

CHAPTER 12

Municipal Utilities

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ARTICLE I

Water and Sewer General Provisions

Division 1 General

Sec. 12-1. Authorizations.

This Chapter is promulgated pursuant to the authority granted in Articles 15 and 35 of Title 31, C.R.S., as amended, as a comprehensive body of regulations governing the operations of the City systems, and shall supersede and have priority over any and all informal practices or policies of the City, whether in written form or otherwise. (Ord. 8 §1, 2006)

Sec. 12-2. Definitions.

As used in this Chapter, unless the context clearly indicates otherwise, the words defined below shall have the respective meanings set forth for them:

Active or activated. When referring to a tap, a tap for which the customer has paid all fees and has the legal authorization to connect to and use the City system for service to the licensed premises, and for which the physical connection to the City system has been made and approved by the City. An active tap is being charged the fixed monthly service fee, even if it is not actually taking water or discharging wastewater so as to incur any volumetric component of the monthly rates. Stub-ins shall not be considered activated taps.

Actual costs. All direct and indirect costs attributable to any project or undertaking. Actual costs to the City shall include its engineering, legal, labor, material, equipment, administrative and overhead expenses, and all direct payments to third parties, at cost.

BOD (Biochemical Oxygen Demand). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20) degrees Celsius, expressed in milligrams per liter.

City. The City of Idaho Springs, Colorado, acting by and through the Idaho Springs Water Activity Enterprise, its employees, agents, officers, directors, insurers and professional consultants.

City system. The plant, facilities, supplies, systems, water rights, assets and appurtenant property rights owned by the City which are used and useful for the furnishing of water or sewer service.

Contractor. Any person who performs any work, either for himself, herself or another, on any sewer facilities, public or private, within the City, including all subcontractors, agents, employees, officers and other representatives of such person.

Customer or owner. Any person who, whether solely or with others, owns real property which receives or is eligible to receive water or sewer service from the City. When property is owned by more than one (1) person, the term includes all owners thereof. As used in these rules and regulations, the term shall apply to such person only in connection with his or her ownership of any specific parcel of real property involved in any specific matter governed by this Chapter.

Customer facilities. Water and wastewater facilities, including service lines and interior plumbing, which are designed, constructed, installed, owned, operated, maintained and repaired exclusively by the customer.

Design standards. The technical specifications and design and engineering standards, as now or hereafter constituted, adopted by the City Council, which prescribe the minimum technical standards and related requirements for the design, installation, construction, operation, use, maintenance, repair and replacement of water and sewer facilities within the City.

Equivalent residential unit (EQR). The measure of demand placed upon the City systems by an average single-family detached residence, determined as provided in Section 12-60 of this Chapter.

Facility. A component part of the City water or sewer system.

Foreign materials. Objects or substances not appropriate for transmission by a sanitary sewage system, including without limitation paving or construction materials or debris, furniture, appliances, clothing, bicycles, rocks, dirt, trash, grease, oil, sand and grass, bush or tree clippings.

Industrial user. Any person who discharges wastewater from industrial manufacturing processes, a trade or a business, as distinct from sanitary wastewater.

License. The written authority to make a tap for water or sewer service.

Licensed premises or premises. The land area and improvements thereto to which water or sewer service is limited under any particular license.

Main. Those City-owned pipes and appurtenant facilities used for distributing water or carrying wastewater along public streets, easements or rights-of-way deeded or licensed to the City.

Main extension. The construction of retail facilities of any kind whatsoever, wherever located, or the facilities themselves, including replacements and enlargements, which are designed and intended to serve particular local areas or land development, and which are intended to become or have become a part of the City system upon acceptance by the City.

Person includes associations, corporations, firms, partnerships and bodies politic and corporate, as well as individuals.

Record or as-built drawings. A separate set of full-scale construction plans marked to indicate completely and accurately the field-installed condition of facility construction in progress.

Retail facilities. City-owned water and wastewater facilities, of any kind whatever and wherever located, which serve a particular portion of the City's service area in which property owned or being developed by the owner is located; new retail facilities are designed, constructed and installed by and at the sole cost of the owner and are conveyed at no cost to the City for operation and maintenance. Wastewater collection and water distribution mains, with appurtenances, are typical retail facilities.

Service lines:

- (1) All water pipes, fittings and appurtenances owned by the customer, which convey water from the City's main to the plumbing of the licensed premises. The dividing point between the City system and privately owned service lines is the outlet from the curb stop.
- (2) Any sewer lines or portions thereof located upstream from the upstream end of the wye or saddle fitting on the City's main, and intended or used to convey wastewater from licensed premises to the City system.

Sewage. See *wastewater* below.

Stub-in. A connection to a water main made for the purpose of installing a water service line prior to the paving of streets. Such connection shall include fittings necessary to extend the service line to the valve at the property line. Stub-ins shall not be considered activated taps.

Tap. The physical connection to a City main which, together with the license for the same, provides water or sewer service to any licensed premises.

User. Any person who discharges or causes the discharge of wastewater to the City sewer system, or who takes water from the City water system.

Wastewater. The combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions, including polluted cooling water.

- (1) *Sanitary wastewater* means the combination of liquid and water-carried wastes discharged from toilet and other sanitary plumbing facilities.

- (2) *Industrial wastewater* means the combination of liquid and water-carried wastes discharged from any industrial establishment and resulting from any trade process carried on in that establishment, including the wastewater from pretreatment facilities and polluted cooling water.

Wholesale facilities. City-owned water and wastewater facilities which are designed, constructed, installed, operated, maintained and repaired exclusively by and at the sole cost of the City which serve the entire service area of the City or major regions or portions thereof and which are funded by plant investment fees and rates and fees for service. Where major water or sewer transmission lines also serve a direct distribution or collection function, only the oversize costs of such lines shall be considered *wholesale facilities*.
(Ord. 8 §1, 2006)

Sec. 12-3. City systems.

(A) *Ownership.* The City exercises the responsibilities of full ownership of the existing City systems and shall only accept ownership responsibilities for additional facilities which have been formally conveyed to and accepted by the City.

(B) *Operation and maintenance.* The City operates, maintains, repairs and replaces the City systems. Such services include without limitation inspections of private premises to ensure compliance with this Chapter, in addition to periodic, systematic inspection and maintenance of City facilities. All inspections, observations, testing and reviews performed by the City are for the sole and exclusive benefit of the City. No liability shall attach to the City by reason of any inspections, observations, testing or reviews required or authorized by this Chapter or the design standards by reason of the issuance of any approval or permit for any work subject to the authority or jurisdiction of the City.

(C) *Interconnections and cross-connections.* No person shall connect any other water or sewer system to any component part of any City system, nor shall water or wastewater from any other system be introduced or permitted to enter the City system, except with the express written approval of the City under written agreement approved by the City Council. The City may immediately and without notice disconnect any unauthorized cross-connection or interconnection and charge the actual costs thereof to any person responsible therefor.

(D) *Repair shut-offs.* The City may, without notice and without liability to anyone, suspend service or modify water pressure for the purpose of making repairs or extensions to the City systems, or for other useful or necessary purposes.
(Ord. 8 §1, 2006)

Sec. 12-4. Extraterritorial service.

Nothing in this Chapter shall limit the City's ability to provide services outside its legal boundaries under such terms and conditions as the City Council may determine. No such service shall be extended except by written contract, which may be included within an annexation agreement. No such service will be construed to impose upon the City any obligation to provide additional service outside of its legal boundaries, nor shall the existence of such service constitute an offer by the City to serve outside of its boundaries generally. Except as expressly provided by contract in specific cases, the City has no obligation whatever to provide any service outside of its legal boundaries.
(Ord. 8 §1, 2006)

Sec. 12-5. Connection required.

(A) *Requirement.* Unless exempted by the City Council for good cause and in conformity with applicable statutes and regulations, all improvements generating wastewater and all improvements requiring potable water shall be connected to the appropriate City system if City facilities are within one hundred (100) feet of the boundary of the parcel of property on which such improvements are located. Such connection shall be made or any necessary main extension commenced within sixty (60) days after written notice to the owner by the City, and any existing private water or wastewater disposal facilities shall thereupon be properly emptied, cleaned, chlorinated and filled with sand or dirt.

(B) *Main extensions.* The Public Works Department shall determine when main extensions are necessary. Necessary extensions shall extend to a point as determined by the Public Works Department.

(C) Exemptions. During the construction of any improvements, temporary toilet facilities may be used in accordance with the regulations of the Clear Creek County Health Department or of the Colorado Department of Public Health and Environment, but as soon as such improvement is connected to City facilities, such use shall be abandoned and all evidence of such use properly covered or disposed of.
(Ord. 8 §1, 2006)

Sec. 12-6. Other water systems prohibited.

(A) Supplies. No person shall furnish or supply treated water from any water system within the City except from the City system.

(B) Use. No person shall take, use or consume any treated water within the City for any purpose from any water system other than the City system.
(Ord. 8 §1, 2006)

Sec. 12-7. Swimming pools.

(A) Permit required. Any owner who desires in any calendar year to use the City water system to fill a swimming pool of five hundred (500) gallons or more located on his or her premises shall first make written application for an annual swimming pool permit upon such forms as may be prescribed and furnished by the City, and shall pay a fee for such permit in an amount set forth in the City's fee schedule.

(B) General conditions. The City may impose such reasonable restrictions as to frequency, times, volume and rates for filling the swimming pool as may be appropriate to reduce the risk of supply, pressure or other potential problems in the City water system. If such conditions are imposed, the customer shall post and maintain a permanent sign stating the conditions in a prominent place at the location of the equipment servicing the pool.

(C) Filling from hydrants. Swimming pools will not be filled utilizing fire hydrants without the express, prior approval of the Public Works Department.

(D) Discharge to sewer system. Any customer who discharges water into the City sewer system when emptying a swimming pool of five hundred (500) gallons or more shall discharge at a rate not exceeding ten (10) gallons per minute. The Public Works Department shall be notified at least twenty-four (24) hours prior to any and all swimming pool discharges of five hundred (500) gallons or more.

(E) Revocation. Restrictions and requirements imposed pursuant to Subsections (B), (C) and (D) above shall be conditions of the permit, and a breach or violation of any of the same shall constitute cause for revocation thereof. Upon revocation of the permit, the customer shall immediately cause the swimming pool facilities to be physically severed and disconnected from any water facilities, public or private, supplied by the City water system. Failure to comply with this requirement shall constitute cause for suspension or termination of all water service to the premises in accordance with Section 12-74 of this Chapter.
(Ord. 8 §1, 2006)

Sec. 12-8—12-10. Reserved.

*Division 2
Conditions of Service; Licenses*

Sec. 12-11. License required; application; penalty.

(A) License required; application. No person shall cause or permit any connection to any City facility without first obtaining a license therefor as provided in this Article. Any person who desires to obtain new service to property within the City, or within an approved extraterritorial area, shall make written application therefor at the office of the City Clerk upon such forms as may be prescribed and furnished by the City. Such person shall also furnish such additional information about the premises as may be required by the City to calculate the estimated demand of such premises upon the City system.

(B) License; authority. The approved tap application form shall constitute authority for a license; however, no license shall be deemed to be granted until the premises are recorded as an active account in the City's water billing

system. Until a license is granted and written notification of the same is provided to the licensee, no person shall take water from or discharge wastewater to the City system at or from such premises, and any use of the City system by or at such premises shall be deemed an unauthorized connection.

(C) Unauthorized connection; penalty. Any person who makes, causes, permits, solicits, aids or abets any other person to make or cause any connection to the City system without a proper license therefor is subject to a civil penalty in an amount equal to twice the amount of the plant investment fee for the connection made, calculated as provided in Section 12-60 of this Chapter, in addition to any plant investment fee regularly imposed pursuant thereto for the connection when the same is made in conformity with this Chapter.
(Ord. 8 §1, 2006)

Sec. 12-12. Approval standards; revocation.

(A) Approval standards. Upon a determination that all of the following conditions exist or have been met with respect to the application, the City shall issue its authority for a license for the service requested:

- (1) The written application and information submitted therewith is accurate, complete and proper as to form.
- (2) The person making application has the authority or consent to do so from the owner.
- (3) All applicable fees and charges imposed by or through the City are paid at the time of application.
- (4) The property proposed for service is within the legal boundaries of the City or another area authorized for service by the City Council.
- (5) The main on which the tap will be made has been accepted by the City and all conditions necessary under Chapter 24, Article V of this Code for conditional acceptance by the City of facilities used or useful to serve the tap exist at the time application for service is made. Prior acceptance of such facilities by the City does not conclusively establish that this requirement is met.
- (6) The City system is adequate to serve the proposed tap.

(B) Conformity with City standards. Notwithstanding any other provision of this Chapter to the contrary, the City may terminate or withhold licenses or approvals for service from any facilities, public or private, which do not conform to this Chapter, the design standards or any plan approvals.

(C) Revocation. The City may revoke any license, before or after the tap is activated, upon a determination that the application therefor contained false or inaccurate information and, but for such misinformation, the application would have been denied when made.
(Ord. 8 §1, 2006)

Sec. 12-13. Expiration.

(A) Except as provided by written agreement approved by the City Council, every license shall expire eighteen (18) months after the date of its issue unless the tap is made and activated within that time. Each license may be once extended for up to an additional eighteen (18) months upon approval by the City Council.

(B) Any activated tap for which the service fee remains unpaid for eighteen (18) months shall be considered expired.

(C) Any customer whose license or tap expires may reapply for a license, and said application will be considered a new application for service, subject to the conditions set forth in Section 12-11 above.
(Ord. 8 §1, 2006)

Sec. 12-14. Nontransferability of license.

Each license applies only to the premises identified thereon and is not deemed in any sense to be personal property. No license may be transferred from one (1) premises to another without the approval of the City, but a license shall be deemed to follow any transfer or sale of the fee ownership of the licensed premises.
(Ord. 8 §1, 2006)

Sec. 12-15. Multiple structures.

(A) Each independent structure requiring water or wastewater service shall be individually licensed and metered and served by a single tap unless the City, in the exercise of its reasonable discretion, determines that other means are more suitable in the operation of the City system. For the purposes of this Section, structures shall be considered to be independent if they do not have a common foundation, walls and/or roof. Any City authorization for more than one (1) structure on the same service line, meter or tap must be approved by the City Council, provided in writing, signed by the Mayor, and must specifically identify all structures so served.

(B) All properties authorized as described in Subsection (A) above shall provide for a curb stop box at the common service line, accessible to Public Works personnel, and provide for individual shutoff capability at each individual structure. This individual shutoff may be a curb stop box or other apparatus that is under the control of the property, and said owner will bear full responsibility for turning the water on or off as necessary.

(C) Upon receipt of an order to cure any installation not conforming to this Section, the owner shall be responsible for all costs of disconnecting structures from the common service line and installing separate service lines and taps. Unless all affected owners agree otherwise in writing, the owner of that part of the licensed premises closest to the tap, following the route taken by the existing service line, shall be entitled to keep the original tap, and the owner of each other structure shall be required at his or her sole expense to obtain a new and separate license for his or her premises. However, said owner shall not be required to pay a plant investment fee when the only reason for the new tap is to cure a violation of this Section. Such arrangements shall be completed within sixty (60) days after the date of the order to cure. Any violation of this Section which continues after that date shall be deemed an unauthorized tap or service connection to the City system.

(Ord. 8 §1, 2006)

Sec. 12-16. Installation of taps; fees.

(A) When a tap is to be made, the customer shall excavate the site of the tap as directed by the City and notify the City when such excavation is ready for the tap to be made. The tap shall be made by the City, not the customer.

(B) When the tap has been made, the customer shall install the water service line from the tap to a point a minimum of five (5) feet downstream from the curb stop, normally located on the customer's property line. The sewer service line shall be installed from the tap to a point a minimum of five (5) feet inside the customer's private property boundary. The customer shall notify the City when this installation is complete and ready for inspection. The City shall inspect such installation and approve the same when it conforms to the design standards.

(C) The customer shall notify the City not less than two (2) business days before the date of tapping to schedule a time for the City's tapping work, and again for inspection of the installation of piping and curb stop, in the case of water services. The customer shall pay a fee for City tapping and inspection services furnished pursuant to this Section, one (1) fee for each service, including reinspection fees to be imposed if the site is not ready for the tap to be made or if any customer installation fails to pass an inspection, in an amount set forth in the City's fee schedule. Said fees shall be waived when the only reason for the new tap is to cure a violation of Section 12-15 above.

(D) Record drawing. The customer shall supply the City with a record drawing of the installation within two (2) weeks after the tap has been completed, showing the location of the tap, service line and curb stop box.

(Ord. 8 §1, 2006)

Sec. 12-17. Reconveyance of easements.

As a condition of continued service to any licensed premises, the owner of such premises shall, to the extent of his or her legal ability, upon written request by the City, reconvey at no cost to the City any and all easements or other property interests covering City facilities used or useful to serve such premises which may have been lost due to the foreclosure of any senior lien of any description, by the failure of any description or by the failure of the City's title thereto for any other reason.

(Ord. 8 §1, 2006)

Sec. 12-18. Redevelopment; consolidation of taps.

Whenever the customer desires to eliminate two (2) or more existing taps serving the site of a future project containing one (1) or more new buildings, the transferability of existing taps and credits for City plant investment fees to the new project shall be determined by the City on a case-by-case basis.
(Ord. 8 §1, 2006)

Sec. 12-19. Owner-initiated suspension of service.

On the written request of an owner, the City may suspend service to the owner's premises, provided that they are not occupied by persons other than the owner at the time the request is made. On the effective date of such suspension, the City shall physically interrupt water service to the premises and shall not restore such service until requested in writing by the owner. During the suspension period, no person shall take water from or discharge wastewater to the City system at or from such premises, and any use of the City system by or at such premises shall be deemed an unauthorized connection. During the suspension period, the rates charged to the premises for water and sewer service shall be fifty (50) percent of the service charges provided in Sections 12-122 and 12-182 of this Chapter. The owner shall be liable for all fees and costs associated with the suspension, including without limitation those provided by Section 12-74.
(Ord. 8 §1, 2006)

Sec. 12-20—12-30. Reserved.

*Division 3
Main Extensions*

Sec. 12-31. Required.

Any owner subject to a notice to connect issued pursuant to Section 12-5 of this Chapter or who desires water or sewer service shall, at his or her sole cost and expense, design, construct and install all new main extensions, including without limitation frontage extensions, reasonably required by the City to serve his or her property. All such work shall be in conformity with and subject to the City's Master Plan, this Chapter, the design standards and City approval. In accordance with the provisions of Chapter 24, Article V of this Code, the owner shall, at no cost to the City, convey to the City all main extensions constructed by him or her.
(Ord. 8 §1, 2006)

Sec. 12-32. Approval required, improvements agreement.

No owner shall commence any construction upon a main extension without the prior written approval of the City. If required by the City, the owner shall enter into a written improvements agreement with the City setting forth any or all terms and conditions applicable to any main extension.
(Ord. 8 §1, 2006)

Sec. 12-33. Plan review and approval.

No construction of any main extension shall begin until after the plans and design therefor have been reviewed and approved by the City as conforming with the City's Master Plan, this Chapter, the design standards and any other applicable standards, and until a preconstruction meeting has been held. The City shall inform the owner in writing of the reasons for any disapproval. Upon approval of the plans and design, the City will schedule the preconstruction meeting.
(Ord. 8 §1, 2006)

Sec. 12-34. Construction observation.

The owner shall notify the City at least two (2) business days before commencing construction, and at any and all other times specified by the City in any plan approvals or otherwise, for observation, inspection or testing.
(Ord. 8 §1, 2006)

Sec. 12-35. Stop work orders.

(A) Order. The City may revoke any approval for work and issue a stop work order upon a determination that the owner or his or her contractor has violated or is about to violate any condition of any plan approval, any provisions of this Chapter or any other standard, specification, rule or regulation imposed by the City. A stop work order shall take effect immediately upon the entry thereof by the City and notice to the owner or his or her contractor, and shall remain in full force and effect until rescinded in writing by the City.

(B) Effect. It is unlawful for any person to do any work in violation of the terms of any stop work order issued pursuant to this Section, except such as may be permitted by the City in order to render the construction site safe and secure.

(Ord. 8 §1, 2006)

Sec. 12-36. Location.

Main extensions shall be located only in easements deeded to the City, or in roads or streets which the City or the County has accepted for maintenance as a public right-of-way.

(Ord. 8 §1, 2006)

Sec. 12-37. Deeded easements.

Deeded easements necessary to cover main extensions not located in public rights-of-way shall be granted at no cost by the owner to the City at such time and upon such terms as the City may reasonably require. To facilitate the City's preparation of appropriate conveyance instruments, the property owner shall comply with the following minimum requirements:

- (1) Legal description. The owner shall furnish the City with a legal description of all easement parcels to be granted by any single conveyance instrument, consisting of a printed legal description, certified by a land surveyor registered in the State, and an accurate survey drawing of each parcel, including north arrow and scale, tying each parcel to a survey land corner or corner of a platted parcel of land.
- (2) Evidence of title. The owner shall furnish suitable evidence of title, consisting of a commitment for or a title insurance policy, an attorney title opinion, a subdivision certificate or a written ownership and encumbrance report, dated within thirty (30) days before the date of submission to the City. Evidence of title must show all current mortgages, deeds of trust, liens and other encumbrances against the property. The City may require reasonable evidence of the authority of the individual executing the conveyance instrument to bind the owner thereto.
- (3) Release of encumbrances. The City may require a properly executed and acknowledged release or other suitable instrument to exempt an easement parcel from prior liens or encumbrances. If such is required, the City will not accept the main extensions or other facilities for maintenance until it receives all required releases. The City reserves the right to require additional or supplemental evidence of title after the release is recorded.

(Ord. 8 §1, 2006)

Sec. 12-38. Easement acquisition costs.

The owner shall be responsible for and pay all costs and expenses of whatever kind associated with the acquisition and approval of all easements required hereunder. These expenses may include those associated with eminent domain proceedings; however, this shall not be construed as imposing any obligation whatever upon the City to commence or prosecute any such action.

(Ord. 8 §1, 2006)

Sec. 12-39. City main extensions.

Notwithstanding any of the foregoing, the City reserves the right to extend mains in any case in which it determines that such action may be in the best interests of the City and its constituents, upon such terms and conditions as the City may reasonably determine.

(Ord. 8 §1, 2006)

Sec. 12-40—12-50. Reserved.

*Division 4
Fees and Charges*

Sec. 12-51. Purpose and liability.

(A) Purpose. The purpose of the fees and charges provided in this Article is to defray the costs of constructing, operating, maintaining, repairing, replacing and expanding the City systems, including the repayment of debt and funding of reasonable reserves to accomplish any or all of said purposes, and for contingencies.

(B) Liability. The fees and charges provided in this Chapter are the personal, joint and several obligation of the owner of the property for which service is furnished or the charge made, but the full amount of any such fees and charges shall also be a perpetual lien against such property. The City assumes no responsibility for any agreement made between owners and tenants, regardless of how made and regardless of whether the City has notice thereof. Notwithstanding the foregoing, however, any system or plan review, observation, inspection, disconnection or reconnection fee shall also be the personal obligation of any person who orders or requests the City to perform such work, even though such person may have acted in a representative capacity when doing so.
(Ord. 8 §1, 2006)

Sec. 12-52. System review fee.

Any person who requests the City to review the feasibility, costs and methods of City service to a new development shall pay all of the actual costs incurred by the City to perform such review. If required by the City, the person requesting the review shall deposit an amount reasonably estimated by the City to cover said costs when the request for review is made. The City need not perform or continue any review services for such person without an adequate amount to pay the costs thereof being on deposit. Any unused portion of the deposit will be refunded, and any deficit will be invoiced to the person liable therefor within forty-five (45) days after the review is completed or terminated.
(Ord. 8 §1, 2006)

Sec. 12-53. Disconnection and reconnection fees.

Whenever any service is physically disconnected, interrupted or reconnected by the City for any reason, the customer or any other person liable therefor shall pay a fee in an amount set forth in the City's fee schedule.
(Ord. 8 §1, 2006)

Sec. 12-54. Plan review fee.

Whenever any provision of this Chapter requires City review of plans and design, the person liable therefor shall reimburse the actual cost incurred by the City for such plan review. At the time the plans or designs are presented, the person requiring such plan review shall deposit with the City an amount reasonably estimated by the City to cover said costs when the request for review is made. If an additional deposit becomes necessary in order to cover the estimated actual cost of the plan review, the City may estimate an additional amount required for deposit and collect the same from the person requiring plan review before incurring plan review costs in excess of amounts already deposited. Any unused portion of the deposit will be refunded to the person who paid the same within forty-five (45) days of completion of the plan review. Any deficit will be invoiced to and paid by the person requesting the plan review.
(Ord. 8 §1, 2006)

Sec. 12-55. Inspection and observation fees.

Whenever any provision of the design standards or this Chapter requires or provides for observation or inspections of any kind by the City, the person liable therefor shall reimburse the actual costs incurred by the City for such observation or inspection. If required by the City, the person requesting or needing the observation shall deposit an amount reasonably estimated by the City to cover said costs when the request for inspection or observation is made. Any unused portion of the deposit will be refunded, and any deficit will be invoiced to the person liable therefor within forty-five (45) days after the observation.
(Ord. 8 §1, 2006)

Sec. 12-56. Cure charges.

Whenever the City cures any defect, deficiency, nonconformity or violation as provided in this Chapter, any person who is responsible under this Chapter to cure such condition, or whose act or omission resulted in the necessity for the curative action, shall be liable and obligated to reimburse the actual costs incurred by the City for such undertaking.

(Ord. 8 §1, 2006)

Sec. 12-57. Civil fines pass-through.

Any person who, by act or omission, causes the City to incur any fine or penalty assessment imposed by state or federal authorities shall be fully liable to the City for the total amount of the fine so assessed.

(Ord. 8 §1, 2006)

Sec. 12-58. Billing; late charges and interest; collection.

(A) Water and sewer rates and charges imposed and established in this Chapter, together with any other charges provided elsewhere in this Code to be invoiced with water rates, shall be billed bimonthly, in arrears. Charges or fees for disconnection, reconnection, plan review, construction observation, repair, cure of defects and owner-initiated meter reads imposed under this Chapter shall be invoiced on the first statement following completion of the work, and shall thereupon be deemed for all purposes to be charges for water or sewer service, depending upon which system is involved. If payment in full is not received by the City on or before the last day of the month in which the charges were billed, they shall be deemed delinquent.

(B) When any utility charges become delinquent, a late charge in an amount equal to twenty (20) percent of the amount past due shall be added to the amount thereof. Any person liable for such fees and charges shall also be obligated to pay the costs of collection, including reasonable attorneys' fees and court costs, actually incurred by the City.

(C) When any check tendered for charges imposed pursuant to this Chapter is returned due to insufficient funds, a service charge as set forth in the City's fee schedule will be charged and invoiced on the first statement following the return of the check and shall thereupon be deemed for all purposes to be charges for water service.

(D) Late charges, interest and collection costs provided herein are the obligation of the person liable for the fees or charges whose nonpayment gave rise thereto, as provided in Subsection 12-51(B) above, and the full amount thereof shall also be a charge and a lien upon the real property involved from the date such charges, interest and costs become due until they are paid in full.

(E) Any and all monies received by the City as payment for City utility charges shall be applied first to delinquent amounts for sanitary sewer service and domestic water service, and then to current amounts for sanitary sewer service and domestic water service, in the order stated, the term *charges* to include penalties where applicable.

(F) In addition to and without waiving any other available remedies, the City may also certify any and all delinquent charges imposed pursuant to this Chapter, together with penalties and accrued interest, to the County Treasurer, to be collected in the same manner as are general taxes.

(Ord. 8 §1, 2006)

Sec. 12-59. Withholding approval and permits.

Notwithstanding any provision of this Chapter to the contrary, the City may withhold permits, approvals or other authorizations from any person until all sums then due to the City from such person pursuant to this Chapter are paid in full.

(Ord. 8 §1, 2006)

Sec. 12-60. Calculation of EQR value for premises.

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

<i>Meter Size and Type</i>	<i>EQR</i>
¾" Displacement or Multi-Jet	1.0
1" Displacement or Multi-Jet	1.7
1½" Displacement or Class I Turbine	3.3
2" Compound Displacement or Class I & II Turbine	5.3
3" Displacement	10.0
4" Displacement or Compound	16.7
6" Displacement or Compound	33.3
10" Compound	76.7

In the case of premises not served by the City water system, the EQR value (for purposes of sewer service) shall be determined by the City, considering estimated water usage at such premises, and based upon planning and design standards generally accepted in the industry for determining sanitary sewage flows from the premises.

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

(C) Subsequent increases not related to increased meter size. Before the effective date of any change in the use or configuration of a licensed premises which could reasonably be expected to increase the number of EQRs for such premises, the customer shall notify the City of the change. Any increase in the EQR value for the licensed premises resulting from such change shall be determined by the City and notice thereof given to the customer. The customer shall, within ten (10) days after receipt of such notice, apply for licenses for the increased service and shall, in connection therewith, pay any and all additional plant investment fees in the amounts determined pursuant to Subsection (D) below. Such application shall be treated as an application for new service to the extent of the increase. A customer whose increased service is sufficiently large to require a main extension is subject to the provisions of this Chapter for both water and sewer facilities. If a customer fails to notify the City as required herein before the change in use or configuration occurs, the City may, after giving the customer notice and an opportunity to be heard, determine the new EQR value for the premises, calculate increased plant investment fees therefor and charge the customer the amount due for the same, provided that said additional fees are assessed within three (3) years of the date of change in use.

(D) Calculation of new fees. The amount of the plant investment fees to be paid in connection with an increase in the EQR value for any premises, whether determined pursuant to Subsection (A) or (B) above, shall be determined by subtracting the current amount of the plant investment fees for the premises based upon its pre-change or preapplication EQR value from the current amount of the plant investment fees for the premises based upon its increased EQR value. No refund of any plant investment fee shall be made in connection with reduction in the EQR value of any premises.

(Ord. 8 §1, 2006)

Sec. 12-61. Multipliers for monthly rates.

(A) Routine case values. For the purpose of calculating bimonthly service charges for water and sewer service, the multiplier applicable to any premises shall, subject to the provisions of Subsection (B) below, be determined in accordance with the following:

- (1) For single-family residential and for commercial and all other nonresidential uses, the multiplier is 1.0.
- (2) For multi-family uses, the multiplier is 1.0 for the first dwelling unit and 0.9 for each additional dwelling unit.

- (3) A separate multiplier shall be used for each type of use applicable to any premises served by a single tap. By way of illustration, if a premises served by a single tap has one (1) or more commercial uses and a single-family residential use, the multiplier for such premises is 2.0. If a premises served by a single tap has one (1) or more commercial uses and a multi-family use consisting of two (2) dwelling units, the multiplier for such premises is 2.9.
- (4) The terms *single-family*, *multi-family* and *dwelling unit* as used in this Section shall have the meanings provided for them in Chapter 21, Article II of this Code.

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

(C) Subsequent increases. Before the effective date of any change in the use or configuration of a licensed premises which will increase the multiplier for such premises, the customer shall notify the City of the change. Any increase in the multiplier for the licensed premises resulting from such change shall be determined by the City and notice thereof given to the customer. If a customer fails to notify the City as required herein before the change in use or configuration occurs, the City may, after giving the customer notice and an opportunity to be heard, determine the new multiplier for the premises, calculate the rates based thereon and charge the customer the amount due for the same. Said charge may be assessed retroactively to a maximum of three (3) years from the date of change in use. (Ord. 8 §1, 2006)

Sec. 12-62. Utility Rate Relief Policy.

Notwithstanding any provision of this Chapter, the City may adjust a customer's water and sewer bill under limited circumstances as provided in the Utility Rate Relief Policy of the City, a copy of which shall be maintained in the office of the City Clerk. (Ord. 8 §1, 2006)

Sec. 12-63—12-70. Reserved.

*Division 5
Administration and Enforcement*

Sec. 12-71. Prohibited acts.

It is unlawful for any person to cause, attempt to cause, permit, solicit, aid or abet any other person to cause or attempt to cause, by act or omission, any of the following:

- (1) Fail or refuse to comply with any requirement imposed in this Chapter.
- (2) Cause or allow any groundwater or storm runoff to enter the City sewer system.
- (3) Make any connection to any City facility without a required license or permit.
- (4) Discharge into the City sewer system in violation of the terms of any permit.
- (5) Take or use water from the City system without a valid license or permit therefor, including the taking or use of water from a licensed premises for service to any premises not covered by the license.
- (6) Take or use water from the City system in violation of the terms of any license or permit, including the supplying of water from a licensed premises for service to any other premises not covered by the license.
- (7) Supply, take or use treated water within the City from any water system other than the City system.

- (8) Cause or allow the escape of water from the City system in such a way that such water is wasted or lost to beneficial use. Sprinkling water running onto a street is hereby declared to be prima facie evidence of water waste.
 - (9) Take or use water from the City system in violation of any order of the City relating to the curtailment or conservation of water.
 - (10) Make any physical connection between the City system and any other water system without the written approval of the City.
 - (11) Take, use or consume any water from the City system in violation of a suspension or termination order under the Chapter.
 - (12) Cause or allow the escape of any wastewater from the City system.
 - (13) Open or enter into any City facility without City authorization.
 - (14) Cause or allow the entry of any foreign materials into any water or sewer facility, public or private.
 - (15) Cause or allow the entry of any wastewater into the City system except through a tap or other connection duly authorized by the City for the uses actually approved therefor. This provision shall specifically include, without limitation, discharging any wastewater into the City system through manholes.
 - (16) Construct, install or place any structures or improvements of any kind, surface or subsurface, temporary or permanent, or plant any tree, woody plant or nursery stock of any kind within the boundaries of any City easement in violation of the terms or conditions of such easement without express written authorization from the City. For the purposes of this provision, the term *structures* includes but is not necessarily limited to improved walkways, roads, curbs, gutters, sprinkling systems, other utility facilities including those for cable TV, fences, walls, pools, ponds, water features, athletic playing fields or courts, and any and all earthen improvements such as berms and grades providing lateral support to any building or other structure, whether or not such structure is itself within the boundaries of the right-of-way or easement.
 - (17) Interfere with employees or agents of the City in the performance of their duties.
 - (18) Bypass, break, damage, destroy, remove, uncover, alter, deface or otherwise tamper with any portion of the City system, any backflow prevention device or any meter whose purpose is to measure water or wastewater flows.
 - (19) Perform any act that obstructs or is reasonably likely to obstruct the flow of water or wastewater in the City system.
 - (20) Cause the entry of any wastewater into the City system in violation of a suspension or termination order under Section 12-74 below.
 - (21) Make or file with the City any statement, report or application while knowing or having reasonable cause to know the same is false or substantially inaccurate; or omitting any material fact in connection with such statement, report or application when the omission leaves the remainder of the information given misleading or substantially inaccurate.
 - (22) Remove, conceal, deface, damage or destroy, without authorization, any written notice or order posted, delivered or issued by the City, including without limitation stop work orders, suspension or termination orders and cure orders.
- (Ord. 8 §1, 2006)

Sec. 12-72. City agents and representatives.

Employees or agents of the City designated by the City Council shall have full authority to act for and on behalf of the City in any matter affecting the administration or enforcement of this Chapter.

(Ord. 8 §1, 2006)

Sec. 12-73. Right of entry.

Duly authorized representatives of the City, bearing proper credentials and identification, shall be permitted to enter upon all property at reasonable times for the purpose of inspecting, observing, measuring, sampling and testing in connection with the enforcement and administration of this Chapter, and for the performance of any duty or function authorized to or required of the City pursuant to this Chapter.
(Ord. 8 §1, 2006)

Sec. 12-74. Suspension or termination of service.

In addition to and without waiving any other available remedy, the City shall have and may exercise the right to suspend or terminate service to any property where or as to which a violation of this Chapter, or of any license, permit, approved plans or applicable contract occurs or continues, in accordance with the following:

(1) Immediate suspension or termination. The City may immediately terminate service upon revocation of any license or permit, or suspend service when such suspension is necessary to stop or prevent an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons or to the environment, interference with or damage to City facilities or violation of any condition of the City's NPDES permit; or when suspension is necessary to stop or prevent any use or escape of water which presents or may present a risk of substantial loss of water or any imminent and substantial endangerment to the property, health or welfare of any person. The customer shall have the right to a prompt hearing following such termination or suspension, as provided in Paragraph (2) below.

(2) Notice and opportunity for hearing.

(a) When it appears that any fees or charges imposed under this Chapter have become delinquent, or that any other cause for suspension or termination of service exists, the City may mail or deliver to the owner of the property where or as to which the deficiency occurs, at the service address or a known current mailing address for the owner, a notice advising him or her of the following:

1. The alleged deficiency;
2. That service to the property will be suspended or terminated on account of such deficiency on a date not less than ten (10) days from the date of the notice unless the stated deficiency is sooner cured;
3. That he or she has the right to a hearing at which he or she may be heard concerning the alleged deficiency; and
4. That, if he or she desires a hearing, he or she must request the same before the suspension or termination date specified in the notice.

Posting the notice conspicuously at the service address shall constitute delivery thereof to the owner.

(b) If the owner does not cure the stated deficiency or request a hearing within the time provided, the City shall forthwith order the service to be suspended or terminated, as appropriate.

(c) If the owner makes a timely request for a hearing, the City shall promptly schedule and hold such hearing, at which the owner may be represented by counsel at his or her expense, to be held before the City Council. The City Council shall state the reasons supporting its decision. Except as provided in Paragraph (1) above, suspension or termination of service shall be stayed until the hearing is held and the City Council renders its decision.

(d) Upon an adequate showing of mitigating circumstances by the owner, the City Council may extend the stay for up to ten (10) days following the date of its decision. If the deficiency is not cured as required within such period, the City shall forthwith order the service suspended or terminated, as appropriate.

(3) Execution of order. Any person notified of a suspension or termination of sewer service shall immediately stop or eliminate the discharge of any and all wastewater from the property affected by such order. Any person notified of a suspension or termination of water service shall immediately stop or eliminate the taking of water from the water system at the property affected by the order. The City may take such steps as deemed necessary, including a physical interruption or disconnection of service, in order to enforce the suspension or termination order.

- (4) Grounds for termination; effect. Service shall be terminated and not merely suspended if:
- (a) The license or permit therefor is revoked;
 - (b) The connection providing such service was not authorized when made; or
 - (c) The service was suspended at least two (2) times within the preceding five (5) years as a consequence of the acts or omissions of the same customer. Any service terminated under this Section may not be reinstated. The owner of any property served by a service which has been so terminated may apply for new service for such property as provided in Division 2 of this Article.
- (5) Reinstatement of suspended service. Any suspension shall be rescinded by the City upon a determination that the deficiency forming the basis for such suspension has been cured and that no further or other nonconforming conditions or uses of the City system are evident on the property. The City shall not reinstate service until the person requesting reinstatement has paid the full amount of any applicable disconnection charge and the City's reasonable estimate of any applicable reconnection charge imposed under Division 4 above, all costs and expenses, including reasonable attorney fees, incurred by the City in the process of suspending and reinstating service, and any and all other amounts then due to the City from such person pursuant to this Chapter.

(Ord. 8 §1, 2006)

Sec. 12-75. Cure of violations.

(A) Order to cure. If the City determines that any facilities are not in conformity with this Chapter, the design standards or any plan approval, or that the terms of any easement or other agreement between the City and a customer are being violated, it may give written notice thereof to the customer at the service address or any other address for such person known to the City. Such notice shall specify the nonconformity, direct the customer at his or her cost to perform specified curative work and specify the period of time determined by the City to be reasonably necessary for completion of the curative work.

(B) City cure at customer's cost. If the customer fails within the specified time following such notice to cure the nonconformity stated therein, the City may, in addition to and without waiving any other remedy, perform the work and charge the customer for its actual costs incurred in connection therewith.

(Ord. 8 §1, 2006)

Sec. 12-76. Appeals.

Any orders, directives or decisions of City employees or agents relating to the administration or enforcement of this Chapter may be appealed in writing to the City Council within ten (10) days after the effective date of the order, directive or decision.

(Ord. 8 §1, 2006)

Sec. 12-77. Civil damages.

In addition to and without waiving any other available remedy, the City may recover civil damages from any person liable under the laws of the United States or the State to the City as a result of any violation of this Chapter or other unlawful act or omission. Such damages shall include the City's actual costs of discovering, investigating, curing, mitigating and repairing the consequences of such violation or other unlawful acts or omissions.

(Ord. 8 §1, 2006)

Sec. 12-78. Injunctive relief.

In addition to and without waiving any other available remedy, the City may seek injunctive relief from any act or omission which violates this Chapter or which otherwise jeopardizes the property or health of any person, including the City.

(Ord. 8 §1, 2006)

Sec. 12-79. Remedies cumulative.

The remedies available to the City under this Chapter and under state law shall be deemed cumulative, and the utilization by the City of any single such remedy or combination thereof shall not preclude the City from utilizing any other remedy or combination thereof.

(Ord. 8 §1, 2006)

Sec. 12-80—12-90. Reserved.

ARTICLE II

Water Regulations

Division 1

General

Sec. 12-91. Incorporation of standards by reference.

Water service furnished by the City is subject to the provisions of the Federal Safe Drinking Water Act, and regulations promulgated pursuant thereto, as they exist as of the effective date of these rules and regulations and as subsequently amended from time to time. To the extent that these or similar standards are imposed, administered and enforced in Colorado by the State pursuant to the Colorado Primary Drinking Water Regulations (5 CCR § 1003-1 *et seq.*), water service furnished by the City shall be subject to those provisions as they exist as of the effective date of these rules and regulations and as subsequently amended from time to time. Such provisions are incorporated into these rules and regulations by reference in all particulars, and made a part hereof as if set forth herein verbatim to the extent that such provisions may apply to or affect the design, construction, installation, operation, maintenance or use of the City system.

(Ord. 8 §1, 2006)

Sec. 12-92—12-100. Reserved.

Division 2

User Requirements

Sec. 12-101. Service lines.

(A) Construction. Separate and independent service lines, together with the tap and the extension from it to the water meter, shall be designed, installed and constructed by the customer at his or her sole cost and expense for every improvement requiring water service. Such service lines and any other water facilities located on the property shall be designed in accordance with the design standards and shall be installed and constructed in accordance with plans and designs approved by the City.

(B) Ownership, maintenance. Service lines are owned solely by the customer. Subject only to the provisions of Section 12-102 below, the customer shall be exclusively responsible for maintaining, repairing and replacing all plumbing fixtures, water-using appliances and pipes, including the service line, on his or her side of the curb stop box. The customer shall cause any and all leaks or other nonconformities in his or her privately owned facilities to be repaired promptly at his or her sole expense. He or she shall further ensure that the meter pit or curb stop box on his or her service line is free from any materials which may obstruct or hinder access thereto by authorized personnel. The City may repair or otherwise cure any violation of this Subsection and charge the customer the costs thereof as provided in this Chapter, but nothing in this Section shall obligate the City to effect any repairs or curative work on the customer's service line.

(C) City relocation. When proper management, operation or maintenance of the City system requires, the City may relocate, adjust, repair or replace the service line and fittings through which a customer receives water service, at the City's expense. All service lines and fittings so relocated shall become the property of the customer when installed.

(D) Responsibility for damage. The City is not responsible or liable for damage from any cause whatsoever to privately owned piping, fixtures and water-using appliances, and no customer is entitled to reimbursement for damages or payment of refunds by reason of pressure changes or stoppage of the flow of water through the City system. The protection of water-using devices and systems which require limited or sustained water pressure or a continual water supply is the sole and exclusive responsibility of the owner, and he or she shall provide suitable protection devices for such apparatus at his or her own expense. Further, the customer shall be solely responsible for all damage to persons or property resulting from leaks on his or her service line or from any apparatus owned by him or her.

(E) Abandonment. No person shall abandon any service line or connection without first obtaining a written permit therefor. The customer shall, at his or her sole cost, uncover the service line and effectively seal the service line or connection with a plug as directed by the City.
(Ord. 8 §1, 2006)

Sec. 12-102. Water meters.

(A) Requirement. Every licensed premises shall be required to have a water meter of a size, type and quality approved by the City to be read for billing purposes. Such meter shall be owned by the City and installed at the expense of the customer.

(B) Location. All meters shall be located as provided in the design standards.

(C) Maintenance. In order to provide for the accurate measurement of water through each meter, the City maintains all meters which are read for billing purposes against ordinary wear and tear. Meters in need of maintenance, testing or replacement because of obsolescence or normal wear and tear will be removed and replaced with a properly maintained and tested meter of corresponding size and type. The cost of meter repair or testing, as well as the purchase of replacement meters, shall be borne entirely by the City. Installation, removal and associated costs shall be borne entirely by the customer.

(D) Damage. The customer shall be financially responsible for any damage to or loss of the meter caused by vandalism, malicious mischief, theft, freezing, hot water, tampering, water hammer or casualty other than ordinary wear and tear. When a meter has been damaged as a result of any of such causes, the customer shall bear the entire expense of removing, repairing, resetting and replacing his or her meter.

(E) Relocation. When required for the proper management, operation or maintenance of the City system, the City may, at its expense, relocate meters or modify meter settings.
(Ord. 8 §1, 2006)

Sec. 12-103. Backflow prevention required.

(A) An approved backflow prevention assembly, appropriate to the degree of hazard, as more fully provided for below, shall be installed on each service line, downstream from the meter where practicable, but in all cases upstream from the first branch line leading off the service line, wherever any of the following conditions exist:

- (1) Industrial fluids, process waters or other substances are handled on the premises in such a fashion as to create an actual or potential hazard to the public water system.
- (2) The premises have:
 - (a) Internal cross-connections that cannot be permanently corrected or controlled; or
 - (b) Plumbing and piping arrangements such that access to all portions of the premises is not readily available for inspection purposes, thus making it impractical or impossible to ascertain whether dangerous cross-connections exist.

(B) The type of protective assembly required under Subsection (A) above shall be determined based upon the degree of hazard, in accordance with the system specifications.

(C) Failure by a customer to install, inspect, test or maintain any required backflow prevention assembly as required by this Section, or evidence that a required backflow prevention assembly has been unlawfully removed or bypassed or that an unprotected cross-connection exists on the premises, shall constitute reasonable cause for exercise

of any or all of the remedies provided by Article I, Division 5 of this Chapter, including without limitation the immediate suspension of service to the premises.

(Ord. 8 §1, 2006)

Sec. 12-104. Backflow prevention equipment requirements; evidence of approval/conformity.

Any backflow prevention assembly required by Section 12-103 above shall be a model and size approved by the City as having been manufactured in full conformance with the standards established by the latest version of the Colorado Department of Public Health and Environment Cross-Connection Control Manual, ASSE or USC FCCC & HR specifications, and the system specifications. Final approval of the backflow prevention assembly for each premises required to have such equipment shall be evidenced by a certificate of approval issued by an approved testing laboratory and the City.

(Ord. 8 §1, 2006)

Sec. 12-105. Inspections; testing.

(A) All newly installed backflow prevention assemblies shall be inspected and tested at the time of installation. At each premises where backflow prevention assemblies are installed, the customer shall have certified inspections and operational tests made at least once each year. In cases where the City determines the health hazard to be sufficiently great, certified inspections may be required at more frequent intervals.

(B) Inspections and tests shall be at the expense of the customer and shall be performed by the assembly manufacturer's representative, the City or a certified tester approved by the City. The customer shall notify the Public Works Department in advance when tests are to be undertaken in order to allow the tests to be witnessed by the customer and City representative. Backflow prevention assemblies shall be repaired, overhauled or replaced at the expense of the customer whenever said assemblies are found to be defective.

(C) Records of backflow prevention tests, repairs, overhauls and replacement shall be kept by and made available to the City.

(Ord. 8 §1, 2006)

Sec. 12-106. Applicability of backflow prevention regulations.

All backflow prevention assemblies installed on or before October 31, 2002, that do not meet the requirements of Section 12-104 above but were approved for the purposes described herein at the time of installation and that have been properly maintained, shall, except for the inspection and maintenance requirements in Sections 12-104 and 12-105 above, be exempt from the requirements of said Sections so long as they will adequately protect the City water system. Whenever an existing assembly is moved from its location or requires more than the minimum maintenance, or when the City determines that it is not performing adequately to protect against health hazards, the unit shall be replaced by an approved backflow prevention assembly.

(Ord. 8 §1, 2006)

Sec. 12-107. Water restrictions; violation; penalty.

(A) The City Council may by resolution or ordinance adopt, amend, impose and suspend water conservation and curtailment orders and other rules and regulations concerning the delivery and use of potable water within the City.

(B) A violation of any order, rule or regulation adopted pursuant to this Section shall constitute a prohibited act under this Code, subject to the general penalty provisions in Section 1-8 of this Code. Nothing herein shall be construed to prohibit the City from pursuing any additional remedy available under this Chapter or state or federal law in the case of such a violation.

(Ord. 8 §1, 2006)

Sec. 12-108. Hydrant permit.

(A) Authorized use. The only use for which water may be taken from hydrants without a permit is for the fighting of fires.

(B) Permits for authorized use. Water to be used for purposes other than fighting fires, such as construction water or temporary irrigation uses, may be withdrawn from fire hydrants only if a permit authorizing the special use for

which such water may be withdrawn has been issued by the City. Permits shall be valid only during the dates and only for the purposes specified therein.

(Ord. 8 §1, 2006)

Sec. 12-109. Tap and meter sizing; increases.

(A) Sizing. The size of the meter shall be determined by the customer, subject to the approval of the City, provided that the size of the meter serving any premises shall not be larger than the size of the tap.

(B) Subsequent increases. An application for an increase in the size of any existing meter shall be treated as an application for new service to the extent of the increase. A customer who requests an increased service which is sufficiently large to require a main extension is subject to the provisions of this Code for both water and sewer facilities.

(Ord. 8 §1, 2006)

Sec. 12-110. Stub-in.

An agreement may be issued for a stub-in in order to allow the installation of a service pipe prior to the paving of streets. A stub-in shall include all fittings and pipe necessary to extend the service pipe to and including a valve at the property line. Use of water from a stub-in is prohibited, and any taking of water from a stub-in shall cause the agreement therefor to be canceled. The owner shall be required to execute a stub-in agreement upon a form provided by the City. Once a stub-in has been converted to a tap, it is no longer considered a stub-in. Stub-ins shall be valid only for a period of two (2) years from the date of application, after which, if the stub-in has not been converted to a tap, the agreement shall be canceled. Issuance of agreements under this Section does not guarantee that water service will be activated to the premises, nor shall it be construed to give any preference for activated service.

(Ord. 8 §1, 2006)

Sec. 12-111. Voluntary termination.

Any customer desiring to have water service terminated shall apply to the City for a cut-off permit. Upon approval thereof, the customer shall at his or her sole expense physically disconnect his or her service line from the main and plug the main as directed by the City. From and after the City's inspection and approval of the physical disconnection, the City shall not assess any service charges for the property so terminated. Any reinstatement of a service terminated pursuant to this Section shall be treated as an application for new service, except that if reinstatement takes place within eighteen (18) months after disconnection, credit shall be allowed against the then-current amount of the plant investment fee for the amount of the plant investment fee for service at the premises in effect at the time of termination.

(Ord. 8 §1, 2006; Ord. 9 §1, 2007)

Sec. 12-112. Test samples.

Any user desiring a sample and test of water taken from the City system for the purposes of determining metals content shall coordinate the same directly with the City's contractor and shall be solely responsible for paying all costs thereof.

(Ord. 8 §1, 2006)

Sec. 12-113. Fire protection.

The right to tap a City main or to take and use water from the City system for private fire protection service other than from a hydrant is granted only upon all of the following conditions:

- (1) License. The owner has secured a license for such tap or service from the City and has paid an administrative fee in an amount set forth in the City's fee schedule.
- (2) From service line. If the water for fire protection is to be supplied through the same service line through which water is supplied for other purposes for the licensed premises, the fire protection facilities shall include a meter and backflow prevention equipment conforming to the design standards, and shall be installed so as to prevent the use of water through such fire protection facilities for any purpose other than fighting fires.

- (3) Adequacy of service. The City assumes no obligation or responsibility for adequacy of private fire protection service.
 - (4) Limited use. The only use for which water may be taken from private fire protection facilities under license is to extinguish fires. Any other use of water, except for routine testing, from such facilities shall be deemed unauthorized use of water for which a license for fire protection service may be suspended or terminated.
 - (5) Flow detection. Fire protection systems served by a service line dedicated to fire protection shall be equipped with a flow detection device and backflow prevention equipment as specified in the design standards.
- (Ord. 8 §1, 2006)

Sec. 12-114—12-120. Reserved.

*Division 3
Fees and Charges*

Sec. 12-121. Plant investment fee.

(A) For the purposes of defraying the costs of furnishing capital improvements and treatment capacity for the City system, there is hereby imposed a plant investment fee which shall be due and payable in full at the time application for a new license is made, or at such time as an increase in the EQR value for the premises is determined pursuant to Section 12-60 of this Chapter. The amount of any additional plant investment fee due as a result of an increase in the EQR value for the premises shall be calculated pursuant to Subsection 12-60(D). The plant investment fee is in addition to any and all other fees and charges associated with the installation of a water service. The customer shall be required to obtain and pay the costs of all street cut and other permits, and to pay the costs of all plumbing, paving, inspection and other work and materials associated with making the tap.

(B) For all services, the plant investment fee shall be an amount set forth in the City's fee schedule, multiplied by the number of EQRs established for such premises pursuant to Section 12-60 of this Chapter.

(C) When the only reason for the authorization of a new tap is to cure a violation of Section 12-15 of this Chapter, the plant investment fee associated with such tap shall be deemed to have been paid and shall not be charged to the applicant for such tap.

(D) Except as may otherwise be established by contract approved by the City Council, plant investment fees for premises outside the City limits shall be two hundred percent (200%) of the inside-City rates.

(E) If a license expires, the owner is entitled to a refund of the plant investment fee previously paid for the tap, less an administrative fee set forth in the City's fee schedule. Interest will not be paid on expired license fees.

(Ord. 8 §1, 2006; Ord. 1 §1, 2008)

Sec. 12-122. Rates.

(A) For the purposes of operating, maintaining, repairing and replacing the City system, the rates specified in this Section are hereby imposed upon the persons and property liable therefor pursuant to Section 12-51 of this Chapter. Rates for water taken from the City system consist of a consumption charge and a service charge.

(B) The consumption charge is based upon the amount of water taken during the billing period, as shown by the meter. The consumption charge for all services, prorated to the date of meter reading, is an amount set forth below.

<i>Year</i>	<i>Volume in gallons</i>	<i>Inside City</i>	<i>Outside City</i>
2008	0—25,000	\$3.00 per thousand gallons	\$6.00 per thousand gallons
	25,001—50,000	\$3.50 per thousand gallons	\$7.00 per thousand gallons
	Over 50,000	\$4.00 per thousand gallons	\$8.00 per thousand gallons
2009 ¹	0—25,000	\$3.25 per thousand gallons	\$6.50 per thousand gallons
	25,001—50,000	\$3.75 per thousand gallons	\$7.50 per thousand gallons
	Over 50,000	\$4.25 per thousand gallons	\$8.50 per thousand gallons
2010 ²	0—25,000	\$3.25 per thousand gallons	\$6.50 per thousand gallons
	25,001—50,000	\$3.75 per thousand gallons	\$7.50 per thousand gallons
	Over 50,000	\$4.25 per thousand gallons	\$8.50 per thousand gallons

¹ Effective January 1, 2009

² Effective January 1, 2010

(C) The bimonthly service charge is based upon the size and type of the meter and applies to all services connected to the City system at any time during the billing period. The bimonthly service charge for all services (not including fire services) is an amount set forth below, multiplied by the multiplier established for such premises pursuant to Section 12-61 of this Chapter. The bimonthly service charge shall be imposed upon each active tap regardless of whether any water is taken from the City system during the billing period.

<i>Year</i>	<i>Inside City</i>	<i>Outside City</i>
2008	\$45.00	\$90.00
2009 ¹	\$47.00	\$94.00
2010 ²	\$50.00	\$100.00

¹ Effective January 1, 2009

² Effective January 1, 2010

(D) Rates for premises whose characteristics are inconsistent or incompatible with the assumptions upon which the rates in Subsections (B) and (C) above are established shall be fixed by the City Council by resolution, in a fair, reasonable and nondiscriminatory manner, taking into account the burden imposed by such uses upon the City system, and shall become effective upon written notice to the customer. Any rates so fixed shall be subject to change at any time, in the discretion of the City Council.

(E) Except as may otherwise be established by contract approved by the City Council, rates for services outside the City limits shall be two hundred percent (200%) of the inside-City rates determined pursuant to Subsections (B) and (C) above.

(F) If the City determines that the meter serving any premises has become inaccurate or has been bypassed or tampered with, or if a meter reading cannot be obtained due to obstruction or malfunction, the City shall adjust the billing account for that premises. In addition to the service charges, a penalty in an amount of three hundred dollars (\$300.00) may be assessed and billed in each affected billing period. If such condition was caused by or resulted from willful or intentional bypassing, tampering or unauthorized metering as provided in Section 40-7.5-101 *et seq.*, C.R.S., as amended, the City may assess treble damages and collection costs as authorized by Section 40-7.5-102(2), C.R.S., as amended.

(Ord. 8 §1, 2006; Ord. 1 §2, 2008)

Sec. 12-123. Lost water charge.

Water losses attributed to service lines located between the curb stop box and the water meter will be estimated by the Public Works Department and the consumption charge therefor will be billed to the customer. Said estimation shall be made using the American Waterworks Association guidelines, or such other formulas as may be approved by the City.

(Ord. 8 §1, 2006)

Sec. 12-124. Hydrant permit/use fee.

There is hereby imposed an annual fee in an amount as set forth in the City's fee schedule for each hydrant permit issued by the City, as provided in Section 12-108 above, which shall be payable in full upon application for the permit. In addition, there is hereby imposed a consumption charge for all water taken pursuant to such hydrant permit in an amount set forth in the City's fee schedule.
(Ord. 8 §1, 2006)

Sec. 12-125. Owner-initiated meter read fee.

Whenever a meter read is taken at the request of the owner, a service charge in an amount set forth in the City's fee schedule will be assessed and invoiced on the first regular statement following the date of such reading. Such charges will be deemed for all purposes to be charges for water service.
(Ord. 8 §1, 2006)

Sec. 12-126—12-130. Reserved.

*Division 4
Watershed Protection*

Sec. 12-131. Watershed protection.

(A) For the purpose of conserving and protecting the water supply of the City, a cooperative agreement was entered into with the United States Department of Agriculture, dated May 6, 1915, covering forty thousand two hundred (40,200) acres in the Pike National Forest. Reference should be made to such agreement for the provisions relating to that watershed control.

(B) Pursuant to Section 31-15-707(1)(b), C.R.S., as amended, the City declares that its jurisdiction over water sources and streams from which water is taken shall extend for five (5) miles above the City water treatment plant and diversion points described in Subsection (A) above.

(C) Any person or entity which performs any activity affecting or potentially affecting the purity and/or volume of water available to the City water treatment plant and diversion points shall be subject to the jurisdiction of the City and must obtain a permit for such activity in accordance with the procedures established by the City Council.
(Ord. 8 §1, 2006)

Sec. 12-132—12-140. Reserved.

**ARTICLE III
Sewer Regulations**

*Division 1
General*

Sec. 12-141. Incorporation of standards by reference.

(A) Federal Water Pollution Control Act, also known as the Clean Water Act (33 U.S.C.A. § 1231 *et seq.*). All service furnished by the City is subject to the provisions of the Clean Water Act and regulations promulgated pursuant thereto, as they exist as of the effective date of these rules and regulations and as subsequently amended from time to time. To the extent that these or similar standards are imposed, administered and enforced in Colorado by the State pursuant to the Colorado Water Quality Control Act and regulations promulgated pursuant thereto, sewer service furnished by the City is subject to those provisions. Such provisions are incorporated into these rules and regulations by reference, in all particulars, and made a part hereof as if set forth herein verbatim to the extent that such provisions may apply to or affect the design, construction, installation, operation, maintenance or use of the City system.

(B) National Pollutant Discharge Elimination System (NPDES). All discharges from the City system are subject to the provisions of the NPDES, as now or hereafter constituted. To the extent that these or similar standards are

imposed, administered and enforced in Colorado by the State pursuant to the Colorado Water Quality Control Act, and the Colorado Discharge Permit Regulations (5 CCR § 1002-61), sewer service furnished by the City is subject to those provisions. Such are hereby incorporated into these rules and regulations by reference, in all particulars, and made a part hereof as if set forth herein verbatim to the extent that such provisions may apply to or affect the design, construction, installation, operation, maintenance or use of the City system.

(C) Discharge permit. All discharges from the City system are subject to the terms and provisions of the City's current discharge permit issued by the Colorado Department of Public Health and Environment pursuant to the Colorado Wastewater Discharge Permit System, as now or hereafter constituted. The provisions of said discharge permit are hereby incorporated into this Chapter by reference in all particulars, and made a part hereof as if set forth herein verbatim to the extent that such provisions may apply to or affect the design, construction, installation, operation, maintenance or use of the City system.

(Ord. 8 §1, 2006)

Sec. 12-142—12-150. Reserved.

*Division 2
User Requirements*

Sec. 12-151. Service lines; abandonment.

(A) Construction. Separate and independent service lines shall be designed, installed and constructed by the customer at his or her sole cost and expense for every improvement requiring sewage disposal service. Such service lines and any other sewer facilities located on the property shall be designed in accordance with the design standards and shall be installed and constructed in accordance with plans and design approved by the City.

(B) Ownership, maintenance. The customer owns and is solely responsible for maintaining, repairing and replacing all plumbing fixtures and pipes on his or her premises and the entire length of his or her service line, up to and including the upstream end of the wye or saddle fitting on the main. He or she shall ensure that no root infiltration, storm runoff or groundwater enters the City system through his or her service line. The City may repair or otherwise cure any such condition, such work to include root sawing in the City main, and charge the customer the costs thereof as provided in Section 12-56 of this Chapter, but nothing in this Section shall obligate the City to effect any repairs or curative work on the customer's service line.

(C) City relocation. When proper management, operation or maintenance of the City system requires, the City may relocate, adjust, repair or replace the service line and fittings through which a customer receives sewer service, at the City's expense. All service lines and fittings so relocated shall become the property of the customer when installed.

(D) Abandonment. No person shall abandon any service line or connection without first obtaining a written permit therefor. The customer shall, at his or her sole cost, uncover the service line and effectively seal the service line or connection with a plug as directed by the City.

(Ord. 8 §1, 2006)

Sec. 12-152. Control manholes required.

When required by the City, any industrial user shall install and maintain, at its sole expense, a suitable control manhole in the service line to facilitate observation, sampling and measurement of the wastewater flows.

(Ord. 8 §1, 2006)

Sec. 12-153. Oil, sand and grease interceptors.

(A) Every restaurant, cafeteria, supermarket, bakery and food processing or other food preparation facility shall have a grease interceptor installed on its service line. The grease interceptor sizing and location shall be determined by the owner's engineer, and all calculations shall be submitted to the City for review and approval. Construction, ownership and maintenance of the grease interceptor shall be the owner's responsibility. Bypasses are not permitted around grease interceptors.

(B) Facilities which discharge any quantities of sand, oil or other inert debris into the City system shall have a sand and oil interceptor installed on the service line. Examples of such facilities include, but are not limited to: automobile service stations, mechanical repair shops, car washes, garden nurseries and warehouses with floor drains. The sizing and location of the sand and oil interceptor shall be determined by the owner's engineer and submitted to the City for review and approval. Construction, ownership and maintenance of the sand and oil interceptor shall be the owner's responsibility. Bypasses are not permitted around sand and oil interceptors.

(C) In all cases, sand, oil and grease interceptors shall be located on the service line outside the building served, upstream of the location where human waste enters the service, and so installed and connected as to be easily accessible for inspection and cleaning. The City will determine whether a sand, oil and grease interceptor is required whenever a new service line is proposed, and whenever an existing service line changes ownership or intended use. If the City determines that an existing facility needs to have a sand, oil and/or grease interceptor installed, the owner shall be required to provide the interceptor at his or her own cost, even if the interceptor was not originally required on the service line.

(Ord. 8 §1, 2006)

Sec. 12-154. Interceptor observation.

The City may from time to time observe any interceptor (oil, grease or sand trap) required under Section 12-153 above as it deems necessary. The customer shall be liable for the inspection and observation fees as set forth in Section 12-55 of this Chapter. Nothing in this Section shall be construed to require the City, or to impose upon it any duty, to perform such observation.

(Ord. 8 §1, 2006)

Sec. 12-155. Private disposal systems.

Any person permitted to own and operate a private wastewater disposal system shall be responsible to operate, clean, maintain and dispose of waste materials from such system in accordance with the terms of any permit therefor. In no event shall the contents of such system be removed or transported except in a sanitary manner, through or by means of airtight tanks in such a manner as shall prevent the escape of any gases or odors.

(Ord. 8 §1, 2006)

Sec. 12-156. Private lift stations.

If the elevation of any improvement is too low to permit gravity flow of wastewater to the City system, such wastewater shall be lifted and discharged to the City system by a facility conforming to the design standards and to County Health Department specifications, which facility shall be owned, operated and maintained by the owner at his or her sole cost and expense.

(Ord. 8 §1, 2006)

Sec. 12-157. Basement and pool drains prohibited.

No basement drain or pool drain may be connected to the City system if it will permit any groundwater to enter the same. Sump pumps shall not be connected to or permitted to discharge into the City system.

(Ord. 8 §1, 2006)

Sec. 12-158. Cesspools and septic tanks.

No connection to a City main will be permitted if the service line extends through or from a cesspool or septic tank.

(Ord. 8 §1, 2006)

Sec. 12-159. Notification of changes in use.

The customer shall notify the City at any time the use being made of his or her property changes in such a way that any oil, grease or sand interceptor will be required under Section 12-153 above or an adjustment in the plant investment fee will be required under Subsection 12-60(C) of this Chapter.

(Ord. 8 §1, 2006)

Sec. 12-160. Tap sizing.

The size of the tap shall be determined by the customer, subject to the approval of the City, but in no case shall it be smaller than four (4) inches in diameter.
(Ord. 8 §1, 2006)

Sec. 12-161. Voluntary termination.

Any customer desiring to have sewer service terminated shall apply to the City for a service line abandonment permit and, upon approval thereof, must physically abandon the service line as required in Subsection 12-151(D) above. All such work shall be at the customer's expense. From and after the City's approval of the abandonment, the City shall not assess any service charges for the service terminated. Any reinstatement of a service terminated pursuant to this Section shall be treated as an application for new service.
(Ord. 8 §1, 2006)

Sec. 12-162—12-170. Reserved.

*Division 3
Discharge Standards; Permits*

Sec. 12-171. Discharge restrictions.

(A) No person shall contribute or cause to be contributed directly or indirectly any pollutant or wastewater which will interfere with the operation or performance of the wastewater treatment system. Further, discharge of any of the following substances to the City system is prohibited:

- (1) Any liquids, solids or gases which by reason of their nature or quantity are or may be sufficient, either alone or by interaction with other substances, to cause fire or explosion or be injurious in any other way to the system or to the operation of the system. Prohibited materials include but are not limited to: gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones and any other substances which the City, the State or the United States Environmental Protection Agency has notified the user is a fire hazard or a hazard to the system.
- (2) Solid or viscous substances which may obstruct the flow in a sewer or cause other interference with the operation of the wastewater treatment facilities, such as but not limited to: grease, garbage with particles greater than one-half (½) inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining or processing fuel or lubricating oil, mud or glass, grinding or polishing wastes and other like or similar materials.
- (3) Any wastewater having a pH less than 5.0 or more than 9.0, or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment and/or personnel used or employed in the City system.
- (4) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals or create a toxic effect in the receiving waters of the system.
- (5) Any noxious or malodorous liquids, gases or solids which, either singly or by interaction with other wastes, are sufficient to prevent entry by City personnel into the sewers for their maintenance and repair.
- (6) Any substance which will cause the system to violate its NPDES permit or the receiving water quality standards.
- (7) Any wastewater with objectionable color not removable in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.

- (8) Any pollutants, including oxygen-demanding pollutants (BODs, etc.) which the person discharging such substance knows or has reason to know will cause interference to the system.
- (9) Any wastewater having a temperature which will cause the temperature of the influent to the wastewater treatment plant to exceed one hundred four (104) degrees Fahrenheit and/or inhibit the biological activity in the system.
- (10) Any water or waste containing free, floating or insoluble oil.
- (11) Water containing garbage that has not been ground or comminuted to such a degree that all particles will be carried freely in suspension under conditions normally prevailing in public sewers. Solid particles shall be no more than one-half (½) inch in any dimension.
- (12) Unusual concentrations of dissolved solids.
- (13) Any wastewater containing BODs, total solids or suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the wastewater treatment plant.
- (14) Ammonia, nitrogen or substances readily converted thereto, in amounts that would cause the system to fail to comply with its NPDES permit.

(B) Any material or substance not specifically mentioned in this Section which in itself is corrosive, irritating or noxious to human beings or animals or which, by interaction with other water or waste in the system, could produce undesirable effects or create any other condition deleterious to structures, treatment processes and quality of the receiving stream, is hereby prohibited.

(C) Any material or substance entering into the public sewer which interferes with the treatment process, even if it is within the concentration limits stated in Section 12-172 below, may be prohibited upon written notice by the City. (Ord. 8 §1, 2006)

Sec. 12-172. Specific pollutant limitations.

No person shall discharge wastewater containing pollutants in excess of the following limits to the City system:

<i>Pollutant or Pollutant Property</i>	<i>Maximum Concentration Daily Average mg/l</i>
Arsenic, Total (as As)	0.5
Cadmium, Total (as Cd)	1.2
Chromium, Total (as Cr)	7.0
Copper, Total (as Cu)	4.5
Lead, Total (as Pb)	2.0
Mercury, Total (as Hg)	0.13
Nickel, Total (as Ni)	4.1
Zinc, Total (as Zn)	11.0
Silver, Total (as Ag)	0.4
Cyanide, Total (as CN)	1.2

(Ord. 8 §1, 2006)

Sec. 12-173. State requirements.

State requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations or those contained herein. (Ord. 8 §1, 2006)

Sec. 12-174—12-180. Reserved.

*Division 4
Fees and Charges*

Sec. 12-181. Plant investment fee.

(A) For the purposes of defraying the costs of furnishing capital improvements and treatment capacity for the City system, there is hereby imposed a plant investment fee which shall be due and payable in full at the time application for a license is made, or at such time as an increase in the EQR value for the premises is determined pursuant to Section 12-60 of this Chapter. The amount of any additional plant investment fee due as a result of an increase in the EQR value for the premises shall be calculated pursuant to Subsection 12-60(D). The plant investment fee is in addition to any and all other fees and charges associated with the installation of a sewer service. The customer shall be required to obtain and pay the costs of all street cut and other permits, and to pay the costs of all plumbing, paving, inspection and other work and materials associated with making the tap.

(B) For all services, the plant investment fee shall be an amount set forth in the City's fee schedule, multiplied by the number of EQRs established for such premises pursuant to Section 12-60 of this Chapter.

(C) When the only reason for the authorization of a new tap is to cure a violation of Section 12-15 of this Chapter, the plant investment fee associated with such tap shall be deemed to have been paid and shall not be charged to the applicant for such tap.

(D) Except as may otherwise be established by contract approved by the City Council, rates for services outside the City limits shall be two hundred percent (200%) of the inside-City rates.

(E) If a license expires, the owner is entitled to a refund of the plant investment fee previously paid for the tap, less an administrative fee as set forth in the City's fee schedule. Interest will not be paid on expired license fees. (Ord. 8 §1, 2006; Ord. 1 §3, 2008)

Sec. 12-182. Rates.

(A) For the purposes of operating, maintaining, repairing and replacing the City system, the rates specified in this Section are hereby imposed upon the persons and property liable therefor pursuant to Section 12-51 of this Chapter. Rates for sewer service consist of a volumetric use charge plus a service charge.

(B) The volumetric use charge is based upon the water consumption for each service. During the months of November of one (1) year through April of the following year, the volumetric charge is applied to actual water consumption. For the months of May through October of each year, the volumetric charge is applied to the average winter water use (November through April) or upon actual water consumption, whichever is less. The volumetric charge for all services is an amount set forth below. Notwithstanding the foregoing, however, if the average winter water use at any particular premises is materially different from the actual use of the City sewer system at such premises during the months of May through October, the City shall have the authority, after notice to the customer and an opportunity for hearing, to order the volumetric use charge for such premises to be based upon actual use of the City sewer system, as reasonably determined by the City. In such event, the volumetric charge provided for herein shall be determined by applying the rate set forth in this Subsection to such actual use of the sewer system by the premises. The volumetric charge for any premises not served by the City water system, and therefore not metered for water, shall be applied to an assumed water consumption of twenty thousand (20,000) gallons per bimonthly billing period.

Year	Customer Class	Charge per Thousand Gallons	
		Inside City	Outside City
2008	Residential	\$3.50	\$7.00
	Commercial		
	Low Strength	\$3.50	\$7.00
	High Strength	\$10.00	None accepted
	Chicago Creek Sanitation District		\$3.50
2009 ¹	Residential	\$3.75	\$7.50
	Commercial		
	Low Strength	\$3.75	\$7.50
	High Strength	\$12.00	None accepted
	Chicago Creek Sanitation District		\$3.75
2010 ²	Residential	\$4.00	\$8.00
	Commercial		
	Low Strength	\$4.00	\$8.00
	High Strength	\$13.00	None accepted
	Chicago Creek Sanitation District		\$4.00

¹Effective January 1, 2009

²Effective January 1, 2010

(C) The bimonthly service charge for all services (not including fire services) is an amount set forth below, multiplied by the multiplier established for such premises pursuant to Section 12-61 of this Chapter. The bimonthly service charge shall be imposed upon each active tap regardless of whether any wastewater is discharged from the premises to the City system during the billing period.

Year	Customer Class	Inside City	Outside City	Chicago Creek Sanitation Dist.
2008	Residential	\$28.00	\$56.00	\$28.00
	Commercial			
	Low Strength	\$40.00	\$80.00	\$40.00
	High Strength	\$50.00	None accepted	\$50.00
2009 ¹	Residential	\$35.00	\$70.00	\$35.00
	Commercial			
	Low Strength	\$45.00	\$90.00	\$45.00
	High Strength	\$55.00	None accepted	\$55.00
2010 ²	Residential	\$38.00	\$76.00	\$38.00
	Commercial			
	Low Strength	\$48.00	\$96.00	\$48.00
	High Strength	\$58.00	None accepted	\$58.00

¹Effective January 1, 2009

²Effective January 1, 2010

(D) Rates for premises whose characteristics are inconsistent or incompatible with the assumptions upon which the rates in Subsections (B) and (C) above are established shall be fixed by the City Council by resolution, in a fair, reasonable and nondiscriminatory manner, taking into account the burden imposed by such uses upon the City system, and shall become effective upon notice to the customer. Any rates so fixed shall be subject to change at any time, in the discretion of the City Council.

(E) Except as may otherwise be established by contract approved by the City Council, rates for services outside the City limits shall be two hundred percent (200%) of the inside-City rates determined pursuant to Subsections (B) and (C) above.

(F) For the purposes of this Section, the terms set forth below shall have the meanings therein set forth for them:

High-strength sewage is wastewater having an average of BOD and TSS loadings which exceed six hundred two (602) milligrams per liter. High-strength category users will be assigned six hundred two (602) milligrams per liter for the combined BOD and TSS.

Low-strength sewage is wastewater having an average of BOD and TSS loadings which do not exceed one hundred eighty (180) milligrams per liter.

Medium-strength sewage is wastewater having an average of BOD and TSS loadings which fall within one hundred eighty (180) milligrams per liter and six hundred two (602) milligrams per liter. Commercial users which are determined by the City to fall within the medium-strength category are assigned three hundred eighty-seven (387) milligrams per liter for the combined BOD and TSS.
(Ord. 8 §1, 2006; Ord. 1 §§4, 5, 2008)

Sec. 12-183. Commercial users; seasonal charge.

Notwithstanding any provision of Section 12-182 above, commercial users may apply to the City Clerk for a seasonal volumetric use charge. As part of such annual application, a commercial user must submit written verification of and justification for using water for irrigation of lawns consisting of more than four hundred (400) square feet.
(Ord. 8 §1, 2006)

Sec. 12-184—12-190. Reserved.

ARTICLE IV

Stormwater Utility

Sec. 12-191. Establishment.

There is hereby established a stormwater utility within the Public Works Department, under the day-to-day control of the person designated by the City Council, subject to overall management and direction by the Mayor and the City Council.
(Ord. 8 §1, 2006)

Sec. 12-192. Definitions.

For the purposes of this Article, the following words and terms shall be defined as follows, unless the context in which they are used clearly indicates otherwise.

Drainage facilities. Any one (1) or more of the facilities and devices used in the collection, treatment or disposition of storm, flood or surface drainage waters, including without limitation the following: streets, curbs and gutters; all man-made structures or natural watercourses designed or used for the conveyance of runoff, such as conduits and appurtenant features, manholes, canals, storm sewers, drains, drop structures, flood control basins, sedimentation basins, detention and retention basins, flood walls, levies, stormwater pumping stations, wetlands, berms, swales, channels, bridges, gulches, streams, gullies, flumes, culverts, pipes, ditches, siphons, catch basins, inlets, collection, drainage and disposal pipelines and intercepting stormwater pipelines; other appurtenant equipment and facilities; improved water courses and channel bed and embankment improvements and protection devices; and all extensions, improvements, remodelings, additions and alterations of any of the foregoing.

Master drainage plan. A plan defining drainage basin boundaries, containing criteria to be used in preliminary design of drainage facilities, presenting the location and characteristics of all drainage facilities including those presently existing and those expected to be needed under ultimate development, providing preliminary design for required improvements, and including recommended staging of drainage facilities construction, together with cost estimates.

Stormwater. That part of snowfall, rainfall or other stormwater which is not absorbed, transpired, evaporated or left in surface depressions, and which flows controlled or uncontrolled into a watercourse or other body of water.

Stormwater system. The drainage facilities, together with any and all appurtenant property or other rights or interests owned by the City, designed, installed, constructed, operated or maintained to perform the functions of the utility.

Utility. The stormwater utility established and governed by this Chapter.

Watercourse. A stream, usually flowing in a particular direction, having a body or banks, including intermittent-flow and seasonal-flow channels, and usually discharging into another stream or body of water.
(Ord. 8 §1, 2006)

Sec. 12-193. Utility jurisdiction.

The utility shall have and exercise jurisdiction over the stormwater system of the City, as now or hereafter constituted.
(Ord. 8 §1, 2006)

Sec. 12-194. Functions.

The utility shall conduct and provide for the investigation, planning, design, financing, construction, reconstruction, repair, replacement, improvement, extension, operation and maintenance of the stormwater system by whatever undertakings the City Council shall determine, including without limitation the following:

- (1) Developing, establishing, adopting and continuously reviewing and maintaining the master drainage plan.
- (2) Establishing and, from time to time, amending as necessary rules and regulations applicable to the stormwater system and to persons and property which use or are benefited by it.
- (3) Establishing and, from time to time, amending as necessary design and construction standards for drainage facilities, both public and private, within the City.
- (4) Surveying and engineering for planning and design of drainage facilities and the stormwater system.
- (5) Constructing, installing, repairing, operating, maintaining, improving, replacing and reconstructing drainage facilities included within the stormwater system.
- (6) Planning and implementing mitigation of wetlands and other environmental impacts of City capital construction projects.
- (7) Acquiring property interests necessary to accommodate drainage facilities included within the stormwater system.
- (8) Complying with agreements of the City pertaining to stormwater, and with the laws, rules and regulations of all other governmental agencies having jurisdiction over stormwater within the City.
- (9) Obtaining and supporting grant, loan and assistance programs of other public agencies having a common interest in stormwater projects, studies and management programs.

(Ord. 8 §1, 2006)

Sec. 12-195. Powers.

Acting by and through the utility, the City shall exercise all powers and authority to perform the functions set forth in Section 12-194 above which are conferred upon the City by the statutes and Constitution of the State.
(Ord. 8 §1, 2006)

Sec. 12-196. Stormwater Utility Fund created.

There is hereby created the Stormwater Utility Fund, which shall be accounted for as a separate and distinct fund of the City. Any and all funds allocated to or received by the Stormwater Utility Fund shall be used solely and exclusively to perform the functions set forth in Section 12-194 above; provided that the Stormwater Utility Fund may reimburse other City funds for expenses incurred in the performance of the functions set forth in Section 12-194, and

the Stormwater Utility Fund may likewise receive credit for services rendered by the utility to other funds or departments of the City; and provided further that nothing herein shall prevent the City from pledging all or any portion of funds or revenues allocated to the Stormwater Utility Fund to the payment of principal, interest, premium, if any, and reserves for bonds or any other obligations lawfully issued or contracted for by the City for the payment or other financing of utility functions, or for the purpose of refunding any such obligations. The annual budget of the Public Works Department shall include a proposed budget for the operations of the utility.
(Ord. 8 §1, 2006)

Sec. 12-197. Utility revenues.

(A) Effective as of January 1, 2007, there is dedicated and allocated to the Stormwater Utility Fund each fiscal year from the Sales Tax Improvement Fund five (5) percent of the total revenue to the Sales Tax Improvement Fund from sales and use taxes only in the immediately preceding year, or twenty-five thousand dollars (\$25,000.00), whichever is less. Notwithstanding any other provision of this Article, however, any restrictions applicable to funds allocated to the Sales Tax Improvement Fund shall follow and govern the use of funds allocated to the Stormwater Utility Fund from the Sales Tax Improvement Fund, and the City shall account for the funds in the Stormwater Utility Fund so as to distinguish Sales Tax Improvement Fund proceeds, and the income therefrom, from all other funds in the Stormwater Utility Fund.

(B) In addition to the revenues allocated pursuant to Subsection (A) above, the Stormwater Utility Fund is further authorized to accept and expend as authorized in Subsection (A) any and all funds and other assets received as gifts, grants, contributions-in-kind, participation or reimbursement payments, and any other funds or assets lawfully allocated or dedicated to the Stormwater Utility Fund.
(Ord. 8 §1, 2006)

Sec. 12-198—12-210. Reserved.