008; Ord. 7 §1, 2010; Ord. 1 §5(Pt. 6), 2013)

**Sec. 13-1-625. Activities which require no permit.**

This Article shall not apply to and no permit shall be required for the following activities:

- (1) Any activity that is a lawful use of any land or structure, where such use and such structure existed prior to the time this Article was adopted by the Town. Any change or enlargement of any preexisting use of land, or changes to any preexisting structure, made after the adoption of the ordinance codified herein, including any modification, alteration or expansion, except ordinary

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maintenance, as determined by the Town, is subject to the provisions of this Article. For purposes of clarification, any portion of any activity that has obtained approval from any state or federal agency, municipality, county or any other governmental entity, but that has not yet commenced, is not a preexisting activity or use.

- (2) The following activities are allowed within the area of the Town's jurisdiction as defined in this Article, provided that there is adherence to best management practices:
  - a. Road maintenance by governmental entities.
  - b. Normal maintenance of ponds, bridges, riprap and drainage and irrigation ditches and related structures, including ditch burning.
  - c. Noxious weed or insect control.
  - d. Removal of dead, insect-infested or diseased trees.
  - e. Construction or maintenance of wetlands.
  - f. Modifications to any watercourse for fisheries improvements or riparian habitat creation and/or restoration permitted by the Army Corp of Engineers.
  - g. Emergency riparian work, provided that any permanent work shall be regulated if otherwise regulated by this Article.
  - h. Wildland fire mitigation and emergency firefighting activities.

(Ord. 9, 2008; Ord. 7 §1, 2010; Ord. 1 §5(Pt. 6), 2013)

**Sec. 13-1-630. Permit application.**

Any person proposing to undertake a regulated activity as set forth in Section 13-3-50 above shall file an application for a watershed permit with the office of the Director on a form provided by the Town Clerk. The application shall contain the following information:

- (1) The name, address and verified signature of the applicant.
- (2) The name and address of the owner of the property on which the activity is proposed.
- (3) Verified consent of the owner of the property if different than that of the applicant.
- (4) The address and/or legal description of the property if different than that of the applicant.
- (5) The full and complete description of the proposed activity, including but not limited to the acreage of the property, the acreage affected by the proposed activity, the proposed amount of diversion and/or storage and any activity that may result in a discharge, spill or release of any pollutant into the Town's waterworks or water supply.
- (6) A map explicitly depicting the location of the property and the proposed activity.
- (7) Identification and description of all water use anticipated to be necessary for the proposed activity, including but not limited to all water rights owned or to be used by the applicant, amount of consumptive use, location and timing of any expected return flows resulting from diversions and the amount and type of discharge.
- (8) Identification and description of any impact that the activity may reasonably have on the Town's waterworks and on the quality of the Town's water supply.
- (9) Identification and description of all measures that will be taken to prevent injury, including compliance with all applicable best management practices.

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- (10) Any other information required by the Director to properly evaluate the application, as reasonably determined by the Director.

(Ord. 9, 2008; Ord. 7 §1, 2010; Ord. 1 §5(Pt. 6), 2013)

**Sec. 13-1-635. Permit fee.**

Each application for a permit shall be accompanied by payment in full of a fee, as established by resolution of the Board of Trustees, as may be adjusted as necessary.

(Ord. 9, 2008; Ord. 7 §1, 2010; Ord. 1 §5(Pt. 6), 2013)

**Sec. 13-1-640. Permit duration.**

A permit issued pursuant to this Article shall be valid for two (2) years from the date of issuance.

(Ord. 9, 2008; Ord. 7 §1, 2010; Ord. 1 §5(Pt. 6), 2013)

**Sec. 13-1-645. Permit suspension or revocation.**

A permit may be suspended or revoked at any time for violation of any compliance order issued by the Director or for a violation of any of the terms or conditions of the permit or the provisions of this Article, subject to notice to the permit holder and a hearing by the Board of Trustees. If exigent circumstances exist that require immediate suspension, as determined by the Director, the Director may immediately suspend a permit for a period not to exceed fourteen (14) days. In the case of such a summary suspension by the Director, the permittee, upon written request, shall be entitled to a hearing before the Board of Trustees as promptly as is reasonably possible.

(Ord. 9, 2008; Ord. 7 §1, 2010; Ord. 1 §5(Pt. 6), 2013)

**Sec. 13-1-650. Permit transfer.**

Permits issued hereunder are to a specific user for a specific activity. No permit shall be transferred or assigned to any other person, different premises or a new, different or changed operation. Any such change shall require a new permit application.

(Ord. 9, 2008; Ord. 7 §1, 2010; Ord. 1 §5(Pt. 6), 2013)

**Sec. 13-1-655. Permit review; burden, issuance or denial.**

- (a) Within thirty (30) days following the filing of a completed application, which shall not be considered complete until all necessary information required by this Article is provided, the Director shall review the application and classify the proposed activity according to its impact on either the Town's waterworks and/or the quality of the Town's water supply. In evaluating each application, the Director may consider, but is not limited to, the following factors:

- (1) The nature and type of the proposed activity.
- (2) Proximity of the proposed activity to a watercourse and whether it is located within a floodway.

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- (3) The nature and type of soils, rock or other material.
  - (4) The nature and type of vegetation.
  - (5) The scope and stability of the land.
  - (6) Any increase of effect on the fire hazard.
  - (7) The nature, type and amount of each regularly processed new material.
  - (8) The nature, type and amount of effluents or pollutants reasonably anticipated from the proposed activity discharged either into a watercourse or underground.
  - (9) The nature, type and amount of each regularly produced product.
  - (10) Any anticipated impact on the Town's waterworks or quality of the Town's water supply resulting in any way from the activity, including but not limited to direct discharges, nonpoint or indirect discharges, reduction in flows within a watercourse or the concentration of any pollutant.
  - (11) The amount and type of mechanized or motorized vehicles associated with the activity.
  - (12) Any water rights obtained, needed, necessary or related to the proposed activity.
  - (13) Any permits or other governmental approval required to proceed with the proposed activity or already obtained where such permits or approvals are based on standards at least as stringent.
  - (14) The economic impact in relation to the risks and benefits to watershed protection.
  - (15) The cumulative effect of the proposed activity with other activities.
- (b) The burden shall be upon the applicant to demonstrate, by a preponderance of the evidence and in compliance with the provisions of this Article, that the activity will not harm, damage or injure the Town's waterworks or pollute the Town's water supply.
- (c) If the Director determines that the proposed activity will not have any harmful impact on the Town's waterworks or water supply, then the Director shall recommend to the Board of Trustees that a permit be issued and whether any considerations should apply. If the Director determines that the applicant has not met his or her burden with respect to the impact on either the Town's waterworks and/or the Town's water supply, then the Director shall identify such negative impacts and shall state the reasons for recommending denial of a permit. The Board of Trustees shall consider such recommendation and may issue the permit, with or without conditions, upon a determination that the requirements of this Article have been satisfied, or may deny the permit application.
- (d) Any person whose permit application is denied or who is not satisfied with any conditions of approval shall be entitled to a hearing as provided in this Article.

(Ord. 9, 2008; Ord. 7 §1, 2010; Ord. 1 §5(Pt. 6), 2013)

**Sec. 13-1-660. Permit terms and conditions.**

The Board of Trustees may prescribe any terms and conditions in the issuance of any permit in accordance with any provisions of this Article as it deems necessary to prevent harm, damage or injury to the Town's waterworks and/or the pollution of the Town's water supply, including compliance with all applicable best management practices. The Board of Trustees may also make any permit conditional upon the applicant obtaining any and all necessary permits and other governmental or private approvals or obtaining financial security for performances or requirements of the permit. This Article allows the Town to limit discharge of water pollutants to prevent nuisances and prevent damage, harm or injury to the Town's waterworks or pollution of the Town's water supply. It does not allow the Town to authorize a discharge of pollutants into state waters, which is the jurisdiction of the Water Quality Control Commission.



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(Ord. 9, 2008; Ord. 7 §1, 2010; Ord. 1 §5(Pt. 6), 2013)

**Sec. 13-1-665. Performance bond.**

The Board of Trustees may require as a condition of any permit issued hereunder that the permittee obtain a performance bond in an amount necessary to ensure completion of all measures required to prevent both injury to the Town's waterworks and the pollution of the Town's water supply. The Board of Trustees may also require as part of the performance bond an additional amount necessary to clean up or mitigate the effects of any spill, release or discharge by the permittee. This Section shall not apply to or have effect upon the provisions of Section 34-32-109(6), C.R.S.

(Ord. 9, 2008; Ord. 7 §1, 2010; Ord. 1 §5(Pt. 6), 2013)

**Sec. 13-1-670. Containment facilities; reporting requirements.**

Each permittee shall provide and maintain at his or her own expense any facilities necessary to prevent and contain any spill, release or discharge of any pollutant that may cause damage, harm or injury to the Town's waterworks or pollution of the Town's water supply. Any such spill, release or discharge shall be reported immediately to the Director and to all other persons or entities that may be affected thereby. The permittee shall inform the Director as to the location, the nature and type of the pollutant, concentration, volume and any measures taken to contain or remediate the spill, release or discharge, and assure that such discharge does not occur again. Within five (5) days of such discharge, the permittee shall submit a written report to the Director explaining the spill, release or discharge including a description of measures which have and shall be taken to prevent recurrence.

(Ord. 9, 2008; Ord. 7 §1, 2010; Ord. 1 §5(Pt. 6), 2013)

**Sec. 13-1-675. Site inspections.**

Whenever necessary to assure compliance with any terms or conditions of the permit or provisions of this Article, the Director has the right to enter the property to make an inspection. Refusal by the permittee to allow such right of entry to inspect the property shall constitute sufficient grounds to suspend or revoke the permit by the Director. Upon such refusal or if exigent circumstances are present that require immediate entry, the Director may obtain a search warrant from a court of competent jurisdiction, entitling the Director to enter and inspect the property. Upon obtaining a search warrant, or if exigent circumstances exist, the Director may use such reasonable force as is necessary to enter and inspect the property.

(Ord. 9, 2008; Ord. 7 §1, 2010; Ord. 1 §5(Pt. 6), 2013)

**Sec. 13-1-680. Hearings.**

- (a) Any applicant whose application for a permit is denied, or who is otherwise aggrieved by any conditions of approval, may, within fourteen (14) days of the Board of Trustee's action on the permit, file with the Town Clerk a written request for a public hearing before the Board of Trustees on the application.
- (b) The Board of Trustees shall schedule a hearing and publish notice of the hearing at least fourteen (14) days prior to the date set for hearing. At such hearing, the applicant and/or his or her attorney, consultants or representatives and the Director may make a presentation and/or present information

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and evidence. The applicant shall have the burden of establishing by a preponderance of the evidence that the proposed activity will not injure, harm or damage the Town's waterworks or pollute the Town's water supply. The Town shall, within thirty (30) days of the close of the hearing, issue a decision on the permit, including findings related to such decision. The Board of Trustees' decision shall be the final action by the Town.

- (c) Testimony, evidence and information presented at all hearings held pursuant to this Article shall be open to the public and quasi-judicial in form and recorded.

(Ord. 9, 2008; Ord. 7 §1, 2010; Ord. 1 §5(Pt. 6), 2013)

**Sec. 13-1-685. Compliance order.**

Whenever the Director determines that any permittee has violated or is violating any terms or conditions of a permit or the provisions of this Article, the Director may issue an order requiring the permittee to comply within a specified period of time. Any violation of the compliance order by the permittee shall be cause for the suspension or revocation of the permit. Whenever the Director determines that a person is proceeding with a prohibited activity without a permit, the Director may issue an order requiring the person to cease and desist such activity until such time as a permit is obtained pursuant to this Article.

(Ord. 9, 2008; Ord. 7 §1, 2010; Ord. 1 §5(Pt. 6), 2013)

**Sec. 13-1-690. Legal action.**

If any person violates any provision of this Article, in addition to utilization of the enforcement and penalty powers of the Town, the Town may commence an action for appropriate legal or equitable relief in a court of competent jurisdiction. In addition to the penalties provided herein, the Town shall be entitled to reasonable expert fees, attorneys' fees and costs of litigation.

(Ord. 9, 2008; Ord. 7 §1, 2010; Ord. 1 §5(Pt. 6), 2013)

**Sec. 13-1-695. Appeals.**

An applicant or permittee may appeal any final decision of the Board of Trustees in accordance with applicable judicial appeals procedure.

(Ord. 9, 2008; Ord. 7 §1, 2010; Ord. 1 §5(Pt. 6), 2013)