

CHAPTER 13

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ARTICLE I

General Provisions

Sec. 13-1. Department of Public Works

The Board shall appoint a Director of the Department of Public Works who shall have the immediate control and management of the Town's waterworks and sewer systems. The Director shall perform all acts necessary for the prudent, efficient, and economical management and protection of such systems, subject to approval and confirmation of the Board. The Director shall serve at the pleasure of the Board and may be terminated with or without notice, cause or an opportunity for a hearing or appeal. The Board may prescribe such other and further rates, rules and regulations as it deems necessary. (Ord. 8-1992, § 1)

Sec. 13-2. Definitions.

For the purposes of this Chapter, certain terms are defined as follows unless the context clearly indicates that a different meaning was intended by the Board:

Board means the Board of Trustees, unless another person or persons is/are appointed by the Board to sit as the Board of Utilities Service Appeal.

Customer means the owner, as well as a lessee or licensee, of property to which utility service is supplied, as all such persons are jointly and severally responsible for all utility service charges for such service.

EQR, CEQR and NPEQR units means the service demand associated with one (1) single-family dwelling or the equivalent thereto. In the case of residential water service, each single-family dwelling that uses potable water for both in-house and outside watering uses shall constitute one (1) *EQR unit*, which amount shall equal fifteen thousand three hundred (15,300) gallons per month. In the case of commercial service, the Board shall designate by resolution the amount of estimated average monthly usage that shall constitute one (1) *CEQR unit*, which amount shall be twelve thousand (12,000) gallons per month unless changed by resolution of the Board. In the case of nonpotable water service, the Board shall designate by resolution the amount of estimated average annual usage that shall constitute one (1) *NPEQR unit*, which amount shall be ninety thousand (90,000) gallons per calendar year unless changed by resolution of the Board.

Nonpotable curb stop valve assembly means all components within the Town-owned individual curb stop, which includes but is not limited to shut-off valve, blowout and riser.

Notice means written information provided by certified mail, return receipt requested, or posted on the applicable property in a conspicuous place, or personally served on the intended recipient. *Notice* shall be deemed received on the date of mailing or on the date of posting or personal service.

Utility service means water, sewer and any other utility service provided by the Town. In the event a service is not metered, a service shall be considered a separate service for billing purposes at the point of connection of a service line to a Town distribution or collection line.

Utility service charges means charges incurred by a customer, including minimum charges for receiving utility service, commodity charges and connection, reconnection, disconnection and tap fees, and penalties for delinquencies, including interest, reasonable attorneys' fees and costs of collection, but not including line extension costs. (Ord. 8-1992 § 1; Ord. 2-2004 § 1)

Sec. 13-3. Application for services.

(a) Required. Before any utility service shall be supplied to any customer, application for such service shall be made to the Town Clerk on a form to be provided by the Town. The applicant may designate a third party to be notified in the event of discontinuing service. Failure of a customer to sign such application shall not relieve that person from liability for payment.

(b) Activation of service. Utility service must be activated within three hundred sixty-five (365) days of approval of an application for utility service, or the utility service approval shall terminate. An applicant may apply for a one-year extension prior to termination. Any application for extension or reapplication after termination shall be accompanied by any applicable increases in fees. Activation of service shall occur upon:

(1) Payment of all fees and charges. The burden of proof shall be upon the applicant to establish prior payment of fees, including tap fees, and that such fees have not been applied to actual service;

(2) Connection to the mainline has been made;

(3) The service line and any required meter installed; and

(4) Utility service has commenced.

(c) Nontransferability. Applications and approvals for utility service, including tap fees, may not be transferred from the property for which service is originally requested. (Ord. 8-1992 § 1)

Sec. 13-4. Deposits.

(a) Requirements. The Town Clerk shall require for utility service a deposit of seventy-five dollars (\$75.00) from the owner of each residential unit or a deposit of one hundred twenty-five dollars (\$125.00) for each commercial unit, prior to the commencement of any type of said utility service.

(b) Interest. Effective August 1, 2008, interest will no longer be paid on any utility service deposits. Interest paid on utility service deposits at the rate of six percent (6%) per annum, and collected prior to August 2008, will be applied to the existing utility service accounts as set forth in Subsection (d) below. Any interest accrued prior to August 1, 2008, will be immediately applied to the utility service account regardless of the amount of time the deposit has been held.

(c) Application to account. Within fifteen (15) days after discontinuing utility service, such deposit shall be applied to the final bill and the excess, if any, refunded to the customer.

(d) Refunds. Deposits shall be applied to the utility service account whenever the customer has established no less than twelve (12) months of payments for municipal utility services on a current

basis without any intervening delinquencies. Refund of the deposit will be made by crediting the customer's utility service account within thirty (30) days of such twelve-month period or within fifteen (15) days of discontinuing service.

(e) Forfeit. If a customer fails to pay consecutively for twelve (12) months in an eighteen-month time period, the deposit will be forfeited and may be subject to the imposition of a new deposit.

(f) New deposits. If a customer receives a notice of discontinuing of a utility service for nonpayment of utility service charges, and no deposit is retained by the Town, a deposit under this Section shall be paid as a condition of continued service or recommencement. (Ord. 3-2008 § 1)

Sec. 13-5. Connection fee.

Before any utility service for a new customer is commenced, and for all nonemergency service connections not required for repairs, a connection fee as set by resolution of the Board of Trustees shall be paid. (Ord. 8-1992 § 1)

Sec. 13-6. Disconnection fee.

A disconnection fee as set by resolution of the Board of Trustees shall be paid for all nonemergency disconnections of any utility service not required for repairs. (Ord. 8-1992 § 1)

Sec. 13-7. Utility service charges.

(a) Billing. Utility service charges shall be billed to the owner of the property served, or to a lessee or licensee upon written request, on a monthly basis. The Town Clerk, with assistance of the Director of Public Works, shall prepare and mail bills for utility service charges to customers within fourteen (14) days after the end of the month in which service was rendered.

(b) Minimum rates. Minimum utility charges, as set by resolution of the Board of Trustees, shall be imposed in all months in which utility service has not been discontinued or deactivated. Any utility service which is discontinued or deactivated for less than three hundred sixty-five (365) days shall, prior to service being restored, pay an additional fee equal to the minimum rate that would have been imposed for the period during which the service was discontinued or deactivated.

(c) When charges due and payable. The due date for all utility service charges shall be the last day of the month following the month in which service is rendered. If utility service charges remain unpaid after the due date, such charges shall be delinquent and a late charge of one percent (1%) of the delinquent balance shall be imposed each month, and the Town may initiate procedures to discontinue service.

(d) Disputes over bills. Any customer who wishes to dispute the charges on a utility service bill shall, prior to the delinquency date, request in writing a meeting with the Town Clerk to resolve the dispute. The Town Clerk shall within seven (7) days of such meeting provide notice of the decision and right to appeal. A customer may appeal a decision of the Town Clerk to the Board by filing within seven (7) days of notice of the decision a written appeal with the Town Clerk setting forth the manner in which the customer disputes the charges. Such appeal shall be heard by the Board at its next regularly scheduled meeting which is more than seven (7) days from receipt of the written

appeal. The decision of the Board shall be final. The Town may combine procedures for discontinuing service with this dispute process.

(e) Adjustment limitation. The Town Clerk, in consultation with the Director of Public Works, shall make no adjustment in utility service charges because of error or otherwise in an amount greater than fifty dollars (\$50.00) without approval of the Board. (Ord. 8-1992 § 1)

Sec. 13-8. Involuntary discontinuing service.

(a) Grounds for involuntary discontinuing. If any utility service charges remain unpaid after their delinquency date, or if any person violates the provisions of the Chapter, the Town may discontinue service for the applicable utility. Notwithstanding the provision of this Section to the contrary, the Town shall not discontinue sewer service within the Town for nonpayment of service charges. Discontinuing of water service shall not be deemed to directly or indirectly discontinue sewer service in violation of the preceding prohibition.

(b) Notice of discontinuance of service. Prior to discontinuing any utility service, the Town Clerk shall provide notice of discontinuance of service to the owner of the property as determined from the Town's or County Assessor's records, and if different, to the customer of record and occupant of the service address. The notice shall include the following information:

(1) The amount of the delinquency or the alleged violation and the proposed date for discontinuing service;

(2) That the customer is entitled to a hearing before the Board prior to discontinuing service by requesting such hearing, in writing to the Town Clerk, within seven (7) days of the notice of discontinuance of service;

(3) That the customer may avoid discontinuing service by paying the current utility service charges in full and entering into and performing without default a reasonable installment payment agreement with the Town, as determined in the sole discretion of the Town, to pay any delinquent balance in no more than four (4) equal monthly installments; that in the event there is a breach of the installment agreement, the Town may discontinue service without subsequent hearing on or after the third day following the customer's receipt or posting of a subsequent notice of discontinuation; and that in order for the customer to avoid discontinuance or to be reconnected after breach of an installment agreement, payment in full of the current bill, all delinquent amounts, disconnection and reconnection fees and the posting of a deposit must be made; and

(4) A list of major federal, state or local governmental agencies known to the Town which provide customer assistance or benefits relating to utility service.

(c) Date of discontinuing service. If no request for a hearing before the Board is received by the Town within the time required, the Town may discontinue utility service on the day following the last day such hearing may be requested.

(d) Involuntary discontinuing service hearing. If a customer files a written request for hearing, the Town Clerk shall give notice of the time and place of a discontinuing service hearing to the customer no later than three (3) days prior to the hearing, and notify the Board through its agenda.

The hearing shall be informal and shall be tape recorded. The Town Clerk and the Director of Public Works may present information and evidence on behalf of the Town, and the customer may present the same on his own behalf. The Town and the customer may be represented by legal counsel. The Board shall consider the information and evidence before it and shall by written order affirm, modify or reverse the recommendation of the Town Clerk or Director of Public Works. Notice of the Board's decision shall be provided to the customer within three (3) days of the hearing and is final. If the Board orders utility service discontinued, discontinuing shall occur within three (3) days of mailing or posting of the notice of the Board's decision, unless all delinquent charges are paid or violations corrected prior to such date.

(e) Restrictions on discontinuing service. Utility service shall not be discontinued:

(1) Between 12 p.m. on Friday and 8:00 a.m. on the following Monday or between 12:00 p.m. on the day prior to and 8:00 a.m. on the day following any federal or state holiday, except in emergencies;

(2) In the event a customer at any time proffers full payment of current and delinquent charges by cash or bona fide check to the Town Clerk; or

(3) If violations of rules or regulations concerning the receipt or use of utility service have ceased and the Board finds them not likely to reoccur.

(f) Reconnection fee. A reconnection fee equal to the connection fee plus the disconnection fee shall be paid before reconnecting a utility service discontinued pursuant to this Section. (Ord. 8-1992 §1)

Sec. 13-9. Returned checks.

Subsequent to discontinuing order. Where a customer, after receiving a discontinuation notice and not requesting a hearing, or after the Board has held a hearing and issued an order to discontinue service for nonpayment, pays for utility service by check which is returned by the bank upon which it is drawn for reason of insufficient funds or a closed account, the Town may terminate such utility service by giving forty-eight (48) hours' notice, unless payment in full of the delinquent amount in cash or certified funds is provided within said forty-eight-hour period. (Ord. 8-1992 § 1)

Sec. 13-10. Lien on property.

(a) Charges are lien. All utility service charges, line extension costs and water dedication fees shall be a priority perpetual lien upon the property served or to be served from the time service is rendered or facilities constructed or acquired.

(b) Notice of intent to file lien. If charges for any utility service remain unpaid after the delinquent date, the Town may send to the customer a notice of intent to file a lien on the property served.

(c) Certification for collection. The Town Clerk shall annually prepare a list of delinquent utility service charges, line extension costs, water dedication fees and the properties to which services were rendered through enforcement of municipal code violations, or for which facilities were constructed

or acquired, which shall be certified by resolution of the Board of Trustees to the County Treasurer for collection in the same manner as authorized for taxes. The certification will be made no later than December 1 of each year to be included on the tax roll for the ensuing year and will include the following information: the name of the district; copy of the adopted resolution; name of the assessed party and current mailing address; full legal description and situs address; parcel and schedule numbers; total amount assessed to each parcel; and percent of county collection fee. (Ord. 8-1992 § 1; Ord. 7-2008 § 1)

Sec. 13-11. Line extensions.

(a) Application. All extensions, enlargements and replacements of water and sewer main lines and appurtenances shall be constructed in accordance with this Chapter and any rules and regulations adopted by the Board of Trustees, which extension shall be at the sole cost and expense of the person requesting such extension. Prior to constructing a water or sewer main line extension or related appurtenances, an applicant shall file a written application for such extension on a form approved by the Director of Public Works and obtain written permission from the Board of Trustees. An application shall include, among other things, a map or plat of the right-of-way for the water lines and a plan or design prepared by a registered professional engineer showing the manner in which the service is proposed to be furnished to the user. The Board of Trustees may impose such conditions as may be necessary to ensure that service is not disrupted to in-Town users.

(b) Installation.

(1) Line extensions may, at the Town's option, be installed by the Town or by the person to be served, according to standards set by the Board of Trustees. If such extension is to be installed by the Town, the person requesting the extension shall deposit with the Town Clerk the estimated construction cost. The Town's construction cost shall remain a perpetual priority lien on the property served by such extension until paid to the Town.

(2) Alternatively, in order to recover the costs of line extensions constructed by the Town, the Board of Trustees may, by resolution, impose fees in addition to required tap fees upon persons requesting a tap onto such extension. Any extension installed other than by the Town shall be guaranteed for one (1) year from the date the Town accepts the extension. All installations shall be subject to inspection by the Town during installation.

(c) Oversizing. The Town may require a person requesting a line extension to enlarge the line at the time of installation to provide for additional users to be served by the line extension. All additional costs required by the enlargement may be repaid by the Town from proportional fees charged to the additional users in addition to required tap fees.

(d) Ownership of extensions. Upon acceptance by the Town, every new extension, enlargement and constructed main line and appurtenances shall be the sole and exclusive property of the Town, as well as any and all easements and rights-of-way therefor, and all persons paying for or constructing the same shall execute and deliver all necessary and proper documents of conveyance which the Town may desire to perfect ownership. Such documents shall generally consist of a bill of sale and deed conveying the facilities and easement deeds or evidence that the facilities have been installed within platted rights-of-way. (Ord. 8-1992, §1)

Sec. 13-12. Service outside Town.

(a) Before providing treated water, sewer or any other municipal service outside the Town, the applicant shall sign a written agreement agreeing to annex the property served to the Town at such time that the property is eligible under state law for annexation and upon request of the Town. Such agreement shall further grant the Town Clerk full power and authority to sign the applicant's name to a petition for annexation and the right to specific performance of the agreement pursuant to Section 31-12-121, C.R.S.

(b) Treated water not needed for use by the Town and its residents may be licensed to consumers outside of the Town's corporate limits only in conformance with the Water Service Agreement between the Town and the Central Weld County Water District dated January 14, 1992. (Ord. 8-1992, §1)

Secs. 13-13—13-30. Reserved.

ARTICLE II

Water Regulations

Sec. 13-31. Connections to water system.

Unless approved by the Board of Trustees, all nonirrigation uses of water within the Town shall be through the Town's system.

(1) Application. Any person who wishes to connect onto the Town's water system or use water therefrom must first make written application to the Town Clerk. No connection or use of water shall be made until the application is approved, applicable tap fees paid, and the provisions of this Chapter otherwise complied with.

(2) Service connections. The maximum size of a water service shall be based on the number of equivalent residential units (EQRs) to be connected to the tap and shall be determined as follows:

<i>Number of equivalent units</i>	<i>Maximum tap size in inches</i>
1	¾
2	1
3—5	1½
6—11	2
12—32	3
32—65	4
65—181	6

(3) Construction of service lines. All service lines and appurtenances from the mainline to the structure served shall be installed by and at the expense of the property owner. Service lines and facilities shall be located entirely within a public right-of-way, easement or the licensee's property. Service lines may not cross properties other than the property served without approval of the Board and a perpetual easement in favor of the Town and the served property being granted in writing by the servient estate.

(4) Ownership and maintenance of service lines. All facilities and appurtenances from the mainline to the curb stop shall be located in a dedicated right-of-way or easement and shall be the property of and maintained by the Town. That portion of the service line from the curb stop to the structure served, excluding any meter facilities, shall be the property of and maintained by the property owner.

(5) Cross-connection prohibited. No person shall make, install, maintain or permit any cross-connection between the Town's water system and any other water or sewer system. The Director of Public Works may require backflow prevention devices where necessary to prohibit contamination of the Town's water system.

(6) Inspection. Any authorized representative of the Town may inspect the premises or buildings of any water user for the purpose of examining the condition of all pipes, motors, meters and water fixtures or the manner in which the water is used.

(7) Interference with water facilities prohibited. It shall be unlawful for any person to tap any water lines, to make any connections therewith, in any manner to interfere with the property, equipment, pipes, valves or any other water appliances of the Town, or to change or alter the position of any valve or appliance regarding the flow of water in any pipeline without the express written authority of an authorized representative of the Town. (Ord. 8-1992, § 3; Ord. 2-2004 § 2)

Sec. 13-32. Water meters.

(a) Required. No person shall connect to or receive or use water from the Town's water system for any purpose except where water is used and measured through a meter as provided in this Chapter. Failure to install or maintain a water meter or otherwise comply with the requirements of this Section shall be grounds to discontinue water service. Unless otherwise provided by resolution of the Board, a separate minimum service charge shall be imposed on each meter.

(b) New or increased service. For any new connection or increase in the EQR rating for existing or new connections on or after July 1, 1992, a water meter shall be installed or enlarged at the property owner's sole cost prior to the commencement of new or increased service. Failure to install or enlarge a meter shall be grounds to discontinue service.

(c) Existing service. For all connections to the Town's water system existing prior to July 1, 1992, the Town shall install meters at the Town's cost, except for the additional costs associated with outside installation pursuant to a waiver granted by the Board of the inside location requirements.

(d) Installation standards. All water meters and associated appurtenances shall be of a type, size and design, and installed according to standards established by the Board and shall be subject to inspection by the Town.

(e) Location. All meters shall be located within the structure being served unless as determined by the Director of Public Works:

(1) An existing sprinkler irrigation system is connected to the service line before the service line enters the structure; or

(2) The construction of the structure served makes it physically impossible for inside installation, or inside installation would cause undue hardship.

(f) Location appeals. Any decision of the Director of Public Works regarding location of meters may be appealed in writing to the Board.

(g) Location waivers. Upon written application filed with the Town Clerk, the Board, in its sole discretion, may waive the requirement that meters be installed within a structure where the applicant demonstrates outside installation would not disproportionately increase operation and maintenance costs.

(h) Ownership. Each and every water meter installed pursuant to this Section shall become and remain the property of the Town when installed.

(i) Maintenance and repairs. Property owners shall be responsible for repair or replacement costs of any water meter damaged due to any act of negligence of the property owner or water user. The Town shall be responsible for ordinary maintenance of meters and shall repair or replace any water meter which is defective or inoperable due to no fault of the property owner or water user. Water customers shall promptly notify the Town of any defective or inoperable meter.

(j) Sprinkler systems. All sprinkler irrigation systems installed after July 1, 1992, shall be connected to the service line at a point after it enters the structure served and on the service side of the meter. If the Board has granted a waiver allowing outside meter installation, sprinkler irrigating systems may be connected to the service line no less than five (5) feet from, and on the service side of, the meter.

(k) Unlawful acts.

(1) It shall be unlawful for any person to alter, obstruct or interfere in any way with the action of any water meter or remote readout installed pursuant to this Section without the knowledge and consent of the Town. Nothing in this Section shall be construed to apply to any licensed electrical or plumbing contractor while performing usual and ordinary services in accordance with recognized customs and standards.

(2) It shall be unlawful for any customer to knowingly use a water meter or remote readout which is underestimating the quantity of water delivered. (Ord. 8-1992, § 3)

Sec. 13-33. Separate service.

Unless otherwise approved by the Board, separate taps, service lines, curb stops and meters are required for all individual businesses and separately owned or conveyed properties, commercial units or residential units, except for apartments. In the event multiple properties are found to be served by

a single tap or service line in existence as of July 1, 1992, the Town shall, at its sole cost, provide separate meter, taps and service lines up to the curb stop, and the property owners' shall, at the Town's direction, connect separate service lines to the respective curb stops. In the event a property owner requests Town approval of the division of such properties into two (2) or more properties, parcels, separate interests or interests in common, the Town may in its sole discretion require installation of separate meters for each separate property, parcel or interest; installation of separate taps, service lines, curb stops and meters; or establishment of an association with assessment powers to pay for water service charges. (Ord. 8-1992, § 3)

Sec. 13-34. Single taps.

Any properties required to be served by a separate tap shall be served by one (1) tap only, unless approved by the Board. For such properties which are served by multiple taps as of July 1, 1992, or for which multiple tap fees have been paid and not applied to actual service, the Town shall, at its sole cost, disconnect the multiple taps and provide a single meter, tap and service line up to the curb stop, of sufficient size as determined by the Director of Public Works, to allow a flow of water sufficient to provide the level of service which previously existed or for which fees have been paid and not applied to actual service. In such event, the property owner shall be responsible for providing a single service line to be connected at the curb stop. In the alternative to exchanging excess taps in existence prior to July 1, 1992, for a single equivalent flow, a property owner may choose to retain a credit for all or a portion of such excess taps. Such excess tap credit shall be appurtenant to the property currently served; however, if the property may be further subdivided then or was previously subdivided subsequent to the installation of the excess taps, the credit may be assigned to a subdivided lot. Excess tap credits shall be evidenced by a written agreement between the Town and the property owner, which agreement shall specify the number of taps to be applied to active service, the number of taps to be reserved for future use, and any allocation of credits to subdivided lots. (Ord. 8-1992, § 3)

Sec. 13-35. Lease of raw water.

The Town may, on an annual basis, lease its raw water not needed for providing treated water service at a price sufficient to pay any assessments or charges imposed on the Town for such raw water. (Ord. 8-1992, § 3)

Sec. 13-36. Temporary use licenses.

The Town Clerk may issue temporary permits subject to fees and charges as set by the Board of Trustees, for the use of water from the Town's water system for purposes including but not limited to the following:

- (1) Hydrant permits. Permits for the temporary use of a water system fire hydrant may be issued by the Town Clerk after consulting the Director of Public Works. Permits shall be valid only for the dates and uses specified. Hydrant permits for filling tank trucks shall be issued for each truck and shall remain in the truck at all times. Hydrant permits issued for a construction site shall be posted at the site. All temporary uses of water from hydrants shall be metered and shall be subject to disconnection by the fire district in case of an emergency. (Ord. 8-1992, § 3)

Sec. 13-37. Fire emergency use restrictions.

During all emergencies of fire, the use of hoses, irrigation and all outlets where a constant flow is required or maintained is strictly prohibited. (Ord. 8-1992, § 3)

Sec. 13-38. Fire protection service.

Water may be taken from fire protection hydrants only for extinguishing fires and valid fire-department-sanctioned training exercises, except where a temporary hydrant permit has been issued. Public fire hydrants shall be placed at locations designated by the fire chief and approved by the Director of Public Works. All fire hydrants shall be owned and maintained by the Town. (Ord. 8-1992, § 3)

Sec. 13-39. Waste.

Water shall be used only for beneficial purposes and never wasted. All water appliances and outlets may be used only for the use for which they were intended and must be kept in good repair and closed when not in use. The escape of water from the premises upon which water is being utilized, including the escape of irrigation water, shall be prima facie evidence of wasting water. (Ord. 8-1992, § 3)

Sec. 13-40. Water use restrictions.

In case of water shortage whether arising from drought, mechanical problems or other causes, the Board of Trustees may, by resolution, place any restrictions which they deem necessary upon the use of water in accordance with the following staged water restriction program:

(1) Phase I. Voluntary restrictions on outside water use.

a. Property owners and managers are advised to irrigate lawns not more than every third day, applying not more than one inch (1") of water.

b. Vehicle owners are advised to limit the use of water to wash vehicles and equipment to once per week.

c. Property owners and managers should refrain from using water for cleaning driveways, parking lots, streets, etc.

d. Restrictions a.-c. should be considered mandatory for the Town, except where restriction c. would substantially degrade air quality. Uses by the Town will be restricted by administrative order to set a positive example and also to effect water savings.

(2) Phase II. Mandatory restrictions on outside water use.

a. Lawn watering restricted to every other day. Permits may be issued by the Director of Public Works for extended use for new lawns.

b. Vehicle/equipment washing restricted to once per week.

- c. Town use restrictions to be accomplished by administrative order:
 - i. Main flushing limited to minimum required to meet state health standards.
 - ii. Hydraulic sewer cleaning limited to minimum required levels.
 - iii. Moratorium on hydrant use permits for all nonessential uses.
 - iv. Moratorium on hydrant flow testing.
 - v. Moratorium on approval of new irrigation connections or uses.
 - vi. Moratorium on approval of new connections or uses of water for swimming pools.
 - vii. Town water use for general maintenance limited to essential levels.
- (3) Phase III. Mandatory restrictions on outside water use.
 - a. Moratorium on lawn irrigation.
 - b. Moratorium on car/vehicle/equipment washing.
 - c. Moratorium on new water uses or connections, not previously approved and paid for.
 - d. Moratorium on evaporative cooling of commercial buildings.
 - e. Moratorium on use of water for swimming pools.
 - f. Voluntary in-house restrictions. Encourage water efficiency.
 - g. Voluntary industrial/commercial restrictions. (Ord. 8-1992, § 3)

Sec. 13-41. Violation of waste and use restrictions.

Water service may be discontinued to any service which wastes water or violates regulations regarding use of water. Such service shall not be restored until the cause of waste has been corrected or the violation abated, and all fines and fees paid. An administrative fine of twenty-five dollars (\$25.00) may be imposed by the Code Enforcement Officer for each incident of waste or violation of use regulations. (Ord. 8-1992, § 3)

Sec. 13-42. Inspections.

Any authorized representative of the Town shall have the right to enter any premises or building where Town water is used for the purpose of inspecting, maintaining or repairing pipes, meters or appliances and to detect and eliminate any violation of this Chapter. (Ord. 8-1992, § 3)

Sec. 13-43. Water service charges.

The Board of Trustees shall by resolution set the amount of service charges imposed upon metered and not metered water service. (Ord. 8-1992, § 3)

Sec. 13-44. Tap fees.

(a) New connections. For the privilege of connecting onto the Town's water or wastewater system, property owners shall pay a tap fee set by resolution of the Board of Trustees.

(b) Additional fees. An additional tap fee shall be paid at the time of application for a building permit, prior to altering a property or its use which causes an increase in the number of EQR units associated with a property. (Ord. 8-1992, § 3)

Sec. 13-45. Irrigation wells.

Nothing in this Chapter shall be deemed as a prohibition against the use of private water wells for irrigation, provided that private irrigation systems shall not be connected to the Town's water system. It is recommended that property owners utilizing private wells for irrigation post private well signs. (Ord. 8-1992, § 3)

Secs. 13-46—13-60. Reserved.

ARTICLE III

Water Dedication

Sec. 13-61. Water dedication.

A dedication or transfer of raw water rights to the Town shall be made where a previous dedication has not been made or is insufficient to satisfy the increased demand contemplated by the following proposed actions, prior to approval of such actions:

- (1) Annexation of any previously subdivided land to the Town.
- (2) Subdivision or replotting of any land within the Town.
- (3) Extension of water service inside or outside the Town limits.
- (4) The issuance of a building permit. (Ord. 8-1992, § 4)

Sec. 13-62. Dedication source.

Unless otherwise approved by the Board of Trustees, raw water dedications shall be made with Northern Colorado Water Conservancy District Colorado - Big Thompson Project units. (Ord. 8-1992, § 4)

Sec. 13-63. Dedication amount.

All raw water dedications must be approved by the Board of Trustees based on the following requirements, which amounts may be revised by resolution of the Board of Trustees:

<i>Property Use</i>	<i>CBT Units</i>
Residential units with not more than 2,500 square feet irrigated lawn and garden.	2.0/EQR
Commercial or industrial units with not more than 2,500 square feet irrigated lawn or garden.	2.0/EQR
Irrigated land in excess of 2,500 square feet associated with residential, commercial or residential units, or irrigable land dedicated to the public use.	0.25/2,500 square feet

(Ord. 8-1992, § 4)

Sec. 13-64. Costs and expenses.

All costs and expenses attendant to the review of water demand and raw water dedication, conveyance and transfer of water rights to the Town, change of class or other actions or approvals required of the Northern Colorado Water Conservancy District, and temporary transfer to the Central Weld County Water District shall be borne by the applicant. (Ord. 8-1992, § 4)

Sec. 13-65. Purchase option.

(a) Any person required to comply with the basic dedication requirement shall also grant to the Town the option to purchase any and all water rights which are associated with the land for which the approval is sought. The option may be exercised by the Town at any time for a period of one (1) year following the date of the approval sought from the Town.

(b) The option price shall be that price agreed upon by the parties. If the parties do not agree upon an option price within thirty (30) days after notice of the Town's intent to exercise its option is received by the owner, at the Town's cost, one (1) appraiser shall be appointed by the Town, one (1) appraiser appointed by the owner of the water rights and a third appraiser shall be appointed by the two (2) appraisers previously appointed. Such appraisers shall each appraise the property and the average of the three (3) appraisals shall be the option price. (Ord. 8-1992, § 4)

Sec. 13-66. Right of first refusal.

In addition to the grant of the option to purchase, any person required to comply with the basic dedication requirement shall grant to the Town a right of first refusal regarding the water rights which are subject to the option to purchase. If the Town for any reason should choose not to exercise its option to purchase, it shall retain the right of first refusal in the event the water rights are sold independently of the land, for a period of ten (10) years following the date of the approval sought by the Town. If the owner of the water rights wishes to sell the water rights to a third party, the owner shall give to the Town at least thirty (30) days' notice of intent to sell the water rights by delivering to the Town a bona fide written offer to purchase made by a third party. During the thirty-day-notice period, the Town may exercise its option and purchase the water rights at the price tendered to the owner in the bona fide offer by the third party. (Ord. 8-1992, § 4)

Sec. 13-67. Exceptions.

The Board of Trustees may substitute or waive any conditions or requirements of this Article as deemed necessary or appropriate. (Ord. 8-1992, § 4)

ARTICLE IV

Sewers

Sec. 13-81. Use of public sewers required.

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

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

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

(d) The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes, situated within the Town and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the Town, is hereby required at his or her expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer, in accordance with the provisions of this Article within ninety (90) days after date of official notice to do so, provided that said public sewer is within three hundred (300) feet (30.5 meters) of the property line. (Ord. 1-1992, § 1; Ord. 8-1992, § 2)

Sec. 13-82. Private sewage disposal.

(a) Where a public sanitary or combined sewer is not available under the provisions of Section 13-31(d), the building sewer shall be connected to a private sewage disposal system complying with the provisions of this Section.

(b) Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the Town Clerk, after first being approved by the Board of Trustees. The application for such permit shall be made on a form furnished by the Town, which the applicant shall supplement by any plans, specifications and other information as are deemed necessary by the Board of Trustees. A permit and inspection fee of fifty dollars (\$50.00) shall be paid to the Town at the time the application is filed.

(c) A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Board of Trustees. The Board of Trustees or its appointed agent shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Board of Trustees when the work is ready for final inspection and

before any underground portions are covered. The inspection shall be made within seventy-two (72) hours of the receipt of notice by the Board of Trustees or its appointed agent.

(d) The type, capacities, location and layout of a private sewage disposal system shall comply with all recommendations of the State Department of Public Health. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than required by the State Department of Public Health and the County Health Department. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

(e) At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in Subsection (d), a direct connection shall be made to the public sewer in compliance with this Article, and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

(f) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times at no expense to the Town.

(g) No statement contained in this Section shall be construed to interfere with any additional requirements that may be imposed by the State or County Department of Health.

(h) When a public sewer becomes available, the building sewer shall be connected to said sewer within sixty (60) days and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt. (Ord. 1-1992, § 1; Ord. 8-1992, § 2)

Sec. 13-83. Rates.

The Town, by resolution, shall establish the rates and fees for sewer usage. Such resolution may be amended from time to time. (Ord. 1-1992, § 1; Ord. 8-1992, § 2)

Sec. 13-84. Building sewers and connections.

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

(b) There shall be two (2) classes of building sewer permits:

- (1) For residential and commercial service; and
- (2) For service to establishments producing industrial waste.

(c) In either case, the owner or his or her agent shall make application on a special form furnished by the Town. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Town Clerk.

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

(e) A separate and independent building sewer shall be provided for every building; except where one (1) building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one (1) building sewer.

(f) Old building sewers may be used in connection with new buildings only when they are found, on examination and test by an authorized representative of the Town, to meet all requirements of this Article.

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

(h) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

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

(j) The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Town, or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.

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

(l) All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Town. (Ord. 1-1992, § 1; Ord. 8-1992, § 2)

Sec. 13-85. Use of public sewers.

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

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

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

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

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

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

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

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

(1) Any liquid or vapor having a temperature higher than one hundred fifty degrees (150°) (65°C).

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

(3) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths ($\frac{3}{4}$) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Superintendent.

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

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

(6) Any waters or wastes containing phenols or other taste- or odor-producing substances, in such concentrations exceeding limits which may be established by the Superintendent as necessary, after treatment of the composite sewage, to meet the requirements of the state, federal or other public agencies of jurisdiction for such discharge to the receiving waters.

(7) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable State or Federal regulations.

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

(9) Materials which exert or cause:

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

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

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

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

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

(e) If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Subsection (d) above, and which in the judgment of the Superintendent may have a deleterious effect upon the sewage works, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:

(1) Reject the wastes;

(2) Require pretreatment to an acceptable condition for discharge to the public sewers;

(3) Require control over the quantities and rates of discharge; and/or

(4) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Subsection (j).

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

(f) Grease, oil and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Superintendent, and shall be located as to be readily and easily accessible for cleaning and inspection.

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

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

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

(j) No statement contained in this Section shall be construed as preventing any special agreement or arrangement between the Town and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Town for treatment, subject to payment therefor, by the industrial concern. (Ord. 1-1992, § 1; Ord. 8-1992, § 2)

Sec. 13-86. Protection from damage.

No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the sewer

works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct. (Ord. 1-1992, § 1; Ord. 8-1992, § 2)

Sec. 13-87. Powers and authority of inspector.

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

(b) While performing the necessary work on private properties referred to in Subsection (a) above, the Superintendent or duly authorized employees of the Town shall observe all safety rules applicable to the premises established by the company, the company shall be held harmless for injury or death to the Town employees, and the Town shall indemnify the company against loss or damage to its property by Town employees and against liability claims and demands for personal injury or property damages asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Section 13-35(h).

(c) The Superintendent and other duly authorized employees of the Town bearing proper credentials and identification shall be permitted to enter all private properties through which the Town holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved. (Ord. 1-1992, §1; Ord. 8-1992, §2)

Secs. 13-88—13-100. Reserved.

ARTICLE V

Stormwater Utility

Sec. 13-101. Declaration of purpose.

The Board of Trustees hereby determines and declares the necessity of providing stormwater facilities for the drainage and control of flood and surface waters within the Town, including areas to be subdivided and developed, in order that storm and surface waters may be properly drained and controlled, pollution may be reduced and the environment enhanced and that the health, property, safety and welfare of the Town and its inhabitants may be safeguarded and protected. All revenues and expenditures of the Town or of the enterprise relating to the stormwater system shall be considered revenues and expenditures of the enterprise. (Ord. 1-2002, §1)

Sec. 13-102. Definitions.

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this Section:

Best Management Practices (BMPs) means schedules of activities, prohibitions of practices, general good housekeeping, pollution prevention and educational practices, maintenance procedures and other management practices to prevent or reduce, to the maximum extent practicable, the discharge of pollutants directly or indirectly to stormwater, receiving waters or stormwater conveyance systems. *Best Management Practices* also include treatment practices, operating procedures and practices to control site runoff, spillage or leaks, sludge or water disposal or drainage from raw materials storage.

CDPHE means the Colorado Department of Public Health and Environment.

CDPS means the Colorado Discharge Permit System. The CDPHE is authorized to administer the CDPS program in Colorado.

Clean Water Act means the Federal Water Pollution Control Act (33 U.S.C. Section 1251, et seq.) and any subsequent amendments thereto.

Contaminated water shall mean that water, which contains constituents at concentrations which could cause, directly or indirectly, impairment of human health or the environment and which would not be present in such concentrations in a natural state. This includes any water contaminated from industrial processes, land use activities, development or other man-induced practices.

Director shall mean the duly appointed Director of Public Works or the designated representative of such Director of Public Works.

Disturbed area means that area of the land's surface disturbed by any work or activity upon the property by means, including but not limited to grading; excavating; stockpiling soil, fill or other materials; clearing; vegetation removal; removal or deposit of any rock, soil or other materials; or other activities which expose soil. *Disturbed area* does not include the tillage of land that is zoned for agricultural use.

Facility means any building, including a private home, structure, installation, process or activity, from which there is, or may be, a discharge of a pollutant.

Hazardous materials means any material, including any substance, waste or combination thereof, which, because of its quantity, concentration or physical, chemical or infectious characteristics, may cause or significantly contribute to, a substantial present or potential hazard to human health, safety, property or the environment when improperly treated, stored, transported, disposed of or otherwise managed.

Illicit connections means any drain or conveyance, whether on the surface or subsurface, which allows an illicit discharge to enter the storm drainage system, including but not limited to any conveyances which allow any nonstormwater discharge, including sewage, process wastewater

and wash water, to enter the storm drainage system; and any connections to the storm drainage system from indoor drains, sump pumps and sinks, regardless of whether said drain or connection had been previously allowed, permitted or approved.

Illicit discharge means any direct or indirect release of pollutants to the storm drainage system, except as exempted in Subsection 13-115(b) of this Chapter.

Industrial activity means activities subject to CDPS industrial permits, as defined in 40 C.F.R. Section 122.26(b)(14).

Major stormwater system means all stormwater facilities identified in the master drainage plan that facilitate the conveyance of stormwater runoff on a basin-wide or regional basis.

Minor stormwater system means all stormwater facilities used for the conveyance, control or storage of storm runoff of local benefit only. These facilities generally direct storm runoff to major stormwater systems.

Mobile washing operation means a commercial activity involving power washing, steam cleaning and any other method of mobile cosmetic cleaning of, for example, vehicles, fabric, pets and/or exterior surfaces.

Municipal Separate Storm Sewer System (MS4) means publicly owned facilities by which stormwater is collected and conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, catch basins, inlets, piped storm drains, pumping facilities, retention and detention basins and natural and human-made or altered drainage ditches, channels, lakes, reservoirs and other drainage structures.

National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit or NPDES Permit means a permit issued pursuant to Section 402 of the Clean Water Act, including permits issued by the State in compliance with the Clean Water Act.

Nonstormwater discharge (runoff) means any discharge to the storm drain system that is not composed entirely of stormwater.

On-site detention shall mean stormwater detention which is not part of a major stormwater system and which is sized for the benefit of a specified tributary area, part or all of which is being subdivided. Such on-site detention shall be located within an easement or parcel dedicated to and accepted by the City for drainage purposes.

Operator means the individual who has day-to-day supervision and control of activities occurring at the construction site, including the owner, the developer, the general contractor or the agent of one (1) of these parties.

Owner means a person who owns a facility, development, part of a facility or land.

Pollutant means any sewage, sewage biosolids, garbage, chemical waste, biological material, solid waste, incinerator residue, ash, munitions, radioactive material, heat, rock, sand, cellar dirt and industrial and agricultural wastes discharged into the water.

Pollution means the presence in Waters of the State of any substances or contaminants, man-made or man-induced impairment of waters or alteration of the chemical, physical, biological or radiological integrity of water in quantities or at levels which are or may be potentially harmful or injurious to human health or welfare, animal or plant life or property or which unreasonably interfere with the enjoyment of life or property, including outdoor recreation, unless authorized by applicable law.

Premises means any building, lot, parcel of land or portion of land, whether improved or unimproved, and including adjacent sidewalks and parking strips.

Receiving water means any water of the State that receives a stormwater discharge from MS4, including all watercourses, even if they are usually dry, and irrigation ditches that receive municipal stormwater. *Receiving water* also includes storm sewer systems owned by other entities.

Spill means any intentional or unintentional release of solid or liquid material which may cause pollution of the MS4 or Waters of the State.

Storm Drainage System means the Municipal Separate Storm Sewer System (MS4).

Stormwater means any surface flow, runoff and drainage consisting entirely of water from any form of natural precipitation and resulting from such precipitation.

Stormwater facilities means any one (1) or more of various devices used in the collection, treatment or disposition of storm, flood or surface drainage waters, including manmade structures and natural watercourses and/or floodplains for the conveyance of runoff, such as detention or retention areas, berms, swales, improved watercourses, channels, bridges, gulches, streams, rivers, gullies, flumes, culverts, gutters, pumping stations, pipes, ditches, siphons, catch basins, inlets and other equipment and appurtenances and all extensions, improvements, remodeling, additions and alterations thereof; and any and all rights or interests in such stormwater facilities.

Stormwater Management Plan (SWMP) means a plan describing the BMP and activities to be implemented to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to stormwater, MS4 and/or receiving waters to the maximum extent practicable.

Stormwater utility fee or *fee*, as used in this Chapter, shall mean the stormwater utility maintenance fee of the Town of LaSalle, Colorado.

Subdivider or *developer* shall mean any person, partnership, joint venture, association or corporation who shall participate as owner, promoter, developer or sales agent in the planning, platting, development, promotion, sale and lease of a subdivision, planned unit development, lot or building expansion.

Subdivision shall mean the platting of a lot or the division of a lot, tract or parcel of land into two (2) or more lots, plots or sites.

Suitable treatment shall mean that treatment process authorized by and undertaken pursuant to an appropriate permit to discharge treated water under the State of Colorado Department of Public Health and Environment's Colorado Discharge Permit System ("CDPS"), and the Director has approved the discharge thereof.

Threatened discharge means a condition creating a substantial probability of harm, which makes it reasonably necessary to take immediate action to prevent, reduce or mitigate damages to persons, property or natural resources.

Wastewater means any water or other liquid, other than uncontaminated stormwater, discharged from a facility.

Watercourse means a channel, natural depression, slough, artificial channel, gulch, arroyo, stream, creek, pond, reservoir or lake, including major drainage ways, in which stormwater runoff and flood waters flow either regularly or infrequently.

Waters of the State of Colorado (Waters of the State) means any and all surface and subsurface waters that are contained in or flow in or through the State. This definition includes all watercourses, even if they are usually dry. (Ord. 1-2002, §1; Ord. 2-2011, §§1—3)

Sec. 13-103. Administration to be by Director.

The administration of the provisions of this Chapter is hereby vested in and shall be exercised by the Town Board or authorized representative who may prescribe forms and rules and regulations in conformity with this Chapter and for the ascertainment, computation and collection of the fees and charges imposed in this Chapter for the proper administration and enforcement. The Town Board may delegate the administration of this Chapter or any part thereof, subject to the limitations of the Municipal Code, to duly qualified deputies and agents of the Board. (Ord. 1-2002, §1)

Sec. 13-104. Stormwater utility fee.

There is hereby imposed on each and every lot or parcel of land within the Town and upon the owners thereof a stormwater utility fee. This fee is deemed reasonable and is necessary to pay for the construction, reconstruction, maintenance, replacement, improvement and routine functions of the Town stormwater facilities and of such future stormwater facilities as may be required and to pay for the design, right-of-way acquisition and construction of major and minor stormwater facilities to the extent that such costs have been determined to be the responsibility of developed properties. All of the proceeds of this fee are deemed to be in payment for use of the Town's stormwater system by the real property on and with respect to which the charge is imposed on the owners. (Ord. 1-2002, §1)

Sec. 13-105. Establishment of stormwater utility fees.

The Board of Trustees may by resolution change the amount of the stormwater utility fees based upon revised estimates of the cost of installing and maintenance of facilities in the system. (Ord. 1-2002, §1)

Sec. 13-106. Billing for fee.

The stormwater utility fee shall be billed and collected with the regularly scheduled utility bill for those lots or parcels of land within the Town, and billed and collected separately as stormwater utility fees for those lots or parcels of land and owners thereof not utilizing other Town utilities. (Ord. 1-2002, §1)

Sec. 13-107. Certain properties exempt from fees.

The stormwater utility fee shall not be collected for any Town street, park, road or alley, or any railroad right-of-way used exclusively for trackage and related safety appurtenances. (Ord. 1-2002, §1)

Sec. 13-108. Enforcement.

Any charge due hereunder which shall not be paid when due may be recovered in an action at law by the Town. In addition to any other remedies or penalties provided by this Chapter or the Code, failure of any user of Town utilities within the Town to pay the charges promptly when due shall subject such user to discontinuance of such utility services, and the Town Clerk is hereby empowered and directed to enforce this provision as to any and all delinquent users. The employees of the Town shall, at all reasonable times, have access to any premises served by the Town for inspection, repair or the enforcement of this Chapter. (Ord. 1-2002, §1)

Sec. 13-109. Unpaid fees to be a lien.

All fees made pursuant to this Chapter shall be a lien upon the property to which such fee is associated from the date the fee becomes due until such fee is paid. The owner of record of every building, premises, lot or house shall be obligated to pay the fee for all service provided for the premises, which obligation may be enforced by the Town by an action at law or suit to enforce the lien. In the case that a tenant in possession of any premises or buildings shall pay the charges, it shall relieve the landowner from such obligation and lien, but the Town shall not be required to look to any person whatsoever other than the owner for the payment of such charges. No changes of ownership or occupation shall affect the application of this Chapter, and the failure of any owner to learn that he or she purchased property against which a lien for stormwater utility fees exists shall in no way affect the responsibility for such payment. Any delinquent amount may be enforced by assessment upon the property and premises served and certification to the County Treasurer for collection under and pursuant to the authority and procedure provided in this Chapter. (Ord. 1-2002, §1)

Sec. 13-110. Disposition of fees and charges.

The fees and charges paid and collected by virtue of this Chapter shall not be used for general or other governmental or proprietary purposes of the Town, except to pay for the equitable share of the costs of accounting, management and government thereof. Other than as described above, the fees and charges shall be used solely to pay for the costs of operation, repair, maintenance, improvements, renewal, replacement, reconstruction, design, right-of-way acquisition and construction of public stormwater facilities and costs incidental thereto. If there are amounts in the fund in excess of the amount required to satisfy the purpose of the fund, the Town Board may by ordinance authorize the transfer of such excess amount to any other fund of the Town. (Ord. 1-2002, §1)

Sec. 13-111. Stormwater facilities required for subdivisions.

Prior to the final approval of the plat of any subdivision or planned unit development (PUD) plan, the owners of the property being subdivided shall, at such owners' cost, prepare detailed plans and specifications for the construction and installation of all stormwater facilities and BMPs required for such subdivision, including existing discharge points, all in conformity with the municipal codes. The Director of Public Works shall review such plans and specifications and, after the Director's acceptance of the same, the plat of the subdivision or PUD plan may be approved, subject to the Town being furnished with acceptable assurance that such facilities will be constructed and installed as indicated and approved. (Ord. 1-2002, §1)

Sec. 13-112. Title granted to Town.

Title shall be granted to the Town for all new stormwater structures and facilities established hereunder, including but not limited to detention ponds, inlet and outlet structures and ditches. Title shall be transferred to the Town by warranty deed in unencumbered fee simple title. The Town may waive this requirement in its sole discretion. (Ord. 3-2011, §1)

Sec. 13-113. Town to maintain stormwater facilities; exception.

The Town shall maintain all public stormwater facilities accepted by the Town, located within the Town-owned land, Town rights-of-way and public easements and may maintain additional dedicated public facilities including, but not limited to, open drainage ways and piped stormwaters constructed expressly for use by the general public and, as a part of the Town stormwater facilities, bridges, roadside stormwater ditches and gutters, flood control facilities, including detention and retention basins, dikes, overflow channels, and pump stations, and other improvements that have been designed and constructed expressly for use by the general public. Such public stormwater facilities do not include facilities not accepted by the Town for maintenance. (Ord. 1-2002, §1)

Sec. 13-114. Disclaimer.

Floods or drainage problems associated with stormwater runoff may occasionally occur which exceed the capacity of storm sewer facilities constructed and maintained by funds made available under this Chapter. This Chapter does not imply, and the Town expressly disclaims, that property liable for the charges established herein will always be free from stormwater flooding or flood damage. This Section does not purport to reduce the need or the necessity for the owner obtaining flood insurance. The establishment of a stormwater utility fee, its functions and the maintenance of stormwater drainage structures and facilities and the activities of the Town and or its agents does not create liability of any nature or kind on the part of the Town for damages caused by stormwater, except as provided by the Colorado Governmental Immunity Act, Section 24-10-101, et seq., C.R.S. (Ord. 1-2002, §1)

Sec. 13-115. Illicit discharge prohibited; exemptions.

(a) Illicit discharges enumerated: No person shall discharge or cause to be discharged into the MS4 or watercourses any illicit discharge, including but not limited to the following:

(1) Chemicals, petroleum products, paint, varnishes, solvents, oil and grease and other automotive fluids, pesticides, herbicides and fertilizers or other toxic materials;

(2) Nonhazardous liquid, solid wastes and yard wastes;

(3) Hazardous materials, sewage, fecal coliform and pathogens, dissolved and particulate metals;

(4) Trash, refuse, rubbish, garbage, food wastes, pet wastes, litter, other discarded or abandoned objects, floatables and cleaning products;

(5) Landscaping materials, sediment, lawn clippings, leaves, branches or other landscaping and yard debris;

(6) Construction activity wastes and residues, including but not limited to painting, paving, concrete placement, saw cutting, material storage and earthwork;

(7) Wastes and residues that result from mobile washing operations; discharges from toilets, sinks, industrial processes, cooling systems, boilers, fabric cleaning, equipment cleaning, commercial vehicle cleaning and substances added to the storm drain to control root growth;

(8) Any other material that is considered harmful to humans, animals or aquatic life and its habitat.

(b) Exemptions: The following discharges, when properly managed, are exempt from the discharge prohibitions established by this Chapter:

(1) Water line flushing or other potable water sources, landscape irrigation or lawn watering, irrigation return flows, diverted stream flows, rising ground water, uncontaminated ground water, roof drains, foundations or footing drains, crawl space pumps, air conditioning condensations, springs, individual residential car washing, natural riparian habitat or wetland flows, swimming pools (if dechlorinated, less than 0.05 ppm chlorine).

(2) Discharges necessary to protect public health and safety, such as flows from emergency firefighting activities and water incidental to street sweeping (includes associated sidewalks and medians).

(3) Dye testing, provided that the person undertaking such testing provides verbal notification to the authorized enforcement agency forty-eight (48) hours prior to the time of the test.

(4) Runoff of roadway and sidewalk anti-icing and deicing agents, provided that they are applied according to best management practices.

(5) The prohibitions set forth in this Section shall not apply to any nonstormwater discharge permitted under a CDPS permit, waiver or waste discharge order issued and administered by CDPHE under the authority of the Federal Environmental Protection Agency (EPA), provided that the discharger is in full compliance with all requirements of the permit, waiver or order and other applicable laws and regulations, and provided that written approval has been granted by the Town for any discharge to the storm drain system. (Ord. 2-2011, §4)

Sec. 13-116. Illicit connections prohibited.

The construction, use, maintenance or continued existence of illicit connections to the MS4 is prohibited. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection. (Ord. 2-2011, §4)

Sec. 13-117. Threatened discharges.

It is unlawful to cause materials to be deposited in such a manner or location as to constitute a threatened discharge into the MS4 or Waters of the State. Pollutants that are no longer contained in a pipe, tank or other container are considered to be threatened discharges unless they are actively being cleaned up.

(1) Cleaning of paved surfaces required: The owner of any paved parking lot, street or drive shall clean the pavement as necessary to reduce, to the maximum extent practicable, an illicit discharge of pollutants. Paved surfaces shall be cleaned by dry sweeping, wet vacuum sweeping, collection and treatment of wash water or other methods in compliance with this Chapter.

(2) Materials storage: Materials, including but not limited to stockpiles used in construction and landscaping activities, shall be stored to reduce, to the maximum extent practicable, the release of pollutants.

(3) Pesticides, herbicides and fertilizers: Pesticides, herbicides and fertilizers shall be applied in accordance with manufacturer recommendations and applicable laws. Pesticides, herbicides and fertilizers shall be stored in a manner to prevent release into the MS4. (Ord. 2-2011, §4)

Sec. 13-118. Best Management Practices.

The owner or operator of a commercial or industrial establishment or a disturbed area shall provide, at his or her own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the MS4 or watercourses through the use of treatment and nontreatment BMPs. Further, any person responsible for premises which are or may be the source of an illicit discharge may be required to implement, at said person's expense, additional treatment and nontreatment BMPs to prevent the further discharge of pollutants into the MS4. (Ord. 2-2011, §4)

Sec. 13-119. Access and inspection of properties and facilities.

(a) Whenever the Director has reasonable cause to believe that there exists or potentially exists, in or upon any premises, any condition which constitutes a violation of this Chapter, the Director shall have the right to enter the premises, at any reasonable time, to determine if the owner or operator is complying with all requirements of this Chapter. In the event that the owner or occupant refuses entry after a request to enter has been made, the Town is hereby empowered to seek assistance from a court of competent jurisdiction in obtaining such entry.

(b) The Director shall have the right to set up on the property of any discharger to the MS4 such devices that are necessary to conduct an investigation of such discharges. The investigation may include, but is not limited to, the following: sampling of any discharge or process waters, the taking

of photographs, interviewing staff on alleged violations and access to any and all facilities or areas within the premises that may have any effect on the discharge.

(c) If the violation constitutes an immediate danger to public health or public safety, the Director is authorized to enter upon the subject private property, without giving prior notice, to take any and all measures necessary to abate the violation and/or restore the property. (Ord. 2-2011, §4)

Sec. 13-120. Notification of spills.

Notwithstanding other requirements of law, as soon as any person responsible for any premises, facility or operation or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into stormwater, the MS4 or Waters of the State, that person shall take all necessary steps to ensure the discovery, containment and cleanup of such release. In the event of a release of hazardous materials, said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of nonhazardous materials, said person shall notify the Director in person or by phone no later than twenty-four (24) hours after the release. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the Director within five (5) calendar days of the notification. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three (3) years. (Ord. 2-2011, §4)

Sec. 13-121. Stormwater quality permit.

(a) Permit required: It shall be unlawful for any person to conduct any activity resulting in the following total disturbed area without first obtaining a Stormwater Quality Permit:

(1) One (1) acre or more.

(2) Less than one (1) acre if such activities are part of a larger common plan of development, even though multiple, separate and distinct land development activities may take place at different times on different schedules.

(3) The Town may also require a Stormwater Quality Permit regardless of the size of the total disturbed area in conjunction with approval of a final subdivision plat, special use permit or site development plan, or if the construction activities are adjacent to a watercourse or wetlands.

(b) Exemptions: The following activities are exempt from this Chapter: agricultural land management activities.

(c) Permit application: Applications for Stormwater Quality Permits shall be filed on a form prescribed by the Town.

(1) In support of the application, the applicant shall submit all information required on the Town's form and any additional information requested by the Town.

(2) The application shall be signed by all persons responsible for compliance with the permit throughout the permit's validity.

(3) The application shall include documentation of an application for a CDPHE Stormwater General Permit for construction activities.

(d) Permit approval required: Construction activities may not proceed until permit approval is received from the Town.

(e) Permit issuance/denial: The Town shall, within thirty (30) working days of its receipt of a completed Stormwater Quality Permit application, either issue or deny a permit. The permit may be denied if the applicant fails to provide the information required by this Section. If a permit is denied, the applicant shall be notified in writing of the grounds for denial and of the corrective actions that must be taken to obtain a permit. An applicant may appeal the denial and the corrective actions that must be taken to obtain a permit. An applicant may appeal the denial in writing to the Operations Director no later than thirty (30) calendar days from the date of issuance of denial. The appeal must set forth the grounds for the appeal and include any documents in support of the applicant's appeal. The Board of Trustees shall, within thirty (30) calendar days of receipt of an appeal, rule on the matter based solely upon review of the application, denial, appeal and all documents related thereto. The parties shall receive written notice of the Board of Trustees' decision.

(f) Permit fees: Fees for any permit required by this Chapter shall be established from time to time by resolution of the Board of Trustees, and no permit shall be issued until and unless the fee has been paid. (Ord. 2-2011, §4)

Sec. 13-122. Construction Stormwater Management Plan.

(a) Preparation of SWMP: The SWMP shall be prepared in accordance with the engineering, hydrologic and pollution control practices outlined in the Town's current standards and specifications for design and construction of public improvements.

(b) SWMP required on site: The owner or his or her representative will be required to have the approved SWMP on site at all times and shall be prepared to respond to maintenance of specific BMPs.

(c) Inspection of BMPs: The owner or his or her representative shall inspect all BMPs at least every fourteen (14) days and within twenty-four (24) hours after any precipitation or snowmelt event that causes surface runoff.

(d) Maintenance of BMPs: BMPs shall be continuously maintained in operating condition and repaired immediately when damaged.

(e) Minor modifications to SWMP: Based on inspections performed by the owner or by Town personnel, minor modifications to the SWMP will be necessary if at any time the specified BMPs do not meet the objectives of this Chapter or equivalent or better BMPs are implemented. All minor modifications shall be implemented immediately and recorded on the owner's copy of the SWMP which shall be located on site at all times. The modified SWMP shall be made available to Town personnel during inspections.

(f) Records of inspection: Records of inspection are to be maintained on site with the SWMP and are to be available to the Town inspector upon request. (Ord. 2-2011, §4)

Sec. 13-123. Technical standards and specifications.

All BMPs designed to meet the requirements of this Chapter shall comply with the following technical standards:

(1) "Urban Drainage And Flood Control District's Urban Storm Drainage Criteria Manual," Volume 3, BMP or its successor.

(2) Any other alternative methodology approved by the Town which is demonstrated to be effective. (Ord. 2-2011, §4)

Sec. 13-124. Postconstruction requirement of permanent BMPs.

(a) Permanent BMPs: Land development, for both private and public projects, that meets the requirements of this Chapter must address stormwater runoff quality through the use of permanent BMPs which shall be maintained in perpetuity.

(1) Treatment BMPs, such as inlet inserts, bioretention, grass swales and buffers, extended detention basins, sand filters, permeable pavement, constructed wetland ponds and channels and underground BMPs located on private property shall be owned and operated by the owners of the property on which the BMP is located, unless the Town, in its sole discretion, requires the owner of the property or a person other than the owner who owns or operates such BMP to convey the BMP to the Town in fee simple.

(2) Nontreatment BMPs, such as site operations, employee training and site planning incorporating low-impact development techniques to address stormwater quality, shall be implemented in perpetuity.

(3) As a condition of approval of the BMP, the owner of a private project shall also agree to maintain the BMP to its design capacity unless or until the Town relieves the property owner of that responsibility in writing. The obligation to maintain the BMP shall be memorialized on the subdivision plat, annexation plat, development agreement or other instrument, or in a form acceptable to the Town, and shall be recorded in the office of the County Clerk and Recorder.

(b) Certification of permanent BMPs: Upon completion of a project and before construction acceptance and/or a certificate of occupancy shall be granted, the Town shall be provided with a written certification stating that the completed project is in compliance with the approved final drainage plan. All applicants are required to submit "as-built" plans for any permanent BMP after final construction is completed, and the plans must be certified by a Colorado licensed professional engineer. A final inspection by the Town is required before the release of any performance securities can occur.

(c) Ongoing inspection and maintenance of permanent BMPs:

(1) Maintenance agreements: The owner of a site with privately maintained BMPs must execute an agreement addressing maintenance of BMPs that shall be binding on all subsequent owners of the permanent BMPs.

(2) Publicly owned permanent BMPs: Publicly owned or maintained permanent BMPs shall be subject to ongoing inspection to ensure that the BMPs are functioning properly.

(3) Long-term inspection of permanent BMPs: Permanent BMPs included in a final drainage plan must undergo ongoing inspections to document maintenance and repair needs and to ensure compliance with the requirements of the agreement, the plan and this Chapter.

(d) Existing BMPs:

(1) Existing BMPs: Upon review of a Land Development Submittal, if the Submittal demonstrates that existing permanent BMPs are in place to address water quality treatment for the site, no additional BMPs will be required.

(2) Existing site conditions: Upon review of a Land Development Submittal, if the Submittal demonstrates that existing vegetative buffers or other existing site features provide adequate treatment for the proposed development, no additional BMPs will be required. (Ord. 2-2011, §4)

Sec. 13-125. Financial security.

(a) As a condition for the issuance of a Stormwater Quality Permit, applicants shall be required to provide security in the form of an irrevocable letter of credit. The amount of the security shall be based upon one hundred fifteen percent (115%) of the estimated cost of the work required to ensure compliance with the permit's terms and conditions and requirements of this Chapter. After the issuance of construction acceptance, the letter of credit shall be released.

(b) If the permittee does not successfully complete all required work or violates any requirement of the permit or this Chapter, the Town may take corrective measures and charge the cost of such to the permittee. Such costs shall include the actual cost of any work deemed necessary by the Town plus reasonable administrative and inspection costs and penalties. If the total of such costs exceeds the security, the permittee shall be responsible for payment of the remaining balance within thirty (30) calendar days of receipt of an accounting of such from the Town. (Ord. 2-2011, §4)

Sec. 13-126. Enforcement and penalties.

(a) Violation: It is unlawful for any person to violate any provision or fail to comply with any of the requirements of this Chapter. Any person who violates any of the provisions of this Chapter shall be subject to one (1) or more of the enforcement actions outlined in this Section.

(b) Enforcement: All authorized personnel under the supervision of the Operations Director or Director shall have the power to conduct inspections, give verbal direction, issue notices of violations and implement other enforcement actions under this Section. One (1) or more of the following actions may be taken: verbal warning; written compliance order or revocation of permits; denial of further review or future inspections and/or permit; stop work order; and hiring a private contractor and/or Town crew to perform the required work.

(c) Determination of violation: Whenever the Director has cause to believe that there exists or potentially exists, in or upon any premises, any condition which constitutes a violation of this Chapter, the Director shall have the right to enter the premises at any reasonable time to determine if there exists an actual or potential violation of the requirements of this Chapter. In the event that the owner or occupant refuses entry after a request to enter has been made, the Town is hereby empowered to seek assistance from a court of competent jurisdiction in obtaining such entry.

(d) Abatement: In the event the violation constitutes an immediate danger to public health or public safety, the Director is authorized to enter upon the subject private property, without giving prior notice, to take any and all measures necessary to abate the violation and/or restore the property.

(e) Cost of abatement of the violation:

(1) If the Town abates a violation, then within ten (10) days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs, by personal delivery or by mail to the last known address of the owner as shown in the records of the County Assessor. The notice shall be effective upon the date of mailing or personal delivery. The property owner may file a written protest objecting to the amount of the assessment within ten (10) days of the effective date of the notice.

(2) If no protest is filed, then the charges shall become due and payable on the date set forth in the notice, which date shall be after the expiration of the time in which to file an appeal, and such charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment.

(3) In the event a protest is filed, a hearing on such protest shall be held before the Board of Trustees within fifteen (15) days from the date of receipt of the written protest. If any charges are upheld upon completion of such hearing, then such charges shall become due and payable ten (10) days after the issuance of the order upon such protest and, if not timely paid, such charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment.

(4) If the amount due is not paid within ten (10) days of the decision of the Board of Trustees or the expiration of the time in which to file an appeal under this Section, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment. The assessment shall be certified by the Town Clerk to the Office of the County Clerk and Recorder for collection in the same manner as the collection of general property taxes.

(f) Stop work order: Whenever the Director determines that any activity is occurring which is not in compliance with the requirements of this Chapter, the Director can order the activity stopped upon service of written notice upon the responsible owner and/or operator. The owner and/or operator shall immediately stop all activity until authorized in writing by the Town to proceed. If the owner and/or operator cannot be located, the notice to stop shall be posted in a conspicuous place upon the area where the activity is occurring and shall state the nature of the violation. It shall be unlawful for any owner and/or operator to fail to comply with a stop work order.

(g) Penalties; enforcement costs: It is unlawful and an offense for any person to violate or permit or cause violation of this Chapter or of the provisions of any discharge permit issued under this Chapter. Violators shall be punishable as provided in Section 1-71 of this Code. Each day or part of a day any violation occurs or continues is a separate offense.

(h) Violations deemed a public nuisance: Any condition caused or permitted to exist in violation of any of the provisions of this Chapter is a threat to public health, safety and welfare and is declared and deemed a public nuisance. Any court of competent jurisdiction shall enjoin violations of this Chapter upon proof of such violations.

(i) Remedies not exclusive: Except as expressly provided above, the remedies in this Chapter are cumulative and the exercise of any one (1) or more remedies shall not prejudice any other remedies that may otherwise be pursued for a violation of this Chapter. The remedies listed in this Chapter are not exclusive of any other remedies available under any applicable federal, state or local law, and it is within the discretion of the authorized enforcement agency to seek cumulative remedies. (Ord. 2-2011, §4)

Secs. 13-127—13-130. Reserved.

ARTICLE VI

Nonpotable Water System Regulations

Division 1 General Provisions

Sec. 13-131. Nonpotable water systems.

Nonpotable water systems designed for providing untreated, nonpotable water to Town utility service customers shall exist as water production, treatment and distribution systems, separate and apart from the Town's treated, potable water system. The Town shall provide nonpotable water as a utility service to customers within areas designated by the Board as nonpotable water service areas, as such areas are designated by resolution of the Board from time to time. All provisions of Article I of this Chapter concerning utility service, as such is defined in Section 13-2 therein, shall apply to the operation of the Town's nonpotable water systems. (Ord. 2-2004 § 3)

Sec. 13-132. Ownership of facilities.

All existing and future wells, reservoirs, pumps, controllers, valves, main lines and treatment works connected with and forming an integral part of the nonpotable water system shall become and are the property of the Town, unless any contract with a developer or nonpotable water user specifically and expressly provides otherwise. Said ownership will remain valid, whether the wells, reservoirs, pumps, controllers, valves, main lines and treatment works are constructed, financed, paid for or otherwise acquired by the Town or by other persons. (Ord. 2-2004, § 3)

Sec. 13-133. Responsibility of Town.

For all nonpotable water service areas designated by the Board, the Town shall own and be responsible for the maintenance of the raw water delivery structures, including but not limited to wells, reservoirs, pumps, controllers, valves, main lines and irrigation water service lines up to the curb stop valve. The nonpotable water user is responsible for the maintenance of the remaining portion of the service line and appurtenances serving his or her property. (Ord. 2-2004, § 3)

Sec. 13-134. Liability of Town.

It is expressly stipulated that no claim for damage shall be made against the Town by reason of the following: breakage of main lines; interruption of water service and the conditions resulting therefrom; breaking of any service line, pipe, clock or meter; failure of the water supply; shutting off or turning on water; making of connections or extensions; damage caused by water running or escaping from open or defective sprinkler system fixtures; burst service lines or other facilities not owned by the Town; damage to sprinkler systems, appliances or other apparatuses, devices or equipment used for irrigation of property, resulting from shutting water off or turning it on, or from inadequate, excessive or sporadic pressures or doing anything to the Town's system deemed necessary by the Board or its agents. (Ord. 2-2004, § 3)

Sec. 13-135. Rights and authority.

The Town shall have no responsibility for notification to customers of any of the foregoing conditions. The Town reserves the right to discontinue, temporarily, service to any property at any time, for any reason deemed necessary or appropriate. The Town shall have the right to revoke service to any property for violations of these nonpotable water system regulations in accordance with the procedures set in this Article. (Ord. 2-2004, § 3)

Sec. 13-136. Modification, waiver and suspension of rules.

The Board or the Director of Public Works, acting on instructions of the Board, shall have the sole authority to waive, suspend or modify these nonpotable water system regulations, and any such waiver, suspension or modification must be in writing, signed by the Board or the Director of Public Works. Such waiver shall not be deemed an amendment of these nonpotable water system regulations. No waiver will be deemed a continuing waiver. (Ord. 2-2004, § 3)

Sec. 13-137. Connections to nonpotable water system.

For all areas designated by the Board, all irrigation by the use of nonpotable water supplied by the Town shall be through the Town's nonpotable water systems.

- (1) Developer-installed systems. In newly developing areas of the Town that are governed by a development agreement between the Town and the developer that contemplates the installation of a nonpotable irrigation system, the developer shall install the system and shall provide connection to the system for every initial user within the subject development. Thereafter, connections to the system shall be made in accordance with Paragraph (2) below. Connections made by the developer shall conform to the use and service limits described herein.

(2) Application. Any person who wishes to connect onto the Town's nonpotable water systems or use water therefrom must first make written application to the Town Clerk. No connection or use of water shall be made until the application is approved, applicable fees paid and the provisions of this Chapter otherwise complied with.

(3) Service connections. The maximum size of a water service shall be based on the number of nonpotable equivalent residential units (NPEQR) to be served by the tap. One (1) NPEQR shall be defined as the amount of annual water demand associated with five thousand one hundred seventy-one (5,171) square feet of lawn, garden and landscaped area and shall be equal to one hundred thousand (100,000) gallons. Tap sizes and the amount of water available therefrom shall be determined as follows.

<i>Number of NPEQRs</i>	<i>Maximum tap size in inches</i>
1	¾
2	1¼
3—4	1½
Greater than 4	To be engineered and approved by the Town

(4) Construction of service lines. All service lines and appurtenances from the mainline to the lot served shall be installed by and at the expense of the property owner. Service lines and facilities shall be located entirely within a public right-of-way, easement or the licensee's property. Service lines must meet state and local standards and regulations, including nonpotable color, unless otherwise stipulated. Service lines may not cross properties other than the property served without approval of the Board and a written perpetual easement granted in favor of the Town and the served property by the servient estate property owner.

(5) Ownership and maintenance of service lines. All facilities and appurtenances from the main line to the curb stop valve shall be located in a dedicated right-of-way or easement and shall be the property of, and maintained by, the Town. That portion of the service line from the curb stop valve to the lot served, excluding any meter facilities, shall be the property of, and maintained by, the property owner.

(6) Cross-connection prohibited. No person shall make, install, maintain or permit any cross-connection between the Town's nonpotable water systems and any other water or sewer system. The Director of Public Works may require backflow prevention devices where necessary to prohibit contamination of the Town' nonpotable water systems and other water and sewer systems.

(7) Safety devices. Each person having sprinkler systems, appliances, apparatuses and/or other devices on his or her premises for irrigation, depending on pressure or water in pipes or on a continual supply of water, shall provide, at his or her own expense, suitable safety devices to protect himself or herself and his or her property against a stoppage of water supply 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.

(8) Pressure-reducing valve ("PRV"). A PRV may be installed in service lines immediately upstream from the irrigation water meter, ensuring that the irrigation water meter and any

sprinkler or other type of irrigation system are protected from fluctuating water main delivery pressures. The pressure setting of the PRV shall not exceed 150 psi without written permission from the Town. (Ord. 2-2004, § 3)

Secs. 13-138—13-140. Reserved.

*Division 2
Water Regulations*

Sec. 13-141. Developer-installed systems.

(a) The Board shall designate, in its sole discretion, whether a water use under a nonpotable system may be monitored through a master meter, individual meters or a combination of the two (2). In all cases, the Town shall own the meters and the properties served by such meter shall be responsible for the costs of maintenance and replacement of such meters.

(b) Required. No person shall connect to, receive or use water from the Town's nonpotable water systems for any purpose except where water is used and measured through a meter as provided in this Division. Failure to install or maintain a water meter or otherwise comply with the requirements of this Division shall be grounds to discontinue water service. Unless otherwise provided by resolution or ordinance of the Board, a separate minimum service charge shall be imposed on each meter. (Ord. 2-2004, § 3)

Sec. 13-142. Master meters.

If authorized by the Board, nonpotable irrigation water can be measured at one (1) or more master meters designed to measure water delivered in bulk before distribution to numerous separate taps, service lines and curb stop valves serving individual properties or groups of properties. The use of such master meters shall be allowed only by specific authorization by the Board. (Ord. 2-2004, § 3)

Sec. 13-143. Individual meters.

(a) New or increased service. For any new connection or increase in the NPEQR rating for existing or new connections on or after July 1, 2003, a water meter shall be installed or enlarged at the property owner's sole cost prior to the commencement of new or increased service. Failure to install or enlarge a meter shall be grounds to discontinue service.

(b) Installation standards. All water meters and associated appurtenances shall be of a type, size and design and installed according to standards established by the Board, and shall be subject to inspection by the Town prior to service activation.

(c) Location. All meters shall be located within a meter pit at or near the property boundary of the lot being served or as otherwise directed by the Director of Public Works. All meters shall be equipped to allow remote reading by equipment in use by the Town at the time the meter is installed.

(d) Location appeals. Any decision of the Director of Public Works regarding location of meters may be appealed in writing to the Board.

(e) Location waivers. Upon written application filed with the Town Clerk, the Board, in its sole discretion, may waive the requirement that meters be installed at or near the lot boundary whenever the applicant can demonstrate, in the Board of Trustee's sole discretion, that the desired location would not disproportionately increase operation and maintenance costs of the Town.

(f) Ownership. Each and every water meter installed pursuant to this Section shall become and remain the property of the Town when installed.

(g) Maintenance and repairs. Property owners shall be responsible for cost of repair and replacement costs of any water meter damaged due to any act of negligence of the property owner or water user. The Town shall be responsible for ordinary maintenance of meters and shall repair or replace any water meter which is defective or inoperable due to no fault of the property owner or water user. Water customers shall promptly notify the Town or any defective or inoperable meter.

(h) Sprinkler systems. All sprinkler irrigation systems installed after July 1, 2003, shall be connected to the service line at a point after it enters the lot being served and on the service side of the meter. If the Board has granted a waiver allowing a variance as to location of the meter, sprinkler irrigating systems may be connected to the service line no less than five (5) feet from and on the service side of the meter.

(i) Unlawful acts.

(1) It shall be unlawful for any person to alter, obstruct or interfere in any way with the action of any water meter or remote readout installed pursuant to this Division without the knowledge and consent of the Town. Nothing in this Division shall be construed to apply to any licensed electrical or plumbing contractor while performing usual and ordinary services in accordance with recognized customs and standards.

(2) It shall be unlawful for any customer to knowingly use a water meter or remote readout which is underestimating the quantity of water delivered.

(3) It shall be unlawful for any unauthorized person to uncover, use, alter, disturb or make any connection with, or opening onto, the Town's nonpotable water system without first obtaining a tap or a written temporary use license from the Town. Unauthorized uses of or tampering with the Town's nonpotable water systems includes but is not limited to, an unauthorized connection to the system, a change in service or use of property that would result in an increase in NPEQRs served by the system, an unauthorized turn-on or turn-off of nonpotable water service, burying valve boxes and damaging or modifying any nonpotable water meter. (Ord. 2-2004, § 3)

Sec. 13-144. Separate service.

Unless otherwise approved by the Board, separate taps, service lines, curb stop valves and meters are required for all individual businesses and separately owned or conveyed properties, commercial units or residential units, except for condominiums, patio homes or other approved community property configurations. In the event a property owner requests Town approval of the division of such properties into two (2) or more properties, parcels, separate interests or interests in common, the Town may, in its sole discretion, require installation of separate meters for each separate property, parcel or interest; installation of separate taps, service lines, curb stop valves and meters; or

establishment of an association with assessment powers to pay for irrigation water service charges. (Ord. 2-2004, § 3)

Sec. 13-145. Single taps.

Any properties required to be served by a separate tap shall be served by one (1) tap only, unless otherwise approved by the Board. (Ord. 2-2004, § 3)

Sec. 13-146. Lease of raw water.

The Town may, on an annual basis, lease its raw water not needed for providing nonpotable irrigation water service at a price sufficient to pay any assessments or charges imposed on the Town for such raw water at minimum, or at a greater price, in the sole discretion of the Board. (Ord. 2-2004, § 3)

Sec. 13-147. Temporary use permits.

(a) The Town Clerk may issue temporary permits subject to fees and charges as set by the Board for the use of water from the Town's nonpotable water systems for purposes including but not limited to Subsection (b) below.

(b) Permits for the temporary irrigation use of a nonpotable water system distribution point may be issued by the Town Clerk after consulting with the Director of Public Works. Permits shall be valid only for the dates and uses specified, and only for uses for which the Director of Public Works determines nonpotable water is suitable. Temporary use permits for filling tank trucks shall be issued for each truck and shall remain in the truck at all times. Temporary use permits issued for a construction site shall be posted at the site. All temporary uses of water from nonpotable irrigation systems shall be metered and shall be subject to interruption or disconnection by the Town or the Fire Protection District in the case of an emergency. (Ord. 2-2004, § 3)

Sec. 13-148. Fire emergency use restrictions.

During all emergencies for fire suppression, whenever the nonpotable irrigation water system is being used to prevent or suppress fire, uses of nonpotable water that result in constant flow from service line outlets are strictly prohibited. (Ord. 2-2004, § 3)

Sec. 13-149. Waste restrictions.

Water shall be used only for beneficial purposes and never wasted. All irrigation systems and outlets may be used only for the use for which they were intended and must be kept in good repair and closed when not in use. The escape of water from the premises upon which water is being utilized, including the escape of irrigation water, shall be prima facie evidence of wasting water. (Ord. 2-2004, § 3)

Sec. 13-150. Water use restrictions.

In case of water shortage, whether arising from drought, mechanical problems or other causes, the Board may, by resolution, place any restrictions which it deems necessary upon the use of water in

accordance with the staged water restriction program in Section 13-40 of this Chapter. (Ord. 2-2004, § 3)

Sec. 13-151. Violation of waste and use restrictions.

Nonpotable water service may be discontinued to any user who wastes water or violates regulations regarding the use of nonpotable water. Such service shall not be restored until the cause of waste has been corrected or the violation abated and all fines and fees paid. An administrative fine of twenty-five dollars (\$25.00) may be imposed by the Director of Public Works for each incident of waste or violation of use regulations. (Ord. 2-2004, § 3)

Sec. 13-152. Inspections.

Any authorized representative of the Town shall have the right to enter any premises where Town nonpotable water is used for the purpose of inspecting, maintaining or repairing pipes, meters or appliances, and to detect and eliminate any violation of this Chapter. (Ord. 2-2004, § 3)

Sec. 13-153. Nonpotable water service charges.

The Board shall, by resolution, set the amount of service charges imposed upon individually metered, master metered and unmetered water service. (Ord. 2-2004, § 3)

Sec. 13-154. Nonpotable water tap fees.

(a) New connections. For the privilege of connecting onto the Town's nonpotable water systems, property owners shall pay a tap fee set by resolution of the Board.

(b) Additional fees may be required at any time prior to altering a property or its use that would cause an increase in the number to NPEQR units associated with the use of nonpotable water on the property. (Ord. 2-2004, § 3)

Sec. 13-155. Assessments.

The Town may make assessments against the users of the nonpotable irrigation system as necessary to fund major replacements or improvements to the nonpotable water systems, or to acquire water or otherwise establish augmentation of depletions caused by operation of the Town's nonpotable water systems, as the Board determines. Assessments may be assessed against the user under one (1) particular system or against all users of nonpotable water under any of the Town's nonpotable systems. (Ord. 2-2004, § 3)

Sec. 13-156. Irrigation wells.

Nothing in this Chapter shall be deemed as a prohibition against the use of private water wells for irrigation, provided that irrigation systems using private wells shall not be connected to the Town's nonpotable water systems, and provided that such private wells operate legally in compliance with a court-approved augmentation plan or under authority of the Office of the State Engineer. It is recommended that property owners utilizing private wells for irrigation post signs that indicate the use of a private well. (Ord. 2-2004, § 3)

Secs. 13-157—13-165. Reserved.