

## **TITLE 9 UTILITIES AND SERVICES**

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### **CHAPTER 9.01 WATER AND WASTEWATER TREATMENT SYSTEM–GENERAL PROVISIONS**

9.01.010    Responsibility of Town Administrator. The Town Administrator shall be responsible for the management of the water and wastewater treatment systems of the Town and all of the property appertaining thereto. He or she shall see that such systems and such property are kept in good working order and repair. He or she shall ensure proper compliance with all local, state and federal regulations for the collection, transmission, treatment and distribution of water and wastewater and shall perform all other duties in connection with such systems as may be required of him or her by the Board of Trustees.

9.01.020    Adoption of rules and regulations. The Town Administrator may adopt regulations governing standards and requirements for installation, construction, maintenance, repair or replacement of property appertaining to the water and wastewater treatment systems, standards, requirements for providing and administering water and wastewater treatment services to the public, and standards and requirements for ensuring the potable and palatable quality of water. In establishing such rules and regulations, the Town Administrator shall seek to provide for the safe and efficient operation of the water supply and wastewater treatment systems, for a

water supply sufficient to satisfy the public needs and for water quality by protecting the water supply and the public from polluting or unsanitary substances and conditions.

9.01.030      Application for service.

- (a) Any person desiring to connect a service line to the water supply or wastewater treatment system of the Town shall make application to the Town Clerk. The application for service shall be supplemented by any plans, specifications or other information deemed necessary by the Town Administrator to determine compliance with all ordinances, regulations or rules concerning the water or water treatment system. The Town Administrator shall review and approve or disapprove the application as complying or failing to comply with all ordinances, regulations or rules concerning the water or wastewater treatment system of the Town. Prior to approval by the Town Administrator of such application, all applicable fees and charges shall be paid. Notwithstanding the payment of any fees pursuant to the provisions of this Chapter, tap connections to the Town water or wastewater treatment system shall at all times be subject to availability.
- (b) No premises shall be supplied with water or wastewater from the Town's systems unless the same is designated by street address and such number placed and maintained conspicuously thereon.
- (c) When a request is submitted for temporary service for construction purposes, the Town, or the contractor at the Town's direction, shall disconnect the premises from the water supply system upon completion of construction, and the Town shall be notified to reconnect the premises to the water supply system for the first customer.

9.01.040      Service outside of Town.

- (a) It is the policy of the Town to decline to extend water or wastewater treatment service to property lying outside the corporate limits of the Town, unless: (1) the lack of municipal services creates a real hardship upon the owner of the property; (2) the property is capable of being annexed to the Town within a reasonable time, as determined by the Board of Trustees; and (3) the owners, for themselves, their successors and assigns, sign a binding agreement to annex the property to the Town at such time as it becomes eligible for annexation. The Town expressly reserves the right, as may be limited by state or federal law, to impose such conditions as it may see fit relative to the furnishing of such service and to refuse such service in its discretion.

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

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

## **CHAPTER 9.02 WATER-SERVICE LINE CONNECTIONS**

9.02.010      Definitions. Unless the context specifically indicates otherwise, the following terms, as used in this Title 9, shall have the meanings hereinafter designated:

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

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

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

*Service line* means the water line extending from the water user's structure up to the tap on the Town's distribution main.

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

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

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

*Water supply system or water system* means:

- (a) Any and all rights, property and obligations of the Town concerning water and water supply facilities;
- (b) Any and all devices, facilities, structures, equipment or works owned or used by the Town for the purpose of the collection, storage, transmission, treatment, regulation or distribution of potable water, including distribution mains, pumping facilities, metering facilities, pressure regulation facilities and their appurtenances, and excluding service lines;
- (c) Any and all standby or contingency equipment, facilities or material which may be necessary to provide reliable water service;
- (d) Any and all devices, facilities, structures, equipment or works owned or used by the Town for the purpose of the transmission, storage, treatment or distribution of water, including water treatment plants, pumping facilities, reservoirs, transmission lines and their appurtenances;
- (e) Any and all land or sites owned or used by the Town for the purpose of providing water to users, including streams or other waters which contribute to the water supply of the Town; any area in or along such waters or within five (5) miles upgrade of any point from which water is taken by the Town ; and any and all watershed areas; and
- (f) Any and all extensions, improvements, additions, alterations or remodeling thereof.

9.02.020      Connection required. The owner of any house, building or other structure used for business or residence purposes or otherwise using water, situated within the Town and abutting any street, alley or right-of-way in which there is now located or may in the future be located a water distribution main of the Town, is required at such owner's expense to connect such structure directly with the distribution main by means of a service line in accordance with

the provisions of this Chapter. The point or points at which connection is made to the distribution main shall be determined by the Public Works Manager or the Town Administrator.

9.02.030      Exception to connection requirement.

- (a)            Connection to the water supply system of the Town shall not be required for any property which is served by an existing well or other water supply system, which system is approved by the Public Works Manager and which system serves said property in substantially the same manner as it would be served by the water supply system of the Town.
  
- (b)            This Section shall apply solely to property served by an existing well or other water supply system prior to connection to the water supply system of the Town, and shall not be construed to permit any person already connected to the water supply system of the Town, whose property may subsequently be served by a well or other water supply system, to disconnect from the water supply system of the Town.

9.02.040      Connection required; violation. It shall be unlawful for any person who owns any house, building or other structure occupied for business or residence purposes and situated within the Town to fail to connect such structure to the water supply system in accordance with the requirements of this Chapter.

9.02.050      Connection permit. No connection to the water supply system of the Town shall be made without first obtaining a permit therefore which shall be issued to a plumbing contractor in the Town.

9.02.060      Unauthorized connections prohibited. It shall be unlawful for any unauthorized person to uncover, make any connection with or opening into, use, alter or disturb any distribution main or appurtenance thereof without first obtaining written permission from the Town Administrator. Any such connection shall be made in compliance with the provisions of this Chapter.

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

9.02.080      Excavations for installation. All excavations for water service installation or repair shall be performed in accordance with this Code, the rules and regulations promulgated hereunder and applicable safety standards, including any requirements as to barricades and lights. Streets, sidewalks, parkways and other public property disturbed in the course of work shall be restored in a manner satisfactory to the Public Works Department.

9.02.090      Separate service line for each structure; exceptions

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

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

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

(b)            The Town does not assume any obligation nor acquire any liability for damage to the connecting property or any portion thereof caused by or resulting from any such connection to the water supply system.

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

9.02.110      Standards for service lines.

- (a) All service lines for connection to the water supply system of the Town shall be installed in accordance with the provisions of this Chapter and of the standard specifications approved and adopted by the Town.
- (b) The applicant for service shall be responsible for all costs for tapping onto the Town distribution main, for all pipe and fittings, and for the installation of the curb stop and curb box.
- (c) The applicant for water service shall be required, at his or her expense, to install a pressure-reducing valve or regulating device acceptable to the Town, if required by the Town Administrator.
- (d) All service lines and pipes appurtenant thereto which are laid in streets, alleys or other public grounds shall be of type "K" copper.
- (e) All service lines shall be laid at such depth that the top of any such line throughout its length is not less than five (5) feet below the finished surface of the ground.
- (f) All service lines for new construction shall be connected to a curb stop so that water may be shut off from the service line at any time. Such curb stop shall be of a type approved by the Town, and shall be protected by an adjustable iron box or cylinder of a type approved by the Town and paid for by the applicant for water service. The top of said curb stop box shall be level with the surface of the ground.

9.02.120 Maintenance of service line. Responsibility for the maintenance and repair of the service line and appurtenances thereto, from and including the connection from the water meter to the premises served, shall be borne by the owner of such premises. The owner of the premises shall at all times maintain the visibility of any curb box and shall not bury it or make it otherwise inaccessible. The owner shall keep all pipes and fixtures on his or her premises in good repair so as to prevent waste of water. The owner must secure all required permits for construction purposes and shall be responsible for returning the public right-of-way and the street to acceptable Town standards. Where more than one (1) structure is connected to a single service line, the owners of the respective premises shall be jointly and severally responsible for maintenance and repair of the service line. (*Ord. 08, Series 2008*)

9.02.130 Water shut off by Town. Except in the event of a bona fide emergency, no person, other than an employee of the Town, shall shut off the water supply system at the meter

tap or curb stop, as applicable. In the event of such an emergency disconnection, the owner or customer shall notify the Town within twelve (12) hours of the disconnection.

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

9.02.150      Conditions for use of existing lines. Existing service lines and/or distribution mains may be used in connection with new buildings only when they are found by the Town Administrator to meet all requirements of this Chapter.

9.02.160      Disconnection.

- (a)            For the purposes of this Section, customer means the person designated on Town records as the person responsible for payment of charges incurred for the use at his or her premises of the water supply system of the Town.
- (b)            The Town shall disconnect the service line of any premises at the meter, corporation stop or curb stop, as applicable, upon request of the customer. Corporation stops, curb stops, and curb boxes are the property of the Town and shall be removed only by order of the Board of Trustees.
- (c)            In the event that the premises of a customer are disconnected from the water supply system of the Town, the customer shall be responsible for all costs of such disconnection. Thereafter, reconnection requires payment of all applicable connection charges (including tap fees), installation costs and all other rates, charges, tolls, fees and assessments due pursuant to this Chapter. In no event shall taps serving the premises of any customer be transferred to another premises.



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

9.02.170      Abandonment of service line. In the event a previously used or purchased service line is not used for a continuous period of five (5) years or more, such service line shall be deemed abandoned. However, no service line shall be deemed abandoned if all minimum charges due pursuant to Section 9.03.010(f) below are paid when due, irrespective of whether the premises served are occupied, and irrespective of whether water service is being used or has been turned off pursuant to the customer's request. When a service line is deemed abandoned, the Town shall have no further obligation to provide water to that service line, except upon reapplication for a connection permit and payment of all applicable fees (including tap fees), installation costs, any accrued but unpaid minimum charges due pursuant to Section 9.03.010(f) below, and all other rates, charges, tolls, fees and assessments due pursuant to this Chapter. In the event a customer has physically disconnected the service line for a period of less than five (5) years, and therefore has not paid minimum service charges for the period of disconnection, the cost of reconnection shall include minimum service charges for each month the line was disconnected. Further, when a service line is deemed abandoned, the Town may in its discretion shut off service to the property or physically disconnect the line from the Town water system.

9.02.180      Cost of water facilities.

- (a) A property owner or developer shall be responsible for the cost and construction of all water distribution mains, up to and including twelve (12) inches in diameter, and the appurtenances thereto, including any required fire hydrants necessary to serve the property or development upon approval by the Town of the plans and specifications of such facilities and appurtenances. The Town shall inspect and approve the actual construction prior to connection of such facilities. When an owner or developer finds it necessary to construct water supply and distribution facilities through or adjacent to unserved or undeveloped lands, such owner or developer shall pay the entire cost of such facilities.
- (b) In the event that water pumping facilities are required, the cost of such facilities and of the engineering needed shall be the responsibility of the owner or developer of the property served. Where it appears that more area or lands may be served by the water pumping facilities, the Town may require a greater pumping capacity than necessary to service the initial development.

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

9.02.200     Charges for activation of meter. The Town may charge a fee for activating or installing a meter which shall apply in all instances in which the Town turns on a meter, including but not limited to meter activations at the request of a customer, as a result of resumption of service after termination, abandonment or reconnection, and for new service. This fee does not include costs incurred by the Town for any excavation, staff time or materials required as part of such meter activation, which costs shall be paid by the customer.

### **CHAPTER 9.03 WATER FEES AND CHARGES**

9.03.010     Computation of rates and charges.

(a) All classes of water users whether located within **or outside** the corporate Town limits shall pay the following standard monthly water service fees:

- (1) Flat fee:                             \$32.35/unit, up to 7,500 gallons of monthly water use per unit.
- (2) Additional fees:                   \$4.00/1,000 gallons or part thereof, of water use/month over 7,500 gallons per unit.
- (3) Availability of service fee:     \$6.75

(b) Variable rates/other fees:

- (1) Outside corporate limits:     \$12.00 surcharge per unit per month (Note: each out of town unit shall only be charged one (1) surcharge whether it receives water, sewer or water and sewer service)
- (2) Bulk water sales:                 \$12.00/1,000 gallons

- (c) Rates for multi-family units and any other units on a master meter shall be based upon the number of constructed units, irrespective of whether each unit is occupied. Further, rates for mobile home units on a master meter shall be based upon the number of mobile home spaces platted or licensed, whichever is greater, irrespective of whether each space is occupied.
- (d) The availability of service fee described above shall be billed for each parcel of land where water taps have been provided and are in a non-use status. The availability of service fee shall be in addition to all other charges, tap fees, and taxes, if any.
- (e) Bulk water sales are subject to the Town's determination, in its sole discretion, that water is available for such sale. The Town may make bulk sales of water for use inside or outside the Town at the rate set forth above. The place, time and manner of bulk sales shall be as established by the Town Administrator. Nothing herein shall obligate the Town to make any bulk sale of water, and the Town shall have the right, in its sole discretion, to terminate any commitment or obligation for a bulk sale of water.
- (f) All minimum charges established under this Chapter shall be assessed and become due and payable, irrespective of whether the premises served are occupied and irrespective of whether water service is being used or has been turned off pursuant to the customer's request or because of nonpayment of rates, tolls, fees, charges or assessments. Minimum charges shall not be assessed in the event the service line serving the premises is physically disconnected from the Town water system. Thereafter, reconnection requires payment of all applicable connection.
- (g) Statements for service charges will be directed to the owner of the premises served rather than the occupant. When a customer receives service for a number of units through one (1) meter, the Town shall send only one (1) bill to the customer for the service measured by that meter. In no event shall the Town bill the owners of individual units within a multiple-unit building unless service to each unit is metered separately.
- (h) The Town shall require as a condition of commencing water and/or sewer service, either singly or in any combination, a cash deposit of one hundred dollars (\$100) as security for billing rendered. For the time the deposit is with the Town and the utility connection maintained, interest will be credited to the depositor based on the rate set by the Colorado Public Utilities Commission for customer utility

deposits, or in the absence of such determination, by the Town Manager and based on the average interest earnings obtained by the Town on its investments. If over any period of twenty-four (24) consecutive months, a review of the customer's account shows that no more than four (4) monthly billings have been paid after the due date and that utility services have not been shut-off for non-payment of a billing, the deposit with accrued interest shall be returned to the customer. In case of a shut-off of a utility service for non-payment of a billing to a customer to whom a deposit has been returned or to an existing customer who was not subject to requirement initially, service shall not be restored until a new deposit is paid to the Town in the same amount and in the same manner as if the customer was new. The deposit may be credited to the customer's account in case of non-payment of utility bills or discontinuance of service. (*Ord. 02. Series 2010*)

- (i) All charges for water as provided for in this chapter must be paid to the Town. Billings will occur on a monthly schedule with the due date included on the statement. Payments are considered late if received after the due date printed the month of the billing. If payment is not received by the due date, late charges will be added at the rate of 1.5% of the unpaid balance at the time of the next billing. (*Ord. 02. Series 2010*)

9.03.020      Collection, perpetual lien.

- (a) All rates, charges, tolls, fees and assessments for Town water and sewer service shall be paid by the owner of the premises served. The Town shall not be bound by any agreement between an owner and occupant concerning water or sewer service payments, irrespective of whether the Town has been notified of the agreement. Until paid, all water and sewer rates, charges, tolls, fees and assessments shall become and remain a first and perpetual lien on or against the premises served. This lien on the premises may be foreclosed by an action at law or in equity in the name of the Town in any court having jurisdiction thereof. The Town shall have the right to collect from any customer delinquent on his or her account all legal, court and other costs necessary or incidental to collection of any delinquent amount, including reasonable attorneys' fees, filing fees and recording costs.
- (b) In the event any rates, charges, tolls, fees and assessments are not paid when due, the Town Treasurer may certify the amount to the County Treasurer to be placed on the tax list for the current year and to be collected in the same manner as other

taxes are collected, with eighteen percent (18%) added to defray the costs of collection. All laws of the State for the assessment and collection of general taxes, including the laws for the sale of property for taxes and redemption of the same, shall apply.

9.03.030 Delinquency notice and charge; revocation of service. If any rates, charges, tolls, fees or assessments for Town water or sewer service remain unpaid after their due date, the amount shall be considered delinquent. If any amount is delinquent more than thirty (30) days from the initial statement date, then, subject to the notice and hearing requirements of Section 9.03.040, the Town at any time thereafter may give written notice to the owner that water or sewer service, or both, shall be shut off if the delinquent amounts are not paid in full within ten (10) days of the delivery or postmark on the notice. It shall be lawful to post the shut-off notice on the front door of the premises served or mail the shut-off notice by certified mail. The Town shall assess an additional charge for processing and preparation of any delinquency notice provided to an owner. (*Ord. 02. Series 2010*)

9.03.040 Termination of service. In addition to having a first and perpetual lien on the premises served for unpaid water and sewer rates, charges, fees, tolls and assessments, the Town shall have the right to terminate water or sewer service, or both, to the premises served for nonpayment or for failure to comply with any ordinances, rules and regulations of the Town concerning water or sewer service. In the event of such nonpayment or noncompliance with the Town's ordinances, rules and regulations, the owner shall be given written notice of the Town's intent to terminate service. The thirty (30) day shut-off notice shall state that the owner is entitled to a hearing in person before termination of service if so requested in writing prior to the date of termination as specified in Section 9.03.030. The Town may terminate service to the property by turning off, disconnecting or blocking the water and/or sewer lines serving the premises. The Town shall have the right to charge disconnection and reconnection fees equal to actual expenses incurred. (*Ord. 02. Series 2010*)

## **CHAPTER 9.04 WATER USAGE**

9.04.010 Determination of use by Board of Trustees. In order to maintain adequate water pressure and water supply and/or proper water quality, the Board of Trustees may restrict or deny the use of water by any user. Such restrictions may include but shall not be limited to designation of the type and number of uses of water which shall be permitted and/or any other restriction which the Board may deem necessary.

9.04.020 Use restrictions to outside users. Except as otherwise provided by agreement or ordinance, in the event the Board of Trustees determines that use restrictions are

necessary owing to shortages of water caused by dry spells, adverse climatic conditions or other causes, such restrictions may be applied first to users outside the corporate limits of the Town as the Board may direct.

9.04.030      Emergency restrictions imposed by Town Administrator.

- (a)            Notwithstanding any other provision of this Chapter, if the Town Administrator, in the exercise of his or her sole discretion, determines that an emergency event has occurred or is about to occur which is likely to pose a significant threat to the quantity, quality and/or pressure of the water in the Town 's water system, and if the Town Administrator determines that it is not practical to wait for direction from the Board of Trustees as to how to best confront said emergency event, the Town Administrator is authorized to take any action reasonably required in order to confront and abate said emergency, including without limitation:
- (1)            Curtailing water use outside of the Town limits;
  - (2)            Limiting and/or preventing the use of water for outside irrigation or washing of streets, sidewalks, driveways, patios or other concrete surfaces;
  - (3)            Limiting and/or preventing the use of water for the washing of cars, trucks, boats, trailers or other vehicles;
  - (4)            Rationing the availability of water for commercial and/or residential use; and
  - (5)            Any and all other actions determined by the Town Administrator, in the exercise of his or her sole discretion, to be necessary and prudent under the circumstances.
- (b)            Any action taken by the Town Administrator pursuant to this Section shall be reviewed by the Board of Trustees at the next regularly scheduled Council meeting.

9.04.040      Certain uses prohibited. It shall be unlawful for any person to directly or indirectly sell or otherwise dispose of water service furnished by the Town for the use of such person or to do any other act except in accordance with the service application and service contract of such person, in accordance with the ordinances, rules and regulations of the Town or in accordance with specific written permission from the Town Administrator.

9.04.050      Sprinkling hours and restrictions.

- (a)            When, in the opinion of the Town Administrator, there is a shortage of water, the Town Administrator shall have the power to regulate the use of water for sprinkling, irrigation or other purposes which the Town Administrator may deem nonessential. The Town Administrator may, without limitation, set special hours, dates or geographical locations for water restrictions, or may prohibit the use of water entirely for a particular purpose.
- (b)            These restrictions shall be publicized over local news media, including radio and cable television announcements, if available. If the Town Administrator deems the emergency of sufficient duration, the emergency may be advertised in a newspaper of general circulation in the Town.
- (c)            It shall be a municipal misdemeanor for any person to use water in violation of the restrictions imposed under this Section after publication of the notice of restriction, or after the person, his or her agent or employee, has been notified of the restriction by any Town employee. In addition, the Town may terminate service to the property pursuant to Section 9.03.040 above in the event of such violation and shall impose an activation charge prior to resumption of service.

9.04.060      Temporary discontinuance of use.

- (a)            The Town expressly reserves the right to temporarily shut off water from the distribution mains when necessary to repair any portion of the water supply system or to make connections to or extensions of the water supply system. Whenever possible, the Town shall endeavor to give reasonable notice of the proposed interruption of water service to all users potentially affected thereby.
- (b)            In the event the Town determines that a water leak exists beyond the tap, the Town may, at its option, temporarily discontinue service of water to the property. In such event, the Town shall make every effort to notify the owner or occupant of the property of such disconnection, and shall restore the water service when the leak has been corrected.

9.04.070      Unlawful acts. It is unlawful for any person to violate any of the provisions stated or adopted in this Chapter. Any person violating any of the provisions of this Chapter shall be deemed guilty of a misdemeanor, and such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of

this chapter is committed, continued or permitted, and upon conviction of any such violation, such person shall be punished by a fine of not more than One Thousand Dollars (\$1,000.00) or by imprisonment for not more than one (1) year or by both such fine and imprisonment.

## **CHAPTER 9.05 WATER METERS**

### 9.05.010 Meters and submeters required.

- (a) All connections to the Town water supply system shall be by water meter. Such meter shall be capable of measuring the use of water at such premises, which measurement shall be recorded at periodic intervals as necessary for the purpose of determining the amount of applicable user charges.
- (b) In order to facilitate proper accounting of water use records, if the Town determines it is necessary to measure separately the water use data for a particular class of use on the user's property, the Town Administrator may, in his or her sole discretion, require the user to install a submeter by which water flow to the individual class of use can be separately measured. Remote readouts may be required to be installed with such submeters.

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

### 9.05.030 Installation, maintenance, calibration and readings.



- (a) All water meters, submeters required by the Town, and remote reading devices shall be furnished and installed by the Town at the expense of the owner of the premises served; and the Town shall retain ownership of such meters, submeters and remote readers. The Town shall perform all necessary maintenance and/or repair of meters, submeters and remote readers, including replacement thereof; provided, however, that the owner of the premises served shall be responsible for protecting the meters, submeters and remote readers against freezing and damage.
- (b) Any customer may request that the Town inspect, calibrate or test any water meter or submeter (hereinafter collectively referred to as "meter") that the customer suspects may be inaccurate. If a meter is found to be inaccurate, there shall be no charge, either for the inspection or for the replacement of the defective meter. However, if any customer requests a calibration and the meter is found to be accurate, the Town shall impose a reasonable fee for each calibration. The Town Administrator may provide an estimate of the actual costs of such a calibration, based upon actual calibrations performed. A customer may also request an additional meter reading, for which the Town shall impose an additional fee.

9.05.040      Installation and location of metering facilities.

- (a) The owner or developer of each premises served or to be served by the water supply system of the Town shall provide and install sufficient and proper meter loops and other necessary facilities for the installation of a water meter. Such facilities shall be provided and installed at the expense of such owner or developer and in accordance with all applicable ordinances and rules and regulations of the Town. No meter shall be installed until such facilities have been inspected and approved by the Town.
- (b) The location of meter installation facilities and other metering equipment upon the premises, including remote reading devices, shall be as designated by the Town Administrator. Such location shall provide for adequate clearance to ensure that the meter and appurtenant facilities and equipment are readily accessible for the purposes of reading, testing, maintaining and repairing the meter. The location of the meter and appurtenant facilities shall be such as to prevent obstruction of or interference with traffic, streets, driveways, sidewalks, hallways or other passageways or the opening or closing of doors or windows, and to provide for protection from hazard. Further, if any water meter is installed in any meter pit or vault, that vault shall be maintained in accordance with the specifications of the Town.

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

**CHAPTER 9.06**  
**WATER–MISCELLANEOUS PROVISIONS**

9.06.010      Unlawful acts.

- (a) It shall be unlawful for any person to install a bypass without the express written authorization of the Town Administrator.
- (b) It shall be unlawful for any customer or user at any premises knowingly to receive water service by means of a bypass which has not been authorized in writing by the Town Administrator; or knowingly to receive water service by means of an authorized bypass which is not approved or intended for water service.
- (c) It shall be unlawful for any person to tamper with a water meter or other water utility equipment without the express written authorization of the Town Administrator.
- (d) It shall be unlawful for any customer or user at any premises knowingly to receive water service by means of tampering which has not been authorized in writing by the Town Administrator.
- (e) It shall be unlawful for any person to engage in unauthorized metering.
- (f) It shall be unlawful for any customer or user of any premises knowingly to receive water service by means of unauthorized metering which has not been expressly authorized in writing by the Town Administrator.
- (g) It shall be unlawful for any person to interfere in any manner with any distribution main, meter, corporation valve or any other appurtenance connected to the water

system or comprising a part thereof without permission there for obtained from the Town Administrator.

- (h) It shall be unlawful for any person to damage, impair or deface any part, appliance or appurtenance of the water supply system of the Town.
- (i) It shall be unlawful for any person to excavate or obstruct any line or main belonging to the Town or to do any act or thing to divert, damage, drain or otherwise impede or hinder, to tend to impede or hinder, the flow of any of the waters or streams tributary or contributing to the water supply of the Town without permission therefore obtained from the Town Administrator.
- (j) It shall be unlawful for any person to damage, tamper, meddle or interfere in any way with any of the works, lakes, reservoirs, drains, streams, trenches, mains, lines, filters, valves, gauges, devices, grounds, enclosures, buildings, structures, boats or other property or works of the Town used directly or indirectly for or in connection with the water supply system of the Town.
- (k) It shall be unlawful for any person to enter without authority or to trespass upon any property or works of the Town used directly or indirectly for or in connection with the water supply system of the Town.
- (l) It shall be unlawful for any person to connect a surface or groundwater source or otherwise create a water connection or cross-connection to the water system.

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

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

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

- (a)            A service charge calculated to compensate the Town for all reasonable expenses incurred on account of the tampering, bypassing or unauthorized metering, including but not limited to costs of investigation, disconnection, reconnection and service calls;
- (b)            The cost of repairing or replacing any damaged utility equipment; and
- (c)            The actual or estimated user charges not previously billed to the customer as a result of the tampering, bypassing or unauthorized metering.

**CHAPTER 9.07**  
**CROSS CONNECTIONS**

9.07.010      Definitions. The following terms as used in this chapter shall have the meanings hereinafter designated:

*Air gap* means the unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture, other device or vessel and the flood level rim of said vessel.

*Approved backflow prevention device (assembly)* means a device listed in the latest University of Southern California Foundation for Cross Connection Control and Hydraulic Research (F.C.C. and H.R.) “List of Approved Backflow Prevention Assemblies.”

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

*Certified cross connection control technician* means a person who has shown his or her competency and has passed the cross connection control technician certification examination given by the Water Distribution and Wastewater Collection Systems Council. This person shall be familiar with appropriate laws and rules, and shall be able to make competent tests and repairs on all approved backflow prevention devices, and

stay abreast of all new products and information on the subject. The technician shall be listed by the Colorado Department of Health.

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

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

*Cross connection* means any physical arrangement whereby a potable water supply is connected, directly or indirectly, with any other water supply system, sewer, drain, conduit, tank, plumbing fixture, or other device which contains or may contain contaminated water, sewage, or other waste, liquid or gas of unknown or unsafe quality which may be capable of imparting contamination or pollution to the potable water supply as a result of backflow.

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

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

*Pollution* means the presence of any foreign substance (organic, inorganic, radiological, or biological) in the water that may degrade the water quality so as to constitute a non-health type hazard or impair its usefulness.

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

09.07.020      General installation requirements.

- (a) Building plans must show water service size and location, backflow prevention device size, type and location, fire sprinkling system service line size and type of backflow prevention device, as must any irrigation system on the premises.

- (b) Backflow prevention devices are to be installed by a licensed plumber in an accessible location to facilitate testing, maintenance and repair. They shall be installed downstream of water meters. There shall be no connections or tees between the meter and service line backflow prevention device.
- (c) In order to insure that backflow prevention devices continue to operate satisfactorily, it will be necessary that they be tested at the time of installation and on an annual schedule thereafter. Such test will be conducted in accordance with F.C.C. and H.R. performance standards as directed by the Colorado Department of Health and the town by a certified cross connection control technician.
- (d) All costs for design, installation, maintenance, repair and testing are to be borne by the customer.
- (e) No grandfather clause exists. All laws and regulations apply regardless of the age of the facility.
- (f) Backflow prevention device installations shall be inspected and approved for use by the Town.

09.07.030      Right of entry.

- (g) The Town retains the right to test or otherwise check the installation and operation of any containment device.
- (h) The Public Works Department representative assigned to inspect premises relative to possible hazards shall carry proper credentials of his or her office, upon exhibit of which he or she shall have the right of entry during usual business hours to inspect any and all buildings and premises for cross connection in the performance of his or her duties. The right of entry shall be a condition of water service.

09.07.040      Violations.

- (a) It is unlawful for any user or customer to cause or allow the existence of a hazardous cross connection which is not contained by an approved backflow prevention device in the customer service line to prevent contamination or pollution in the Town's distribution mains. Failure of the customer to cooperate in the installation, maintenance, testing, or inspection of such devices shall be grounds for discontinuance of water services to the premises or the requirement for an air gap separation from the public potable water system.

- (b) Service of water to any premises may be discontinued by the Town after written notification, if unprotected cross connections exist on the premises or if any defect is found in an installed backflow prevention device or if a backflow prevention device has been removed or bypassed. Service shall not be restored until such conditions or defects are corrected.
- (c) Discontinuance of service may be summary, immediate, and without written notice whenever, in the judgment of the town administrator, such action is necessary to protect the purity of the public potable water supply to the safety of the water system.

**CHAPTER 9.08  
WATER QUALITY**

9.08.010      Definitions.    As used in this Chapter, unless the context otherwise requires:

*Municipal water supplies* means all surface and/or underground water rights of the Town, and the water flowing at or available to at the point of diversion of such water rights, whether or not the decreed point of diversion is the same as the actual point of diversion, whether absolutely or conditionally decreed, which are used or are capable of being used for any beneficial purpose, including without limitation, municipal, commercial, aesthetic, irrigation, minimum stream flow, fish and game propagation, recreation, domestic, and industrial uses.

*Non-point source* means any source of pollutant other than a point source and includes, without limitation, water use and development practices, activities which encroach on riparian areas, vegetation disturbance, soil disturbance and earth movement, impervious cover, and storm water runoff from developed areas.

*Permit* means a permit lawfully issued pursuant to Public Law 92-500, the Federal Water Pollution Control Act Amendments of 1972 (33 U.S.C.1251, *et seq.*) or pursuant to 25-8-501, *et seq.*, C.R.S.

*Person* means an individual, corporation, partnership, association, municipality, district, federal or state agency, commission, or other state or federal body or political subdivision thereof.

*Point Source* means any discernable, confined and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, or concentrated animal feeding operation, from which pollutants are or may be discharged.

*Pollutant* means dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical waste, biological materials, radioactive material, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, agricultural waste, dirt, and slurry.

*Presumption* means that any person charged with the waste of water resources shall bear the burden of proving that the water diversions which were wasted did not contribute to or result in a degradation of the water quality standards set forth in Section 9.08.020.

*Sources* means any area which contributes to the water supply of any stream or river and includes, without limitation, any drainage basin or underground aquifer.

*Waste* means the failure to apply water diverted from any source which contributes to municipal water supplies to a beneficial use and includes, without limitation, causing or permitting the application water in excess of that reasonably required to accomplish the purpose or purposes for which the water is diverted; permitting water to escape from ditches, canals, or other structures in excess of reasonable loss; and any diversion of water rights decreed for a given purpose under circumstances cannot reasonably justify such usage.

9.08.020      Water Quality Standards. Within the jurisdictional areas set forth in Section 9.08.030, the standards for water quality shall be those standards adopted from time to time by the Water Quality Control Commission pursuant to Sections 25-8-202(b) and 25-8-204, C.R.S., as applicable to the waters located within the jurisdiction of this Chapter. Said standards are incorporated in this Chapter by reference.

9.08.030      Jurisdiction for Water Quality. Pursuant to Section 31-15-707 (b), C.R.S., and for the purpose of maintaining and protecting its municipal water supply from injury or pollution, the Town shall exercise regulatory and supervisory jurisdiction within the incorporated limits of the Town and over all streams and sources contributing to the municipal water supplies for a distance for five(5) miles above the points from which municipal supplies are diverted. The Board of Trustees shall approve a map outlining the approximate boundary of said jurisdiction which shall be on file in the Towns Clerks office.



9.08.040 Discharges Unlawful. Within the jurisdictional areas defined in Section 9.08.030, it is unlawful for any person to discharge from either a point source or a non-point source any pollutant or engage in any activity which will result in the degradation of water quality below the standard set forth in Section 9.08.020.

9.08.050 Waste Prohibited. Within the jurisdictional areas defined in Section 9.08.030, it is unlawful for any person to waste water resources. The failure to apply water to a beneficial use shall give rise to a presumption of waste.

9.08.060 Compliance with Permits . Compliance with an applicable permit held by any person charged with a violation of this Chapter shall constitute an absolute defense to any such violation.

9.08.070 On-site Waste Disposal Systems.

- (a) It is unlawful for the owner or occupant of any building used for residence or business purposes within the incorporated limits of the Town to construct or reconstruct an on- site sewage disposal device for the purpose of collecting, storing, or disposing of sewage; provide, however, that temporary, self-contained privies may be placed on construction sites or at public gatherings for the duration of the construction or attraction. These temporary facilities shall be maintained in a clean and sanitary condition at all times.
- (b) If any structure within the jurisdictional limits defined in Section 9.08.030 is currently being served by an on-site sewage disposal system and that system fails or malfunctions to the extent that it no longer is effectively treating waste and a danger is created that pollution of the Town's water supply may occur, the owner or occupant shall make application five(5) days from the date in which the owner or occupant first learns of said failure or malfunction to the Town or any applicable sanitation district for attachment of the structure to the public sewage system. If said structure is not within the Town or a sanitation district, or capable of being attached to a public sewage system, the owner or occupant shall be responsible for controlling, repairing, or replacing said failure or malfunction within five(5) days from the date on which owner or occupant first learns of said failure or malfunction. Any malfunction or failure of on-site waste disposal system is a public nuisance.

9.08.080 Disposal of Animal Carcasses Required. Any animal which shall be killed or die from any cause in the Town or within one hundred feet (100') of the banks of Hoosier Ditch, Buzzard Creek, or the Hillside Springs, or any tributary thereto, that is within the

jurisdictional limits defined in Section 9.08.030, shall be at once removed to a designated landfill by the owner or person having had such animal in his or her possession, control, or charge, and the carcass of such animal shall be buried or disposed of in a sanitary manner. If ownership of the animal cannot be determined, it shall be the responsibility of animal control officials or the Town Marshal to pick up and dispose of such an animal carcass as provided in this Chapter.

9.08.090      Specific Activities Causing Pollution.

- (a)            It is unlawful for any person or persons to have, keep, or maintain any grazing livestock or other animal within one hundred feet (100') of any water treatment facility, reservoir, intake point, distributing stream, trench, inlet pipe, or drain comprising a part of the Town municipal water utility.
- (b)            It is unlawful for any person to bathe or swim in any of the reservoirs or other part of the Town of Collbran water utility.

9.08.100      Accumulation of Standing Water on Land Regulated. It is unlawful for any person owning or occupying any premise(s), lot, or parcel of land within the jurisdictional limits defined in Section 9.08.030 to allow an accumulation of standing water that is or is likely to become offensive or injurious to public health. Any person owning or occupying any premise(s), lot, or parcel of land whereupon water shall be standing as aforesaid shall be deemed guilty of creating and maintaining a public nuisance.

9.08.110      Penalties and Relief.

- (a)            Any person, firm, or corporation committing any criminal offense contained in this Chapter, shall be deemed guilty of a class B Municipal offense. Said offense shall be deemed one of “strict liability”. Each separate day or any portion thereof during which any violation of this Chapter occurs or continues shall be deemed to constitute a separate offense.
- (b)            The Town of Collbran may apply to any court of competent jurisdiction for an injunction, enjoining any person from further or continued violation of any provision of this Chapter.

**CHAPTER 9.09**  
**SEWER-GENERAL PROVISIONS**

9.09.010     Definitions. Whenever the following words or phrases are used in this Title, they shall have the following meanings:

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

*Town sewer system* means all facilities owned by the Town and used for transporting, collecting, pumping, treating and disposal of sewage.

*Connection permit* means a permit to connect to the sewer system of the Town issued in accordance with Section 9.02.050 of this Title.

*Discharger* means one who discharges industrial waste into the Town sewer system.

*Industrial discharger* means any nonresidential user who discharges an effluent into the Town wastewater treatment facilities by means of pipes, conduits, pumping stations, force mains, constructed drainage ditches, surface water intercepting ditches and all constructed devices and appliances appurtenant thereto.

*Industrial waste* means solid, liquid or gaseous waste resulting from any industrial manufacturing trade or business process, or from the development, recovery or processing of natural resources.

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

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

*Public sewer* means a sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions, together with minor quantities of groundwater, stormwater and surface water that are not admitted intentionally.

*Sanitary sewage or sewage* means the water-carried human waste or a combination of water-carried liquid wastes originating from residences, commercial buildings, institutions, structures or industrial establishments that are discharged into the sewer system, together with such ground, surface, storm or other waters as may be present.

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

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

*Sewer service line* means the pipe or line used to provide sewer service from the building drain to the sewer main.

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

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

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

*Wastewater* means industrial waste, sewage or any other waste, including that which may be combined with any ground water, surface water or storm water that may be discharged into the wastewater treatment facilities of the Town.

**9.09.020**      **Privies and septic tanks.** Except as otherwise expressly provided, no person shall maintain within the Town any privy, privy vault, septic tank, cesspool or other facility intended for use for the disposal of sewage

**CHAPTER 9.10**  
**SEWER CONNECTIONS**

9.10.010      Connection to sewer required.

- (a)            The Board of Trustees deems it necessary for the protection of the public health that the owners of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes, and situated within the Town, install at the owner's expense suitable toilet and plumbing facilities therein and connect such facilities directly with the public sewer in accordance with the provisions of this Chapter. Such connection shall be made without a requirement for notice from the Town; however, in circumstances in which notice is provided, connection with the public sewer system shall be made within thirty (30) days after the date of written notice given by certified mail to such owners notifying them to connect their premises with the sewer.
  
- (b)            At such time as a public sewer runs within four hundred (400) feet of the boundary line of any property served by a private sewage disposal system, the property owner shall make a direct connection from the sewer and plumbing fixtures to the public sewer in accordance with the provisions of this Chapter, and any septic tank, cesspool or similar sewage disposal facilities shall be abandoned and filled with suitable material.

9.10.020      Connection permit required. It is unlawful for any person to open, uncover or in any manner make connection with any sewer main or line of the Town, or to lay drain or sewer pipes on any premises or in any street or alley in the Town without first obtaining a written connection permit from the Town.

9.10.030      Sewer connections.

- (a)            Any user of the sewer system, either inside or outside of the boundaries of the Town, must build his or her own service line if there is no line available for him or her to connect with. All connections to the Town's sewer system must be made subject to the supervision and inspection of the Public Works Department and in compliance with this Code and any sewer installation regulations and specifications of the Town.
  
- (b)            A separate and independent service line shall be provided for every building; except, where one (1) building stands at the rear of another on an interior lot and a

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

- (c) Service lines for existing buildings may be used in connection with new buildings only when they are found, on examination and test by the Superintendent, to meet all requirements of this Code and any sewer installation regulations of the Town.
- (d) Whenever possible, the service line 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, the means of lifting and discharging the sanitary sewage carried by such building drain into the service line shall be subject to the approval of the Public Works Department.
- (e) No person shall make connection of roof downspouts, foundation or floor drains, areaway drains or other sources of surface runoff or groundwater to a service line or building drain which in turn is connected directly or indirectly to a public sewer.
- (f) All connections of the service line into the public sewer shall be made gastight and watertight and verified by proper testing. Any deviation from the procedures and materials prescribed in this Chapter and any sewer installation specifications of the Town must be approved by the Superintendent before installation. The applicant for a service line permit shall notify the Superintendent when the service line is ready for inspection and connection to the public sewer. The connection and testing shall be made under the supervision of the Public Works Department.
- (g) All excavations for service line installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored by the owner, at the owner's expense, in a manner satisfactory to the Town.

- (h) All costs and expenses incidental to the installation and connection of the service line shall be borne by the owner of the property on which it is installed. Prior to connection of the service line to the Town sewer system, the owner shall agree in writing to indemnify the Town from any loss or damage that may be directly or indirectly occasioned by the installation of the service line.

9.10.040 Maintenance of sewer service lines. Responsibility for the maintenance and repair of the sewer service line and appurtenances thereto, from and including the connection from the sewer main up to the premises served, shall be borne by the owner of such premises. The owner shall keep all pipes and fixtures on his or her premises in good repair. The owner must secure all required permits for construction purposes and shall be responsible for returning the public right-of way and the street to acceptable Town standards. Where more than one (1) structure is connected to a single service line, the owners of the respective premises shall be jointly and severally responsible for maintenance and repair of the service line. (*Ord. 08, Series 2008*)

## **CHAPTER 9.11 SEWER DISCHARGE REGULATIONS**

9.11.010 Conformance with rules, regulations and specifications. The size, slope, alignment and materials for construction of all public sewers, and the methods to be used in excavating, placing the pipe, jointing, testing, backfilling the trench and connecting the service line into the public sewer, shall conform to the requirements of this Code and all applicable Town ordinances, regulations and specifications which may be adopted by the Town Administrator. Such regulations shall be presented to the Town Council and approved by resolution. When so approved, they shall have the same force and effect as any ordinance of the Town.

9.11.020 Discharge of certain materials.

- (a) The provisions contained in this Section are set forth to prevent the discharge into the sewer system of the Town of any waters which may interfere with the operation of the wastewater treatment facilities or cause damage to or pollution of the sewer system.
- (b) No person shall discharge or cause to be discharged any of the following described water or wastes into the wastewater treatment facilities of the Town:
- (1) Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.

- (2) Any waters containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance or create any hazard in the receiving waters of the wastewater treatment plant.
  - (3) Any waters or wastes having a pH lower than five and one-half (5.5) or having any other corrosive property capable of causing damage or hazard to structures, equipment or personnel of the wastewater works.
  - (4) Solid or viscous substances in quantities or of size capable of causing obstruction to the flow in the public sewers or other interference with the proper operation of the wastewater facilities, such as, but not limited to: ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, cattle manure, hair, fleshings and entrails or, either whole or ground by garbage grinders, paper dishes, cups or milk containers.
  - (5) Any toxic substance, as the same is defined in the Rules and Regulations of the Environmental Protection Agency embodied in 40 C.F.R. § 403.
  - (6) Any substance which would cause the sewer treatment plant of the Town to violate any permit issued by the State, the federal government or any other applicable agency.
- (c) The following described substances, materials, waters or wastes shall not be discharged into the Town sewer system in concentrations or quantities which will harm the sewers or wastewater treatment facilities, process, equipment or employees; have an adverse effect on the receiving stream; or otherwise endanger lives, limb or public property or constitute a nuisance:
- (1) Any wastewater having a temperature which will inhibit biological activity in the wastewater treatment facilities plant resulting in interference; but in no case, wastewater with a temperature at its introduction into the sewage system higher than one hundred fifty (150) degrees Fahrenheit (65° Celsius).



- (2) Wastewater containing more than twenty-five (25) milligrams per liter of petroleum, oil, nonbiodegradable cutting oils or product of mineral oil origin.
- (3) Wastewater from industrial plants containing floatable oils, fat or grease.
- (4) Any garbage that has not been properly shredded. Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers.
- (5) Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances to such degree that any such material received in the composite wastewater at the wastewater treatment works exceeds the limits established for such materials by the appropriate official of the Town.
- (6) Any waters or wastes containing odor-producing substances exceeding limits which may be established by the Town.
- (7) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Town in compliance with applicable state or federal regulations.
- (8) Quantities of flow, concentrations or both which constitute a slug, as defined in Section 9.09.010 of this Title.
- (9) Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed by the Town, or amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge of the receiving waters from the Town's treatment facilities.
- (10) Any waters or wastes which, by interaction with other waters or wastes in the public sewer system, release obnoxious gases, form suspended solids which interfere with the collection system or create any

condition deleterious to the structures or processes of the Town's treatment facilities, or would cause such facilities to violate the terms and conditions of any applicable permit.

- (11) Any pollutant, as defined in Section 9.09.010 above.
- (12) Any waters or wastes which are defined in 40 C.F.R. § 403 as requiring pretreatment or as toxic.
- (d) 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 Subsections (a) and (b) above, the Public Works Department shall have available those remedies as are set forth in 9.11.060 of this Code.
- (e) In the case of an industrial or nonindustrial discharger, grease, oil and sand interceptors shall be provided by the owner of the property at his or her expense when, in the opinion of the Public Works Department, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts as specified in Subsection (c)(3) above, 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 Public Works Department and shall be located as to be readily and easily accessible for cleaning and inspection. In maintaining these interceptors, the owner shall be responsible for the proper removal and disposal by appropriate means of the captured materials and shall maintain records of the dates and means of disposal, which records are subject to review by the Public Works Department. Any removal and hauling of the collected materials not performed by the owner must be performed by currently licensed waste disposal firms.

9.11.030 Control manhole. When required by the Town, the owner of any property served by a building wastewater line carrying industrial water or prohibited discharge as defined in Section 9.08.020, shall install a suitable control manhole in the building wastewater line to facilitate observation and sampling of the waste by the Town. Such manholes, when required, shall be accessible and safely located and shall be constructed in accordance with plans approved by the Town. They shall be installed and maintained by the owner at his or her expense.

9.11.040 Pretreatment of industrial wastes. Where investigation reveals the presence in the system of prohibited discharge as defined in Section 9.11.020, or if it is known that such wastes will be produced, the owner, lessor, renter or occupant of any lot, land, building,

or premises from which such wastes emanate shall be required at his or her own expense to treat, neutralize or in other ways prepare the noxious substance therein to convert the same into acceptable wastes.

9.11.050      Enforcement. It shall be the responsibility of the Town Administrator or designated representatives to determine acceptability of wastes, to order buildings in violation of the terms of this chapter disconnected from the Town's wastewater system until abatement has been instituted, to determine the necessity of sand, oil or grease traps, and to approve the types and capacities of control manholes and other appurtenances.

9.11.060      Recovery of costs. Any user who violates any of the provisions of this Chapter, discharges or causes a discharge producing a deposit or obstruction, or causes damage to or impairs the Town's wastewater disposal system, shall be liable to the Town for any expense, loss or damage caused by such violation or discharge. The Town shall bill the user for the costs incurred by the Town in any cleaning or repair replacement work caused by the violation or discharge. Refusal to pay the assessed cost shall constitute a violation of this Chapter, enforceable as provided in this Chapter.

## **CHAPTER 9.12 CONSTRUCTION AND MAINTENANCE OF SEWER LINES**

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

- (a)              Connecting with the sewer system of the Town; or
- (b)              Repairing, maintaining or replacing any sewer main or service line located within the street or alley.

9.12.020      Ownership of system.

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

- (b) That portion of all existing and future service lines extending from the sewer main to each unit or building connected with and forming an integral part of the Town sewer system shall be deemed private facilities owned by the customer. The customer's ownership of and responsibility to bear the expense of installing, maintaining, repairing and replacing said service line shall exist whether the service lines are constructed, financed, paid for or otherwise acquired by the Town or by another person.
- (c) Any provision herein to the contrary notwithstanding, the Town reserves and shall at all times have a right of access to all service lines and other facilities necessary for the Town to carry out its lawful functions.

9.12.030      Town responsibility.

- (a) The Town shall be responsible only for the repair and maintenance of sewer mains or trunk lines. The responsibility for and the expense and cost of maintaining, repairing and replacing any service line from the point where such line taps the trunk line to the boundary of the user's property, and the service line within the user's property, shall be borne and paid for by the property owner served by the service line. All costs and expenses incurred by the Town incidental to the installation and connection of a sewer service line from a structure to the public sewer system shall be borne by the owner of the premises.
- (b) Each customer shall be responsible for maintaining the entire length of the service line serving the property and shall maintain the property in such a manner as to prevent damage to the Town sewer system. Leaks, stoppage or breaks in a service line must be repaired by the customer within seventy-two (72) hours after knowledge of such condition or notification by the Town. If satisfactory progress toward repairing said leak, stoppage or break has not been completed within such time period, the Superintendent may shut off the customer's water service until the sewer leaks, stoppage or breaks have been repaired. The Town's authority to shut off a customer's water service for such purposes shall be deemed consented to by the customer at the time the customer connects to the Town sewer system. Any provision herein to the contrary notwithstanding, the Town may, but is not required to, take immediate steps to repair any service line leak, stoppage or break which the Public Works Manager, in his or her sole discretion, considers to constitute a health hazard or emergency. In such event, the Town shall recover the cost of such repair from the customer owning the service line. If the customer

fails to pay any costs for which the customer is responsible within thirty (30) days of the Town mailing notice thereof to the customer, the Town may take such action as is necessary to collect such costs, including the imposition and foreclosure of a lien on the customer's property, and the Town shall be entitled to recover all costs of such collection, including reasonable attorneys fees, late charges and interest.

- (c) Except as required by law, the Town shall not be responsible to any person, firm or corporation for any damage caused by blockage of either a sewer main or service line. The fact that blockage has occurred shall not create any presumption of negligence on the part of the Town or Town employees.

9.12.040      Malicious or negligent damage. No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the Town's public sewer system.

### **CHAPTER 9.13 SEWER RATES AND CHARGES**

9.13.010      Establishment of rates.

(a) All classes of sewer users whether located within or without the corporate Town limits shall pay the following standard monthly sewer service fees:

- |     |                              |  |
|-----|------------------------------|--|
| (1) | Flat fee:                    | 24.65/unit, up to 10,000 gallons of monthly water use per unit.  |
| (2) | Additional Fees:             | Effective December 1, 2010:<br>\$1.50/1,000 gallons or part thereof, of water use/month over 10,000 gallons per unit.<br><br>Effective July 1, 2011:<br>\$3.00/1,000 gallons or part thereof, of water use/month over 10,000 gallons per unit. |
| (3) | Availability of service fee: | \$5.70   |

For purposes of additional fees for use in excess of 10,000 gallons per unit, the monthly charge shall be based upon the monthly average of water use as established by averaging the customer's actual water use for the preceding October through March. If the

customer did not receive water during the preceding October through March, then the Town Manager or his designee shall estimate the number of gallons used, based upon similar uses, and base the sewer service charge upon this estimate. (*Ord. 07, Series 2010*)

(b) Variable rates/other fees:

(1) Outside corporate limits: \$12.00 surcharge per unit per month (Note: each out of town unit shall only be charged one (1) surcharge whether it receives water, sewer or water and sewer service)

(c) Rates for multi-family units and any other units on a master meter shall be based upon the number of constructed units, irrespective of whether each unit is occupied. Further, rates for mobile home units on a master meter shall be based upon the number of mobile home spaces platted or licensed, whichever is greater, irrespective of whether each space is occupied.

9.13.020 Payment and collection. All provisions of Chapter 9.03 regarding collections, service charges, interest, delinquency notices, delinquency charges and termination of service, shall apply to the collection of all rates, tolls, fees, charges and assessments for Town sewer service.

**CHAPTER 9.14  
WATER AND SEWER TAP FEES**

9.14.010 Fee payment required. Any person desiring to connect and tap onto the Town water system, sewer system or both shall be required to pay a water tap fee, a sewer tap fee or both, in accordance with the provisions of this Chapter. Notwithstanding the payment of fees pursuant to the provisions of this Chapter, tap connections to the Town water or sewer system shall at all times be subject to availability. Tap fees shall be nonrefundable.

9.14.020 Payment due date. All tap fees due pursuant to this Chapter shall be paid at the time of the application for a building permit or, if no building permit is required, prior to Town approval of the application for a connection permit.

9.14.030 Payment; interest; collection; perpetual lien. All provisions of Chapter 9.03 regarding collections, interest, delinquency notices, delinquency charges, liens and termination of service shall apply to the payment of water and sewer tap fees for Town water or sewer service

9.14.040 Change in use; additional tap fees. Whenever the use of any structure changes, so that a greater EQR value is assessed to the use in accordance with the classifications set forth in Section 9.14.060 below, there shall be charged to and paid by the owner the water and sewer tap fees for the EQR units attributable to the change in use.

9.14.050 Definitions. For the purpose of computing the EQR value of a particular use and the tap fees associated with that use, the following definitions, in addition to the definitions contained in the EQR Schedule in Section 9.14.060 below, shall apply:

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

*EQR value* means the number of EQRs associated with a particular use or class of use, calculated according to the EQR Schedule contained in Section 9.14.060 below or based on actual metered water use pursuant to Section 9.14.100 at the Town's discretion.

*Kitchen* means any room used to cook, heat or prepare food, as may be evidenced by the use or existence of any of the following items: sink, refrigerator, place for food storage, stove, oven, microwave oven or hot plate. The Town Administrator reserves the right, in his or her discretion, to designate a given room within a residence as a kitchen; provided, however, that the existence of a stove, oven or microwave oven within a room also containing a sink and refrigerator shall conclusively establish said room as a kitchen.

9.14.060 EQR Schedule classifications. All applicants for service from the Town's water and/or sewer systems shall be assigned an EQR value based on the following schedule. The Town reserves the right to classify and reclassify establishments and to change EQR values assigned to use classifications as the needs of the Town require.

<i>Class of Use</i>	<i>EQR Value</i>
A. RESIDENTIAL CLASSIFICATIONS	
1. Single-Family Residential Units	

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



<i>Class of Use</i>	<i>EQR Value</i>
<p>in accordance with the values given for multi-family residential units. Swimming pools, hot tubs and spas are additional per D below.</p> <p>4. Multi-Family Residential Units</p> <p>Apartments, condominiums, townhouses and similar facilities in the same complex, and small cabins in courts not associated with motels</p> <p>NOTE: Values exclude more than 1 kitchen per unit. Swimming pools, hot tubs and spas are additional. Values include common laundry facilities or individual laundry hook-ups</p> <p>a. Up to 4 bedrooms per unit</p> <p>b. Each additional bedroom</p>	<p>1.00</p> <p>0.15</p>
<p>c. For irrigated green space, such as lawns and lawns and gardens, see D below.</p> <p>5. Transient Residential Units</p> <p>Hotels, motels, mobile home parks, dormitories, recreational vehicle parks, short-term rental units in residences, bed and breakfast establishments and similar facilities</p> <p>NOTE: Values include laundry and kitchen facilities in mobile homes. Otherwise, laundry facilities, central kitchen facilities and swimming pools, hot tubs and spas are additional. Room counts shall include rooms furnished to employees. Values for recreational vehicle parks include central bathhouse facility, but not laundry, retail or restaurant spaces.</p>	
<p>a. Manager's unit, use multi-family or single-family residential unit classification as applicable (per unit).</p>	<p>See Paragraphs 1 &amp; 2 above</p>

<i>Class of Use</i>		<i>EQR Value</i>
b.	Motels, hotels and rooming houses without kitchen facilities	
	I. Rooms having not more than 2 beds (per rental unit)	0.30
	ii. Rooms having more than 2 beds per rental unit (per additional bed)	0.15
c.	Motels with kitchen facilities	
	I. Per bed	0.40
d.	Mobile home parks and manufactured housing (per each available space or per living unit)	1.00
e.	Dormitories without cooking facilities (per each rental bed)	0.35
f.	Recreational vehicle parks (spaces filled by recreational vehicles on a year-round basis shall be evaluated under the "mobile home park" category)	
	I. Camping or vehicle spaces (per space)	1.00
	ii. Camper dump station	By Special Review
g.	Add for central laundry facilities (per washing machine or available hookup)	1.00
h.	For irrigated green space, such as lawns and garden, see D below.	
<b>B. COMMERCIAL CLASSIFICATIONS</b>		
<b>1. Restaurants and Bars</b>		

<i>Class of Use</i>	<i>EQR Value</i>
a. Conventional sit-down restaurants (per 10 seats)	0.70
b. Fast food restaurant (per 10 seats)	1.20
c. Bar seats (per 10 spaces)	0.50
2. Laundromats	
a. Per washing machine	1.00
3. Service Stations	
a. Per fuel nozzle	1.00
c. Per food/retail/office sales (per 1,000 s.f.)	0.50
4. Car Washes	
a. For each bay/rack where cars can be washed	
I. Manual bay	3.0
ii. Automatic bay	15.0
NOTE: Car washes that recycle water shall be evaluated by special review based upon 1 EQR per 350 GPD of potential usage for both water and sewer. Car washes that are part of a larger service station may, at the Town's discretion, be required to install a submeter to measure water use at the car wash separately.	
5. General Office Buildings (per 1,000 s.f.)	0.30
6. Medical Office Buildings (per 1,000 s.f.)	1.50

<i>Class of Use</i>	<i>EQR Value</i>
7. Retail/Department Buildings (per 1,000 s.f.)	0.50
8. Warehouse/Industrial Buildings/Automotive Repair (per 1,000 s.f.)  NOTE: Where 1 site has multiple uses such as a contractor office, which has office uses and warehouse or vehicle repair uses, each different use should be classified separately	0.30
9. Grocery Stores (per 1,000 s.f.)	0.30
10. Mini Storage Facilities	
a. Manager's office (per 1,000 s.f.)	0.35
b. Storage space (per 1,000 s.f.)	0.05
11. Theaters	
a. Per 25 seats	0.60
12. Irrigated Green Space. For irrigated green space, such as lawns and garden, see D below for commercial uses	
13. Commercial establishments, which use Town water for process water, shall be assessed an additional 1 EQR per 350 gal/day of actual water use	
14. Barber/Beauty Shops	
a. Per chair	0.30
15. Airport Facilities	By Special Review

<i>Class of Use</i>	<i>EQR Value</i>
16. Athletic Club (per 1,000 s.f.)	2.00
17. Vet Clinic (per 1,000 s.f.)	1.50
18. Hospital (per bed space)	0.70
(Office space/medical offices/warehouse space shall be classified under each specific category under this schedule as additional EQRs)	
<b>C.CHURCH AND SCHOOL CLASSIFICATIONS</b>	
1. Churches. (per 100 seats; rectories or other living areas are additional)	1.00
2. Schools	
a. Without gyms, cafeterias or showers (per 50 potential students and staff)	2.00
b. With gyms, cafeterias and showers (per 50 potential students and staff)	3.50
c. With cafeteria but without gyms or showers (per 50 potential students and staff)	3.00
d. Boarding school (per student)	0.30
NOTE: Swimming pools, hot tubs, spas and similar facilities are additional	
3. Irrigated Green Space. For irrigated green space such as lawns and garden, see D below.	
<b>D.SPECIAL CLASSIFICATIONS</b>	

<i>Class of Use</i>	<i>EQR Value</i>
<p>1. Irrigated Green Space</p> <p>a. Single-family residential units and all commercial classifications (including associated secondary residential units), duplexes and multi-family residential units shall be allowed 5,000 square feet of irrigated green space for each 1.0 EQR otherwise calculated under this Schedule</p>	
<p>b. For each additional 1,000 square feet or fraction thereof of irrigated green space above the allowed amount, add for water EQR only</p>	0.15
<p>2. Common Areas, Parks and Vacant Lands. (For each 1,000 square feet, or fraction thereof, of irrigated green space) water EQR only</p>	0.15
<p>3. Swimming Pools, Hot Tubs, Spas. Separate buildings which house swimming pools or hot tubs, and which are not covered by any other classification in this Schedule, shall be evaluated under Section B.16, above, as well as the following:</p> <p>b. Hot tubs and spas, greater than 500 gallons</p> <p>c. Hot tubs and spas, less than 500 gallons</p>	<p>0.20 per 500 gallons</p> <p>0.10</p>
<p>4. Unclassified Uses. For any water use or water-using structure or appliance not otherwise covered by this Schedule, the Town shall determine the EQR value on a case-by-case basis according to anticipated water use and consumption</p>	

9.14.070      Water tap fees.

- (a) Rates for Town water tap fees are based on the EQR value assigned to the water user applying the EQR Schedule contained in Section 9.14.060 above. The fee for each EQR as determined pursuant to Section 9.14.060 above shall be \$4,500.00 where both the tap and all points of consumption are within the corporate limits of the Town, and 200% of the applicable in-Town rate where the tap or any point of consumption is outside the corporate limits of the Town.
- (b) If actual water consumption exceeds the maximum permissible annual demand for the applicable EQR classification, an additional tap fee shall be calculated as provided in Section 9.14.100.

9.14.080      Sewer tap fees.

- (a) Rates for Town sewer tap fees are based on the EQR value assigned to the water user applying the EQR Schedule contained in Section 9.14.060 above. The fee for each EQR as determined pursuant to Section 9.14.060 above shall be \$4,500.00 where both the tap and all points of consumption are within the corporate limits of the Town, and 200% of the applicable in-Town rate where the tap or any point of consumption is outside the corporate limits of the Town.
- (b) If actual water consumption exceeds the maximum permissible annual demand for the applicable EQR classification, an additional tap fee shall be calculated as provided in Section 9.14.100.
- (c) Manufacturing/industrial discharge premium. In addition to the fees set forth in subsection (a) above, the Town shall assess a sewer tap fee premium against any manufacturing and industrial establishment, industrial discharge or any other user that does or will contribute sewage stronger than average residential users. The premium shall be calculated proportionately based on special review by the Public Works Director, using normal residential strength sewage as a base of one (1).

9.14.090      Fee for reconnection or resumption of service. Any customer may submit an application to reconnect or resume service to any property which previously received water or sewer service from the Town, but for which the service line has been physically disconnected from the Town water or sewer system or has been deemed abandoned under the criteria set forth in Section 9.02.170. At the time of application for reconnection or resumption of service, the customer shall pay the applicable water and sewer tap fees due pursuant to this Title.

9.14.100      Review of service levels and fee. For purposes of computing and recomputing the number of EQR units attributable to a particular use and the assessment and collection of water and sewer tap fees in connection therewith, the Town shall have the following authority:

- (a)            At any time, the Town may review actual water usage to determine if such actual usage is greater than that implied by the number of EQR units assessed to the user at the time application for water and/or sewer services was accepted. For this purpose, three hundred fifty (350) gallons per day equals one (1) EQR. Winter water use records may be utilized to review actual sewer usage, and water use records from any time of the year, at the Town's sole discretion, may be utilized to review actual water usage. If the Town finds greater actual water and/or sewer usage than that implied by the applicable EQR value, the user shall be assessed a greater number of EQR units to reflect the actual sewer usage. Any time the Town determines to evaluate or reevaluate the appropriate EQR value assessed to a particular user, it shall provide written notice to the user at the user's last known address.
  
- (b)            Upon any recalculation and increase in the EQR value attributable to a user pursuant to the terms of this Section, the user shall pay additional water and/or sewer tap fees for each additional EQR unit assessed to its use at the rates set forth in this Title prior to the Town's issuance of any necessary permit or within thirty (30) days of the increased assessment of EQR units, whichever occurs first.
  
- (c)            Notwithstanding the general provisions of this Title or the particular provisions of this Section, nothing herein is intended automatically to modify, revise or amend the terms of any prior individualized assessment or agreement memorialized by a writing or reflected in the minutes, resolutions or ordinances of the Board of Trustees, nor shall it prevent such modification, revision or amendment at the sole discretion of the Board of Trustees.

**CHAPTER 9.15**  
**WATERSHED PROTECTION**  
**(Ord. 08, Series 2010)**

9.15.010      Purpose. The Board of Trustees finds that the maintenance and protection of an adequate water supply of the highest quality and quantity is essential to the health, welfare and safety of the inhabitants of the Town of Collbran. The purpose of this Chapter is to maintain and protect the Town's watershed and waterworks from damage, harm or injury, and preventing



pollution of the Town's water supply. These regulations shall be periodically reviewed and updated to reflect new technologies and activities that may impact the Town's watershed.

9.15.020      Definitions.

(a) As used in this Chapter, the following terms shall have the following meanings:

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

*Board of Trustees* means the Board of Trustees for the Town of Collbran, Colorado

*Director* means the Town Administrator or his/her designee or representative.

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

*Drilling* means drilling for water, oil, gas, or other natural resources, and includes grading, construction, and traffic activities associated with the drilling.

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

*Mining or mineral resource extraction*

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

(2) *Mining extraction* mean any removal or development of a mineral from its natural occurrence on affected land or from a water course and includes, but is not limited

to, drilling, blasting, scaling, crushing, tunneling, excavating, dredging, panning, or sluicing, and includes any tailings piles, tailing ponds, waste dumps or concentration, milling, evaporation or other on-site processing activities or any buildings, structures or machinery used in such operation. AMining@ and Aextraction@ do not include hand panning or the use of battery powered concentrate wheels or mini-sluices.

*Mitigation* means processes or methods which:

- (1) Avoids an impact upon the land by evaluating alternatives and redesigning an activity;
- (2) Minimizes an impact upon the land by substantially limiting the scope of an activity;
- (3) Rectifies an impact upon the land through the use of remediation, rehabilitation or restoration techniques; or
- (4) Compensates for the impact upon the land by replacing or providing substitute facilities or resources.

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

*Permittee* means a person issued a permit.

*Person* means and shall include a firm, company, organization, partnership, entity, agency, corporation, association, or other organization acting as a group or unit as well as an individual. It shall also include an executor, administrator, trustee, receiver, or other representative appointed according to law. Whenever the word Aperson@ is used in any section of this chapter prescribing a penalty or fine, as to firms, associations, and other organizations, the word shall include the partners, members, or agents who are responsible for any violation of such section hereof, and as to corporations, shall include the officers, agents, or members thereof who are responsible for any violation of this chapter. APerson@ includes the singular and the plural.

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

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

*Watercourse* means any and all rivers, streams, creeks, intermittent washes, gullies, tributaries, reservoirs, lakes, ponds, wetlands or other types of natural or people-made water bodies, including structures or devices to channel water to, or control or retain water within the watercourse, and further includes all groundwater tributary thereto.

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

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

9.15.030      Authority and Jurisdiction. Pursuant to Section 31-15-707(1)(b) C.R.S., the Town may enact ordinances and regulations for the purpose of maintaining and protecting the Town’s waterworks from injury and to protect the water from pollution in lands and territory occupied by such waterworks and over the streams or sources, including groundwater, from which the water is taken for five (5) miles above the point from which it is taken, and the Town=s jurisdiction under this Chapter shall extend over such territory.

9.15.040      Watershed District Map. The Town shall prepare, maintain, and update a map known as the AWatershed District Map@ designating the area(s) subject to the Town=s jurisdiction pursuant to this Chapter. The Watershed District Map is incorporated herein by reference and shall be available for inspection at Town Hall.

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

pursuant to the provisions of this Chapter and the authority hereunder to regulate such activities and land use.

9.15.060      Regulated activities.

The Town has determined that the activities set forth below may harm the Town=s waterworks or pollute the Town=s water supply. Subject to the exceptions provided for in Section 9.15.070 below, it shall be unlawful for any person to engage in any of the specified activities within the area of the Town=s jurisdiction as defined in this Chapter without first obtaining a permit from the Town authorizing such activity:

- (1) Excavation, dredging, filling, grading, or compaction of any topsoil, sand, rock, dirt, or other material over an area in excess of 0.5 acre. The area disturbed by the construction and maintenance of a driveway to a single family residence shall not be included in the calculation of the 0.5 acre threshold under this section;
- (2) Any surface or subsurface mining or mineral resource extraction, including any and all oil and/or natural gas drilling, extraction or mining;
- (3) Use of any restricted use pesticide (RUP), herbicide, fungicide, rodenticide, insecticide or any other chemical for eradication or control of any plants or animals that is within one hundred (100) feet of any watercourse;
- (4) Removal of any vegetation or trees by any method over an area in excess of 0.5 acre;
- (5) Construction, maintenance and/or operation of any sewage treatment disposal system with an average design capacity greater than 2,000 gallons per day; provided that any sewage disposal system with an average design capacity less than or equal to 2,000 gallons per day is also subject to regulation under this Chapter if it is not installed, operated and maintained in compliance with all applicable laws, rules, regulations, permits, and Best Management Practices which condition is met if Mesa County regulations are adhered to, or is located within one hundred (100) feet of any watercourse;
- (6) Any of the activities prohibited in this section regardless of the amount of acreage affected if such activities are located in or within one hundred (100) feet of any water course, and/or if such activity is associated with the construction of any water diversion, storage or conveyance structure, including but not limited to such structures as diversion headworks, dams, canals, ditches, flumes, pipelines,

conduits, reservoirs, drains, wells, (excluding domestic wells serving less than three (3) residences) and pumps, and further including any equipment, buildings, structures, roads, and other facilities necessary for the construction, maintenance and operation of the structures.

- (7) Alteration, improvements or modifications of any watercourse;
- (8) Dumping, depositing or discharging any pollutant into any watercourse, or dumping, depositing or storing any pollutant on land within 100 feet of any watercourse;
- (9) Construction, maintenance and/or operation of a surface or subsurface tank that stores chemicals, chemical waste, biological nutrient or material, radioactive material, petroleum product, or any industrial, municipal or agricultural waste, excepting residential propane tanks and septic systems not covered under subsection (5) above;
- (10) Construction of any impervious surface with an aggregate area greater than 25,000 square feet that could direct any contamination or pollutant toward a watercourse or Town waterworks;
- (11) Construction and operation of a feedlot unrelated to current farming and ranching operations;
- (12) Any other activity that will cause material injury, damage or harm to the Town=s water works or pollution of the Town=s water supply as reasonably determined by the Town based upon the written recommendation of a licensed engineer or qualified professional which specifies the cause and extent of such injury, damage, harm or pollution.

Any limitation on acreage imposed by this section includes the cumulative amount of acreage encompassed by any and all proposed activities by any person on any contiguous or noncontiguous parcels of land that are part of the same plan, project or development.

9.15.070      Activities which require no permit.

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

- (1) Any activity that is a lawful use of any land or structure, where such use and such structure existed prior to December 1, 2010, the effective date of this Chapter following adoption by the Town. Any change or enlargement of any pre-existing use of land, or changes to any pre-existing structure, made after adoption of this Chapter, including any modification, alteration or expansion, except ordinary maintenance, as determined by the Town, is subject to the provisions of this Chapter. For purposes of clarification, any portion of any activity that has obtained approval from any state or federal agency, municipality, county or any other governmental entity, but that has not yet commenced, is not a pre-existing activity or use.
  
- (2) The following activities are allowed within the area of the Town=s jurisdiction as defined in this Chapter, provided that there is adherence to Best Management Practices:
  - (a) Road maintenance by governmental entities.
  - (b) Construction or maintenance of farm or ranch roads, irrigation ditches or ponds, where such roads or ponds are constructed and maintained to assure that flow and circulation patterns and chemical and biological characteristics of all surface and groundwater resources are not impaired, and that any adverse effect on the aquatic environment will be otherwise minimized;
  - (c) Normal farming and ranching activities such as plowing, haying, seeding, cultivating, minor drainage, harvesting for the production of food and fiber, upland soil and water conservation practices, or livestock grazing;
  - (d) Normal maintenance of ponds, bridges, riprap, and drainage and irrigation ditches and related structures, including ditch burning whether by hand or with the use of equipment and machinery;
  - (e) Noxious weed or insect control;
  - (f) Removal of dead, insect infected or diseased trees;
  - (g) Construction of a livestock water tank as defined in C.R.S. '35-49-105 (2006);
  - (h) Maintenance of wetlands;

- (i) Modifications to any watercourse for fisheries improvements or riparian habitat creation and/or restoration permitted by the Army Corps of Engineers;
- (j) Emergency riparian work, provided that any permanent work shall be regulated if otherwise regulated by this ordinance; and
- (k) Wildland fire mitigation and emergency firefighting activities; and
- (l) Drilling of domestic wells serving less than three (3) residences.

9.15.080      Permit application.

Any person proposing to undertake a regulated activity as set forth in Section 9.15.060 hereof shall file an application for a watershed permit with the office of the Director on a form provided by the Town Clerk. The application shall contain the following information. To reduce preparation time of submittals, the applicant is encouraged to submit relevant information for each appropriate item that may have been prepared of other land management purposes.

- (1) Name, address, and verified signature of the applicant;
- (2) Name and address of the owner of the property on which the activity is proposed;
- (3) Verified consent of the owner of the property if different than that of the applicant;
- (4) The address and/or legal description of the property on which the activity is proposed;
- (5) A full and complete description of the proposed activity, including but not limited to, the acreage of the property, the acreage affected by the proposed activity, the proposed amount of diversion and/or storage, and any activity that may result in a discharge, spill or release of any pollutant into the Town=s waterworks or water supply;
- (6) A vicinity topographic map explicitly depicting the location of the property, the proposed activity, access points and proposed routes and land survey, prepared by a licensed engineer, of the property to be affected by the activity;

- (7) Identification and description of all water use anticipated to be necessary for the proposed activity, including but not limited to all water rights owned or to be used by the applicant, amount of consumptive use, location and timing of any expected return flows resulting from diversions, and the amount and type of discharge;
- (8) Identification and description of any impact that the activity may reasonably have on the Town=s waterworks and on the quality of the Town=s water supply;
- (9) Identification and description of all mitigation measures that shall be taken to prevent injury, damage or harm to the Town=s waterworks and pollution of the Towns water supply, including, without limitation, compliance with all applicable Best Management Practices, water quality monitoring plans, spill prevention countermeasures and control plan, emergency response plan, soil erosion, sediment, and stormwater pollution and prevention plan, grading plan, reclamation plan, site security plan; and
- (10) Any other information required by the Director to properly evaluate the application, as determined by the Director.
- (11) Upon request of a rancher, farmer, resident of a single family dwelling or other person subject to the requirements of this Chapter, the Director may waive one or more of the above requirements if the Director determines that such information is not necessary in the particular circumstances to adequately evaluate risks of pollution or potential of injury to the Town’s watersheds, waters or waterworks.

9.15.090      Permit fee and reimbursed costs. Each application for a permit shall be accompanied by payment in full of a fee and deposit for reimbursed costs, as established by the Board of Trustees, and as may be adjusted from time to time. To the extent any application results in the Town paying for outside professional services, including but not limited to engineering, legal, consulting, publication and copying fees associated with the review of the application and/or monitoring, inspection and enforcement of a permit issued pursuant to this Chapter, the applicant shall pay all such out-of-pocket expenses incurred by the Town. All fees and costs shall be due and payable at the time a statement is presented to the applicant by the Town as a condition of the permit.

9.15.100      Permit duration and renewal. Unless specifically modified by the Board of Trustees in a permit issued pursuant to this Chapter, a permit shall be valid for a period five years from the date of approval. The applicant must apply for permit renewal at least three (3) months prior to the expiration date. The purpose of the permit renewal process is to allow for the incorporation of new Town ordinances, resolutions, or policies that may affect permit content as



well as amend or modify the permit in accordance with abandoned or new activities implemented by the permit holder. The permit renewal process may involve minimal to significant documentation depending on the degree of changes in the Town's laws, policies and activities of the permittee. The applicant shall be assessed a permit renewal fee, in accordance with the most current Town fee schedule.

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

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

9.15.130      Permit review; burden; issuance or denial.

(a) In evaluating each application, the Director may consider, but is not limited to, the following factors:

- (1) Nature and type of the proposed activity;
- (2) Proximity of the proposed activity to a watercourse and whether it is located within a floodway;
- (3) Nature and type of the soils, rock or other material;
- (4) Nature and type of vegetation;
- (5) Scope and stability of the land and drainage patterns;
- (6) Any increase of effect in or on the fire hazard;
- (7) Nature, type and amount of effluents or pollutants reasonably anticipated from the proposed activity discharged either into a watercourse or underground, including

the toxicological characteristics of hazardous substances, chemicals or materials to be used or produced;

- (8) Nature, type and amount of each regularly processed new material;
- (9) Nature, type and amount of each regularly produced product;
- (10) Nature and type of any and all erosion control measures;
- (11) Any anticipated impact on the waterworks or water quality of the Town=s water supply resulting in any way from the activity, including but not limited to direct discharges, nonpoint or indirect discharges, reduction in flows within a watercourse, or the concentration of any pollutant.
- (12) Amount and type of mechanized or motorized vehicles associated with the activity;
- (13) Any water rights obtained, needed, necessary or related to the proposed activity;
- (14) Any permits or other governmental or private approval required to proceed with the proposed activity or already obtained where such permits or approvals are based on standards at least as stringent; and
- (15) Cumulative effect of the proposed activity with other activities.

(b) The burden shall be upon the applicant to demonstrate, by preponderance of the evidence and in compliance with the provisions of this Chapter, that the activity will not harm, damage or injure the Town=s waterworks or pollute the Town=s water supply.

(c) Within thirty (30) days following the filing of a completed application, which shall not be considered complete until all necessary information required by this Chapter is provided, the Director shall review the application and classify the proposed activity according to its impact on either the Town=s waterworks and/or the quality of the Town=s water supply. The Director may continue the review of the application an additional thirty (30) days if he or she deems such additional time necessary, in his or her sole discretion, to adequately review the application.

- (1) If the Director determines that the proposed activity will not have any harmful impact on the Town=s waterworks or water supply, then the Director may issue a No Impact Permit which shall include any conditions and mitigation which allows

the Director to make such determination. The No Impact Permit shall be reported to Board of Trustees at its next regularly scheduled meeting.

- (2) If the Director determines that the proposed activity does impact and/or present or create a foreseeable risk of injury to the Town's waterworks or pollution to either the Town=s waterworks and/or the Town=s water supply, then the Director shall schedule the application for a public hearing before the Board of Trustees as set forth in Chapter 9.15.180 within thirty (30) days of such determination. The Board of Trustees shall consider the application, any recommendations of the Director, and may issue the permit, with or without conditions and mitigation, upon a determination that the requirements of this Chapter have been satisfied, or may deny the permit application at the hearing.

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

9.15.150      Performance bond. The Board of Trustees may require as a condition of any permit issued hereunder that the permittee obtain a performance bond in an amount necessary to ensure completion of all measures required to prevent both injury to the Town=s waterworks and the pollution of the Town=s water supply. The Board of Trustees may also require as a part of the performance bond an additional amount necessary to clean up or mitigate the effects of any spill, release or discharge by the permittee.

9.15.160      Containment facilities; reporting requirements. Each permittee shall provide and maintain at its expense any facilities necessary to prevent and contain any spill, release or discharge of any pollutant that may cause damage, harm or injury to the Town=s waterworks or pollution to the Town=s water supply. Any such spill, release or discharge shall be reported immediately to the Director and to all other persons or entities that may be affected thereby. The permittee shall inform the Director as to the location, the nature and type of the pollutant, concentration, volume, and any measures taken to contain or remediate the spill, release or discharge and to assure that such discharge does not occur again. Within five (5) days

of such discharge the permittee shall submit a written report to the Director explaining the spill, release or discharge including a description of measures which have and shall be taken to prevent recurrence.

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

9.15.180      Hearings by the Board of Trustees on applications.

(a)      The Board of Trustees shall schedule a hearing and publish notice of a hearing at least ten (10) days prior to the date set for hearing. At such hearing, the applicant (and/or the applicant=s attorney, consultants, and representatives) and the Director (and/or Town attorney, special counsel, consultants and representatives) may make a presentation and/or present information and evidence. All interested parties may also testify or present information and evidence. The applicant shall have the burden of establishing by a preponderance of the evidence that the proposed activity will not injure, harm or damage the Town=s waterworks or pollute the Town=s water supply. The Board of Trustees may continue the public hearing if additional information is necessary for its review of the application. The Board of Trustees=s decision shall be the final action by the Town.

9.15.190      Hearings. Testimony, evidence and information presented at all hearings held pursuant to this Chapter shall be open to the public and quasi-judicial in form, under oath and recorded.

9.15.200      Compliance order. Whenever the Director determines that any permittee has violated or is violating any terms or conditions of a permit or the provisions of this Chapter, the Director may issue an order requiring the permittee to comply within a specified period of time. Any violation of the compliance order by the permittee shall be cause for the suspension or revocation of the permit. Whenever the Director determines that a person is proceeding with a prohibited activity under Section 9.15.60 hereof without permit, the Director may issue an order requiring the person to cease and desist such activity until such a time as a permit is obtained pursuant to this Chapter.

9.15.210      Violation, penalties, legal action. It shall be unlawful for any person to cause injury or damage to the Town's waterworks, including all springs, seeps, streams, surface intakes, ditches, drains, pipelines and reservoirs used in and necessary for the construction, maintenance and operation of the same. If any person violates any provision of this Chapter, in addition to utilization of the enforcement and penalty powers of the Town, the Town may commence an action for appropriate legal or equitable relief in a court of competent jurisdiction, including the municipal court. Any person upon conviction of a violation of these regulations shall be punished by the imposition of a fine in the amount not to exceed one thousand dollars (\$1,000.00) per day for each offense, or by imprisonment not exceeding ninety (90) days for each offense, or both. Any person shall be guilty of a separate offense for each and every day during any portion of which any violation of these regulations is committed, continued or permitted. In addition to the penalties provided herein, the Town shall be entitled to reasonable expert fees and attorneys' fees and costs of litigation.