

CHAPTER 13

Municipal Utilities

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ARTICLE I

General Provisions

Sec. 13-1. Policy and purpose.

(a) It is declared by the Board of Trustees that the rules, regulations and fees set forth in this Chapter will serve a public use and are necessary to insure and protect the health, safety, prosperity, security and general welfare of the inhabitants of the Town.

(b) The purpose of these rules, regulations and fees is to provide for the control, management and operation of the water system of the Town, including additions, extensions and connections thereto. The rules and regulations shall apply to all property owners within the boundaries of the Town, and to all property owners outside the Town who are provided water service by the Town. The fees shall apply to all water service customers. (Prior code 13.04.010)

Sec. 13-2. Creation of Public Works Department.

There is created and established a Public Works Department of the Town, which shall be responsible for the management, maintenance, care and operation of the waterworks of said Town, and for such other responsibilities as may from time to time be assigned to it. (Prior code 13.04.020)

Sec. 13-3. Public Works Director.

The Public Works Director shall have the immediate control and management of all things pertaining to the Town water system and shall perform all acts that may be necessary for the prudent, efficient and economical management and protection of said waterworks, subject to the approval and confirmation of the Board of Trustees. The Board of Trustees shall have the power to prescribe such other rates, fees, rules and regulations as it may deem necessary. (Prior code 13.04.030; Ord. 21 §1, 2012)

Sec. 13-4. Definitions.

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

Actual cost means all direct costs applicable to the construction of a given facility, including construction, engineering, inspection, plan approval, "as-built" drawings and other costs necessary for completion.

Colorado standard specifications means the Standard Specifications for Road and Bridge Construction, latest edition, as published by the State Department of Highways, Division of Highways.

Commercial and industrial customer means wholesale and retail stores, warehouses, office buildings, drinking and dining establishments, factories, workshops, hotels, motels and any other structure, space or building used in connection with the selling, or offering for sale or hire, of goods or services.

Contractor means any person performing work or furnishing materials within the Town.

Customer means any person or governmental authority or agency other than the Town, authorized to connect to a public water main under a permit issued by the Town.

Dedicated water service line which serves a fire-extinguishing system means a water service line which is designed to serve only a fire-extinguishing system as described in the Town's Building Regulations (See Chapter 18).

Public Works Director means the Director of the Public Works Department or, in his or her absence, his or her duly authorized representative.

Owner means the person owning the real property served by the water service system.

Permit means written permission from the Town to connect to a public water main of the Town, pursuant to the rules, regulations and fees of the Town.

Public main means a water main which is owned and controlled by the Town and which is located on public streets or public rights-of-way, to which water services may be connected.

Street means the entire width of right-of-way platted for the use and ownership of the Town, and under which all Town water mains shall lie.

Stub-in means that part of the service line lying within the public right-of-way.

Subdivision means the division of a tract or parcel of land into two (2) or more lots for the purpose, whether immediate or future, of sale, rent, lease or building development.

Subdivision Ordinance means Ordinance 1977-3, codified in Chapter 17 of this Code, or any amendments thereto.

Tap means the connecting, or the connection, of a water line to a water main, and is interchangeable with connection.

User means any person to whom water service is supplied by the water service system owned and operated by the Town.

Water main means a Town-owned water pipeline, carrying potable water only, and installed in a public street or right-of-way.

Water service line means a water line extending from a water main to a lot, property, building or structure, inclusive of the corporation cock, curb valve and box and water meter.

Yard tap means a separate water tap to the Town's water system which extends from the water main to one (1) or more parcels of residential real property, and which is used solely for irrigation purposes. (Prior code 13.04.040; Ord. 25-1992 §1; Ord. 29-1994 §5; Ord. 20-1996 §6; Ord. 19-1997 §7; Ord. 21 §2, 2012)

Sec. 13-5. Additional definitions.

Any other term not herein defined shall be defined as presented in the Glossary—Water and Sewage Control Engineering, American Public Health Association, American Society of Civil Engineers and Water Pollution Control Federation, latest edition. (Prior code 13.04.050; Ord. 19-1997 §7)

Sec. 13-6. Nonliability of Town.

The adoption of this Article shall not create any duty to any person with regard to the enforcement or nonenforcement of this Article. No person shall have any civil remedy against the Town or its officers, employees or agents, for any damage arising out of or in any way connected with the adoption, enforcement or nonenforcement of this Article. Nothing in this Article shall be construed to create any liability, or to waive any of the immunities, limitations on liability or any other provisions of the Colorado Governmental Immunity Act, Section 24-10-101, et seq., C.R.S., or to waive any immunities or limitations on liability otherwise available to the Town, its officers, employees or agents. (Ord. 4-1990 §1)

Secs. 13-7—13-20. Reserved.

ARTICLE II

Water Supply Protection District

Sec. 13-21. Water Supply Protection District established.

There is hereby established the Town of Buena Vista Water Supply Protection District for the purpose of protecting the sources, supply, quantity, quality, delivery, storage, treatment and distribution of water serving the Town, its citizens and water-using customers. (Ord. 5-1999 §1)

Sec. 13-22. Jurisdiction and intent of district regulations.

This Article has been adopted in accordance with Section 31-15-707, C.R.S., and is designed and intended to extend and enforce the Town's legal jurisdiction and authority to the maximum extent allowed by law for the purpose of protecting the Town's drinking water resources and delivery system from interference, pollution and other degradation over an area comprised of all territory within five (5) miles above or around any point or points from which the Town diverts or otherwise draws water for domestic use. The Town's authority and jurisdiction shall extend, by way of example and not limitation, to all reservoirs, streams, trenches, ditches, pipes, drains and other waterworks. All ordinances and regulations adopted under the authority of this Article shall be liberally construed and enforced in order to satisfy and further the purposes and intent as set forth above. (Ord. 5-1999 §1)

Sec. 13-23. Adoption of protection district boundaries and map.

The Town does hereby approve and adopt the official Town of Buena Vista Water Supply Protection District Map dated January, 2000, defining and illustrating the geographical boundaries of the protection district. At least one (1) copy of the map shall at all times be maintained in the office of the Town Clerk for public inspection during regular business hours. Copies of the map may be

ordered for purchase at such cost as deemed necessary and reasonable by the Town Clerk. (Ord. 5-1999 §1; Ord. 1-2000 §1)

Sec. 13-24. Definitions.

As used in this Article, the following words and phrases shall mean as follows unless the context plainly requires otherwise:

Absorption system means a wastewater disposal system or leaching field utilizing and/or inclusive of adjacent soils for the treatment of sewage by means of absorption into the ground.

Absorption trench means a trench in which sewage effluent is transported or directed for percolation into the soil.

Aquifer means a water-bearing formation that contains sufficient ground water to be important as a source of supply.

Best management practice means the most effective means of preventing, reducing or mitigating the harmful impacts of development activities consistent with the standards set forth in this Article.

Development or development activity means any construction or activity which alters or changes the natural or preexisting character and/or use(s) of the land on which the construction or activity occurs, excepting residential gardening or landscaping.

Dispersal system means a system for the disposal of effluent after final treatment in an ISDS by a method which does not depend upon or utilize the treatment capability of the soil.

Effluent means the liquid waste discharge from a sewage disposal system.

Excavating means any act by which ten (10) cubic yards or more of soil or rock is cut into, quarried, uncovered, removed, displaced or relocated, and includes the conditions resulting therefrom.

Filling means the deposition of ten (10) cubic yards or more of material brought from another location by other than natural means.

Foreseeable risk means the reasonable anticipation that harm or injury may result from an act or omission.

Grading means the alteration of the natural surface of any land by leveling, stripping, filling or excavating and involving ten (10) or more cubic yards of soil or other surface material; or the alteration of any natural or preexisting drainage pattern or channel through the alteration, movement or addition of surface materials; or the installation of any road or other surface utilized for the movement of vehicles.

Hydric soil means soil that, in its undrained condition, is saturated, flooded or ponded long enough during a growing season to develop an anaerobic condition that supports the growth or regeneration of hydroponic vegetation.

Individual sewer disposal system (ISDS) means an on-site sewage system of any size or flow designed to collect and treat, neutralize, stabilize and dispose of sewage that is not part of or connected to a permitted municipal sewage treatment works. Examples include, without limitation, conventional septic tanks and leach fields, absorption trenches and pits, constructed wetland treatment systems, evapotranspiration systems and mound systems.

Maximum extent feasible means that no feasible and prudent alternative exists and all possible efforts to comply with a regulation, or minimize potential harm or adverse impacts, have been undertaken.

Person means any individual, partnership, corporation, trust, association, company or other public, governmental or corporate entity, or instrumentality thereof.

Pollute or pollution means the contamination or befouling of the natural biological, chemical, physical or radiological composition or integrity of water or soil through human or human-induced conduct or activities.

Sewage means a combination of liquid wastes that may include chemicals, house wastes, human or animal excreta, or animal or vegetable matter in suspension or solution, and/or other solids in suspension or solution, and that is discharged from, without limitation, a building, vehicle, tank or other structure or facility.

Sewage disposal system or facility means a septic tank, leach field or other facility regardless of size or flow designed and constructed for the purpose of receiving, treating or disposing of sewage.

Sewage treatment works means any system or facility for treating, neutralizing, stabilizing or disposing of sewage and which has a designed or operational capacity to receive more than two thousand (2,000) gallons of sewage per day.

Significant degradation means to lessen in grade, quality or desirability so as to create or cause unsafe or harmful impacts.

Stream (primary) means a visible waterway expected to run flowing water for more than one (1) month per year.

Stream (secondary intermittent) means a visible waterway, normally dry and not expected to run flowing water for more than one (1) month per year.

Substantial means material and/or considerable in importance, value, degree, amount or extent.

Surfacing means the compaction, hardening or covering of the natural land surface with asphalt, concrete, gravel or similar materials in an area greater than two hundred (200) square feet.

Wastewater means the same as sewage.

Water Supply Protection District permit (WSPD permit) or permit means the written approval issued by the Town under this Article for a land use activity or development within the Buena Vista Water Supply Protection District.

Watershed means the area encompassed by the Buena Vista Water Supply Protection District.

Waterworks means any and all man-made or designed components of the Town's drinking water collection and treatment system, including but not limited to transmission, storage and filtration facilities and all wells, springs, aquifers, reservoirs, streams, trenches, pipes and drains used in and necessary for the operation and maintenance of the Town's water supply system.

Wetland means land that has a predominance of hydric soils and that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal conditions does support, a prevalence of hydroponic vegetation typically adapted for life in saturated soil conditions. (Ord. 5-1999 §1; Ord. 16-2003 §1; Ord. 21 §3, 2012)

Sec. 13-25. Prohibited activity.

Unless exempted as provided for in this Article, it shall be prohibited and unlawful for any person to engage in or cause any of the following activities or conduct within the Buena Vista Water Supply Protection District unless such person has first obtained a permit:

- (1) The construction, installation, expansion or removal of any ISDS or sewage disposal system, excepting a system connected to a municipal sewage treatment works.
- (2) Excavating, grading, filling, blasting or surfacing, including road building.
- (3) Timber harvesting, excluding the removal of dead or diseased trees for firewood or for noncommercial domestic purposes.
- (4) Drilling operations of any kind.
- (5) Altering or obstructing natural or historic water drainage courses.
- (6) Surface and subsurface mining operations.
- (7) The out-of-doors spraying or using of fertilizers, herbicides or pesticides, excepting noncommercial applications for domestic household or gardening purposes.
- (8) Using, handling, storing or transporting toxic or hazardous substances, including, but not limited to, radioactive materials, except for noncommercial domestic household purposes as permitted by law.
- (9) Using, handling, storing or transporting flammable or explosive materials, except for noncommercial domestic household purposes as permitted by law, or within vehicular fuel storage tanks.
- (10) Moving, tampering, adjusting, impairing, obstructing or trespassing upon any Town waterwork.
- (11) Increasing or decreasing any rate of stream flow or natural or existing drainage pattern or course, except as permitted pursuant to an adjudicated water right; increasing sediment deposition

in any stream; causing or increasing erosion on any slope or stream bank; or disturbing any wetland within the watershed.

(12) Any activity reasonably giving rise to a foreseeable risk of injury or pollution to the Town's sources of water supply or water supply system or waterworks. (Ord. 5-1999 §1; Ord. 16-2003 §1)

Sec. 13-26. Permit required.

No person shall engage in or cause any development, development activity or prohibited activity or conduct identified in this Article without first applying for and obtaining a duly authorized WSPD permit from the Town. Permits may be limited and/or subjected to expiration and renewal requirements. (Ord. 5-1999 §1)

Sec. 13-27. Permit application and review procedures; fee.

(a) All applications for a permit shall be initiated in writing and shall include, at a minimum, the information set forth in this Section. No application shall be accepted, processed or approved unless and until it is complete and all fees associated therewith have been paid. The application shall be accompanied by not less than three (3) copies. The Public Works Director may waive certain application information requirements if he or she deems the same to be unnecessary or overly burdensome with respect to a specific proposed activity. All costs incurred by the Town in processing an application, inclusive of the costs for outside professional services or consultants necessary to evaluate an application, shall be paid by the applicant, inclusive of testing, engineering, inspection and legal fees.

(1) The name, mailing address and telephone number of the applicant.

(2) The name, mailing address and telephone number of the owner(s) of the land upon which the development or activity subject to the permit is to occur if different from the applicant, and written authorization from the landowner(s) for the submission of the application.

(3) A legal description of the lot, tract, parcel or other land upon which the development is to occur.

(4) A written narrative describing the development activity for which the permit is being sought, including a general identification of the environmental characteristics of the subject land and surrounding area.

(5) A vicinity map showing the land on which the proposed development is to occur and all lots, tracts, parcels or other lands adjacent thereto, and illustrating any wetlands, lakes, ponds, springs, watercourses or other bodies of water and water wells.

(6) A boundary and improvements map or sketch of the land subject to the application containing sufficient detail and drawn at a scale to accurately illustrate, review and assess the location of all proposed development activity and existing structures, and illustrating the existing direction of slope (contours) and direction of surface runoff. A professionally prepared boundary

and improvements survey may be required if the Public Works Director deems the same necessary in order to adequately assess an application.

(7) A listing and copy of all federal, state or local permits or approvals required or obtained for implementation of the development activity.

(8) A detailed description of the impacts or potential impacts the development activity may have on any surface or subsurface water sources or courses, inclusive of wetlands.

(9) A detailed description of the impacts or potential impacts the development activity may have on existing vegetation, trees and groundcover.

(10) A detailed description of the impacts or potential impacts the development activity may have on soils, inclusive of a description of the nature and condition of existing soils and any planned grading, excavation, filling or surfacing.

(11) A detailed description of the impacts or potential impacts the development activity may have on existing drainage patterns and land contours, inclusive of comparative run-off and absorption calculations for the subject land and any impacted adjacent land, both pre- and post-development.

(12) A detailed description of any proposed wastewater or sewage disposal system to be installed and a copy of the design/engineered plans, including soils and percolation test results for same.

(13) A detailed description of any proposed water supply/delivery system to be installed, inclusive of water source and/or aquifer and anticipated consumptive use, and a copy of the design/engineered plans for the same.

(14) A detailed description and copy of any and all mitigation plans or measures addressing impacts resulting from the development activity to surface and subsurface water sources, wetlands, vegetation and trees, soils, drainage and slopes.

(15) The identification of any activity to be undertaken by the applicant as part of the development that presents, or may present, a foreseeable risk of pollution or injury to the Town's water sources, supply or waterworks, along with a specific description of the best management practices designed to eliminate or minimize such risk(s) to the maximum extent feasible.

(16) Such additional information as the applicant or Town may deem necessary to fully evaluate the proposed development and/or demonstrate or explain why a watershed permit should be issued.

(b) All applications for a permit shall be filed with the Public Works Director. The application and all supporting material shall be reviewed and evaluated by the Public Works Director to determine whether the application is complete and satisfies the requirements of this Article. Where appropriate and weather permitting, the Public Works Director may schedule a site visit to inspect the land on which the proposed development activity is to occur. Advance notice of the time and date of such site visit shall be provided to the applicant.

(c) Within ninety (90) days following receipt of a complete application, and weather permitting for any necessary site visits or inspections, the Public Works Director shall determine whether the permit application should be granted or denied. The issuance of a permit may be conditioned upon the applicant's compliance with such mitigation measures, financial security, performance standards or time deadlines, or such other terms and conditions as the Public Works Director may deem necessary to ensure protection of the Town's water supply sources, watershed and/or waterworks from pollution, disruption or damage. A failure by an applicant to accept or timely adhere to such terms and conditions shall constitute cause to deny or revoke a permit.

(d) Any applicant dissatisfied with a decision or order made by the Public Works Director under this Article may pursue an appeal of the same to the Board of Trustees by filing a written notice of appeal and appropriate fee with the Town Administrator within ten (10) days from the date of the decision or order appealed from. Upon receipt of a timely notice, the Town Administrator shall agendaize the appeal for a hearing before the Board of Trustees to be conducted within forty-five (45) days from the date the notice of appeal was received. The hearing shall be conducted de novo, and written notice of the date, time and place for the hearing shall be sent by regular mail or personally delivered to the applicant not less than ten (10) days in advance thereof. A failure by the applicant to appear at the hearing without good cause shall constitute a waiver of the applicant's appeal rights, and the decision or order subject to the appeal may be automatically affirmed. The applicant shall carry the burden of persuasion with regard to all issues on appeal. Decisions of the Board of Trustees on appeal shall be entered within thirty (30) days from the conclusion of the hearing thereon and shall be reduced to writing, a copy of which shall be mailed to the applicant. The Board of Trustees may on appeal prescribe such conditions on the issuance of a permit as it may deem necessary to protect or implement the intent and purposes of this Article. (Ord. 5-1999 §1; Ord. 16-2003 §1; Ord. 21 §4, 2012)

Sec. 13-28. Permit issuance standards.

The following standards shall be applied in determining whether a WSPD permit should be issued under this Article:

(1) The compliance of the application with all application requirements set forth in this Article.

(2) The proximity of the proposed development activity to the Town's water supply sources and/or waterworks. No ISDS component shall be located within a 100-year floodplain. Additionally, no ISDS treatment or disposal component shall be located, at a minimum, within one hundred (100) feet from any water supply source or primary stream, and no ISDS absorption component shall be located, at a minimum, within two hundred (200) feet of any water supply source or primary stream, or fifty (50) feet from a secondary intermittent stream. Minimum setbacks may be increased if deemed necessary to protect a water supply source, primary stream or waterwork from pollution, disruption or contamination.

(3) The environmental suitability of the proposed development activity and proposed site therefor taking into consideration surface and subsurface water courses, soils, slopes, drainage patterns, geologic formations, existing vegetation and tree stands, wetlands, erosion and the intensity and impact of the proposed development activity.

(4) The likelihood or threat of pollution or injury to the Town's water supply sources, watershed or waterworks presented by the proposed development activity.

(5) The effectiveness of all protective or mitigation measures proposed by the applicant to eliminate or minimize pollution or injury to the Town's water supply sources, watershed and waterworks, and the availability of alternative protective and/or mitigation measures.

(6) The overall anticipated impact of the proposed development activity on the Town's water supply sources, watershed and waterworks. (Ord. 5-1999 §1; Ord. 16-2003 §1)

Sec. 13-29. Certificate of compliance.

(a) At or immediately prior to the completion of any development or activity performed under a permit, and in all events prior to the burying or covering up of any work or facility authorized under a permit, the permittee shall notify the Public Works Director and request inspection and the issuance of a certificate of compliance in order to establish and confirm the permittee's adherence with the provisions of this Article and with all terms and conditions as may have been imposed as part of the permit. As soon as reasonably practicable, and not more than fifteen (15) working days after receipt of the request, weather permitting, the Public Works Director, or his or her designee, shall inspect the subject development or activity to ascertain if there is conformance with the permit application and the plan and specifications submitted to the Town, and any conditions imposed as part of the permit. Alternatively, the Public Works Director may elect to allow a qualified permittee or third-party professional to submit a written inspection report certifying that the permittee has fully complied with all permit requirements, inclusive of all plans, specifications and conditions.

(b) All costs incurred by the Town in conducting inspections shall be paid by the permittee, inclusive of any costs for outside consultants. If the inspection determines that the development conforms to the provisions of this Article and to all applications, plans, specifications and conditions of the permit, a certificate of compliance shall be issued. However, if the inspection determines that the development or activity fails in any manner to comply as set forth above, a certificate of compliance shall not be issued. In such case, the permittee shall be informed in writing of the reason(s) why the certificate of compliance cannot be issued and the requirements to be met before issuance of the certificate may be obtained. All follow-up inspections shall be conducted in accordance with this Section.

(c) It shall be a violation of this Section for any person who is required to obtain a permit to use any land within the Buena Vista Water Supply Protection District without first having obtained a certificate of compliance. (Ord. 5-1999 §1; Ord. 16-2003 §1)

Sec. 13-30. Wastewater and sewage disposal facilities.

(a) Notwithstanding any other provision or requirement contained within this Article, all wastewater and/or sewage disposal facilities or systems within the Water Supply Protection District shall be designed by a licensed engineer and constructed, operated and maintained so as to eliminate and/or minimize to the maximum extent feasible any pollution or injury, or threat of pollution or injury, to the Town's water supply sources, watershed and waterworks. A WSPD permit shall be required for the installation of any new wastewater or sewage disposal facility. Additionally, no

existing wastewater or sewage disposal facility shall be expanded, repaired, replaced or abandoned without a permit having first been obtained.

(b) The Public Works Director, or his or her designated agent, may investigate and inspect any wastewater and sewage disposal facility located within the Water Supply Protection District to determine whether such facility is being properly constructed, operated or maintained. All owners and/or operators of a wastewater or sewage disposal facility shall maintain written service records on the site of said facility illustrating the age of the facility and the date(s) and service provider for all inspections, installations, repairs, cleanings or other maintenance performed on the facility. In order to ensure that a sewage disposal facility is constructed, performing or being maintained properly, the Public Works Director may order the owner or operator of such facility to install a monitoring well(s) or other monitoring device(s) as a condition for issuance of a WSPD permit, or as deemed reasonably necessary to determine the operational integrity of an existing facility. In the event any owner or operator refuses access to the Public Works Director to any wastewater or sewage disposal facility, or refuses to make available service records as required under this Section, the Town shall take such steps as necessary to secure the appropriate warrants or court orders to undertake such inspections or obtain the records and seek to recover the costs therefor, including attorney fees, against the nonconsenting owner and/or operator.

(c) Without limiting the circumstances under which a failure of an ISDS shall be found to have occurred, the occurrence or presence of the following factors shall be deemed sufficient to establish a failure in an ISDS:

- (1) Ponding in a leach field or dispersal trench.
- (2) Obstructed leaching pipes.
- (3) The presence of unacceptable levels of nutrients or fecal coliform in soil or groundwater.

(d) All wastewater and sewage disposal systems shall, at a minimum, be designed, constructed and maintained in conformity with all applicable federal, state and local laws, standards and permits in addition to complying with the terms and conditions of this Article. In the event of a conflict between competing laws, standards or regulations, the most restrictive and/or protective of the Town's water supply and waterworks shall prevail.

(e) Minimum separation distances between ISDS components and protected structures or physical features as required by this Article shall be maintained at all times unless soil, geological or other conditions warrant greater distance separation. ISDS components that are not water tight should not extend into areas occupied by the root systems of nearby trees. Where repair or upgrading of an existing ISDS is involved, and the size of the lot or parcel precludes adherence to the distance separation standards prescribed in this Article, the repairs or repaired system components shall not be closer to protected structures or features than first existing.

(f) All owners or operators of substandard wastewater and sewage disposal systems existing within the watershed protection district on or before the effective date of this Article shall be provided notice and a reasonable period of time in which to correct any deficiency or noncompliance with respect to their system(s) and the requirements of this Article. (Ord. 5-1999 §1; Ord. 16-2003 §1)

Sec. 13-31. Water quality monitoring plans.

Notwithstanding any other provision or requirement contained within this Article, the Public Works Director may require the preparation and implementation by an applicant of a water quality monitoring plan and program as a condition for the issuance of a WSPD permit. Such plan may include the installation of monitoring devices, the regular collection of soil and water samples and the establishment of reporting requirements. The costs for the design, implementation and inspection of any water quality monitoring plan shall be borne by the applicant. (Ord. 5-1999 §1)

Sec. 13-32. Delegation of authority.

The Public Works Director may from time to time devise, adopt and enforce supplemental administrative, procedural or technical/engineering rules and regulations as he or she may deem necessary and advantageous to the successful implementation and enforcement of the provisions of this Article, inclusive of the preparation of standardized forms and fees associated with the evaluation and issuance of permits. All rules and regulations must be consistent with the terms of this Article and be approved by the Town Administrator. The Board of Trustees may review, amend or vacate such rules and regulations upon written complaint or appeal. (Ord. 5-1999 §1)

Sec. 13-33. Enforcement.

(a) Right of entry. When it is necessary to make an inspection to enforce the provisions of this Article or the terms and conditions of any permit, or where reasonable grounds exist to believe that a condition, activity or facility on any premises presents a threat of pollution or injury to any of the Town's water sources, supplies or waterworks, the Public Works Director, or his or her designee, may enter onto such premises at reasonable times to inspect and/or perform such investigation and duties as called for under this Article; provided that if the premises be occupied, proper identification be shown to the person(s) on the premises and a request for access be made. If the premises are unoccupied, reasonable efforts shall be made to locate and/or provide notice to the owner or operator of the land or facility in question of the desired access. If access is refused, a warrant to enter onto the premises shall be obtained ex parte from the Municipal Court.

(b) Stop work and cease and desist orders. Whenever any development or activity is being performed or continued in violation of the provisions of this Article or the terms and conditions of a permit, or where it is determined that a permit was issued in error or as the result of incorrect, inaccurate or misleading information, the Public Works Director may execute and issue a written stop work and/or cease and desist order commanding that the subject development or activity immediately cease and/or be corrected. A stop work and/or cease and desist order shall set forth in plain language the nature of any violation and shall be served on the permittee or person(s) engaged in the prohibited development or activity by personal service or by regular mail. A copy of the order shall also be posted at some conspicuous place on the subject premises. Appeals or challenges to a stop work or cease and desist order shall be heard by the Board of Trustees upon written request filed with the Town Clerk not less than five (5) working days after service of the order on the permittee or person contesting the same. The failure of a person to timely file an appeal or challenge, or to appear at the hearing thereon, shall constitute a waiver of their right to contest the order. Hearings shall be conducted by the Board of Trustees within thirty (30) days from the date on which the written notice of appeal or challenge was filed with the Town Clerk. Written notice of the hearing shall be sent by regular mail or personally served on the appellant not less than ten (10) days in advance thereof. The

continuation of any development or activity subject to a stop work or cease and desist order shall constitute a violation of this Article.

(c) Permit revocation.

(1) All WSPD permits shall be subject to revocation by the Public Works Director for violations of this Article or the rules and regulations adopted pursuant thereto, inclusive of stop work and cease and desist orders. Written notice of a proposed revocation shall be mailed to the permittee not less than fifteen (15) days prior to the effective date of the revocation and shall set forth in plain language the grounds justifying the revocation. A hearing on the revocation shall be conducted by the Board of Trustees upon the written request of the permittee filed with the Town Clerk prior to the effective date of the revocation. All hearings shall be promptly scheduled before the Board of Trustees by the Town Clerk and written notice thereof mailed to the permittee at least five (5) business days in advance thereof. The effectiveness of any order of revocation shall be stayed pending the decision of the Board of Trustees on appeal, except where the Public Works Director certifies in writing that a delay in revoking the permit will present a clear and immediate danger to public health, safety, welfare or property. All decisions on appeal shall be reduced to writing and a copy thereof provided to the permittee.

(2) Upon the revocation of a permit the Town may require the permittee to restore any land, facility or site to such condition as deemed necessary to prevent pollution or injury to the watershed or any water source, supply or waterwork. Upon the failure of the permittee to timely perform such restoration, the Town may, at its option, perform or have performed the restoration and assess the costs thereof against the permittee, inclusive of the imposition of a lien against the permittee's property on which such restoration work took place. (Ord. 5-1999 §1)

Sec. 13-34. Violations and penalties.

(a) It shall be unlawful for any person to engage in or cause a violation of any provision of this Article or of any term or condition of any WSPD permit, and such person or persons shall be fined upon conviction thereof in an amount up to one thousand dollars (\$1,000.00), and/or imprisoned up to one (1) year in jail.

(b) Any development, activity, facility or structure which is continued, operated or maintained in violation of this Article or the terms and conditions of any permit shall be subject to injunction, abatement and/or other appropriate legal remedy as may be sought and obtained by the Town, in which event the Town shall be entitled to recover its reasonable costs and attorney fees from the offending party or parties.

(c) All penalties and remedies for violations of this Article shall be nonexclusive and cumulative, and the Town's pursuit and/or exercise of one (1) remedy or penalty shall not foreclose or prohibit the pursuit and exercise of alternative or other remedies. (Ord. 5-1999 §1)

Sec. 13-35. Certain de minimis activities exempted.

(a) The Public Works Director may determine upon written request that an activity or proposed schedule of activities to be undertaken within the Water Supply Protection District presents a de minimis risk of pollution to or disruption of the Town's water supply, watershed and/or waterworks

and may, thus, exempt or except such activity or activities from some or all of the application and/or permit requirements as contained in this Article. The burden will be upon the applicant seeking an exemption to supply sufficient information to demonstrate that the activity or activities in question will present no more than a de minimis threat or risk to the Town's water supply and/or water supply system. In no event shall the installation or repair of an ISDS be deemed an exempt activity, and in all events an applicant must provide the Public Works Director written notice of when and where any exempted activity is to occur.

(b) All exceptions or exemptions must be reduced to writing, specifically identify the activity or activities excepted hereunder and any conditions with regard thereto, and specify in detail the basis for such exception or exemption. In the event an excepted or exempted activity is not fully implemented or concluded in the manner as represented and authorized under this Section, then the Public Works Director shall order the cessation or correction of such activity in accordance with the enforcement procedures contained in this Chapter. (Ord. 16-2003 §1)

Sec. 13-36. Variances.

(a) In the event that any applicant under this Article is advised by any official for the Town that the application and/or the site that is the subject of the application fails to comply with one (1) or more of the requirements of this Chapter, the applicant may apply for a variance from one (1) or more of such requirements to the Board of Trustees. Approval of a variance under this Section will require a majority vote of the Board of Trustees.

(b) Prior to the rendering of a decision on any such variance request, the Board of Trustees must conduct a public hearing. The hearing shall be the subject of a public notice, or notice shall be sent by certified mail, with a minimum of a twenty-day reply time from the date of mailing to all adjacent property owners. The cost of mailing shall be paid by the applicant at the time of application.

(c) All applications for variances must be accompanied by:

(1) Site-specific request information which identifies the specific criteria from which a variance is being requested.

(2) Technical justification by a Colorado registered professional engineer or Colorado registered professional geologist experienced in ISDS or other experience acceptable to the Town which indicates the specific conditions which exist and/or the measures which will be taken to result in no greater risk than that associated with compliance with the requirements of the regulation. Examples of conditions which exist or measures which might be taken include, but are not limited to, the following:

a. Evidence of a natural or physical barrier to the movement of effluent to or toward the feature from which the variance is requested.

b. Placement of a man-made physical barrier to the movement of effluent to or toward the feature from which the variance is requested.

c. Soil amendment or replacement to reduce the infiltration rate of the effluent, such that the travel time of the effluent from the absorption field to the physical feature is no less than the travel time through the native soils at the prescribed setback.

d. Treatment to be provided equivalent to that required to meet National Sanitation Foundation (NSF) Standard 40.

(3) A discussion of alternatives considered in lieu of the requested variance.

(4) Technical support for the selected alternative, which may include a testing program which confirms that the variance does not increase the risk to public health and to the environment.

(5) A statement of the hardship which creates the necessity for the variance. No variance will be allowed solely for purposes of economic gain.

(6) All applications for variance shall be accompanied by a list of adjoining property owners with current mailing addresses.

(d) The applicant has the burden of proof that the variance is justified and that the variance will pose no greater risk to public health and the environment than would a system meeting the standard from which the applicant is seeking to obtain a variance.

(e) The Board of Trustees has the ability to impose any requirements and/or conditions on any variance granted pursuant to this Section which the Board of Trustees, in its sole and absolute discretion, deems necessary to achieve the objectives of this Chapter.

(f) The applicant shall be notified in writing of the decision regarding the application for a variance. The notice of denial of a variance shall include the reasons which form the basis for the denial. The notice of an approval for a variance application shall include any conditions or restrictions imposed on the approval. The variance, and any conditions thereof, shall be recorded on the deed to the real property in question, and any expenses associated with that recording shall be the responsibility of the applicant. The Board of Trustees shall either approve or deny an application for a variance, pursuant to this Section, through resolution.

(g) The following shall serve as prohibitions of the approval of any variance requests:

(1) No variance shall be issued to mitigate any error in construction involving any element of property improvements.

(2) No variance shall be issued where the property that is the subject of the application can accommodate a conforming ISDS.

(3) No variance shall be issued which will result in setbacks to an off-site physical feature which do not conform to the minimum setbacks set forth elsewhere in this Code.

(4) No variance shall be issued which reduces the four-foot separation to groundwater or bedrock. (Ord. 4-2007 §1)

Secs. 13-37—13-40. Reserved.

ARTICLE III

Conditions of Use

Sec. 13-41. Limitations on use.

(a) Water service may be furnished only to persons whose property is included within the boundaries of the Town and is subject to taxation by the Town, except as otherwise provided herein.

(b) No person shall connect to or use the Town's water system unless he or she complies with these rules and regulations. No water service may be obtained until the customer's deposits, as required hereunder, are made at the office of the Town. No water service shall be available until all back charges are paid. No occupant or owner of any building or premises who obtains water from the Town's water system shall supply water to other persons, families or premises. No water service shall be furnished outside the corporate limits of the Town unless and until a written contract authorizing such service is approved by the Board of Trustees. Any service provided outside the corporate limits of the Town pursuant to such contract may be terminated by the Board of Trustees, with or without cause; provided that any customer affected by such termination shall be given sixty (60) days' written notice prior to the date of termination.

(c) In the interest of water management and conservation, the Town may impose reasonable restrictions upon the use of water, or otherwise regulate water usage. Such restriction or regulation shall apply equally to all water users and shall be enacted by proclamation by the Mayor or resolution by the Board of Trustees. Public notice shall be given to water users prior to the implementation of any such restriction or regulation. (Prior code 13.08.010; Ord. 21 §5, 2012)

Sec. 13-42. Responsibilities of customer.

(a) Unless authorized by the Town by appropriate proclamation or resolution, no person shall discharge, or cause to be discharged, any bleeding water flows. Consumers shall prevent unnecessary waste of water and shall keep all water outlets closed when not in actual use. Hydrants, outside water taps, urinals, water closets, bathtubs and other fixtures shall not be left running for any purpose other than the one for which they are intended.

(b) On and after the effective date of the ordinance codified herein, any prior agreement entered into between the Town and an individual property owner which states that the maintenance and repair of the owner's water service lines are the responsibility of the Town is declared to be null and void, unless new agreements are entered into by the affected owner and the Town subsequent to the adoption of the ordinance codified herein.

(c) Each owner shall be responsible for the installation of the entire length of his or her water service line; except and to the extent provided in Subsections (d) and (e) below, each owner shall be responsible for the maintenance of the entire length of his or her water service line.

(d) It shall be the responsibility of the Town to maintain, repair and replace, if necessary, all water service line curb valves and curb boxes that lie within the street right-of-way. Water service line curb valves and curb boxes that are not within the street right-of-way shall be the responsibility of the owner. When curb valves and boxes are found to lie outside the right-of-way, or if no such

curb valve or box can be found, the Town shall have the right, but shall not be obligated, to install a curb valve and box on the customer's service line within the street right-of-way at the Town's expense.

(e) The Town shall maintain, repair and replace, if necessary, water service lines only as follows:

(1) Where there is a curb box located within the street right-of-way and the curb box is not more than seventy-five (75) feet from the water main, the Town shall be responsible from the water main to the curb box.

(2) Where there is no curb box, or the curb box lies outside the street right-of-way, the Town shall be responsible from the water main to the edge of the street right-of-way where the customer's service line enters the property; provided, however, that the Town's responsibility hereunder shall not extend except to the first seventy-five (75) feet of the water service line commencing at the water main.

(3) Responsibility for maintenance, repair and replacement of any water service line exceeding seventy-five (75) feet in length from the water main to the curb box or, if there is no curb box, from the water main to the edge of the right-of-way line where the service line enters the customer's property, shall be determined by the Board of Trustees on an individual basis at such time as the water service lines require maintenance, repair or replacement.

(4) Where a meter pit is installed in lieu of a curb valve and box, the Town shall maintain, repair and replace, if necessary, the water service line as provided above; except that the Town shall assume no responsibility for maintenance, repair or replacement of the meter pit and appurtenances within it except as otherwise provided in this Chapter.

(f) In the event of a Town-initiated change or repair of an installation located under the Town's right-of-way, the cost of such work, and the cost of any damage which might be done to the service line, shall be borne by the Town; provided, however, that a Town-initiated change or repair shall not be construed to apply to a change or repair required because of a customer's neglect or lack of action in performing required maintenance or repair.

(g) To the extent of the Town's maintenance responsibility as set forth in Subsections (d) and (e) above, leaks or breaks in the service line shall be repaired by the Town as soon as possible after notification of the leak or break. Leaks or breaks in the service line that are the owner's responsibility shall be repaired within seventy-two (72) hours after written notification by the Town. If such repairs have not been completed within such period, the Town shall have the authority to repair the leak or have it repaired, and recoup the actual cost from the owner.

(h) During all alarms of fire, the use of a hose or any other outlet where a constant flow of water is maintained is forbidden. (Prior code 13.08.020)

Sec. 13-43. Connection to water and sanitary sewer systems.

(a) No new building, structure or facility of any nature that uses water shall be constructed within the Town unless connected to the Town's water system and the sanitary sewer system unless the Buena Vista Sanitation District specifically grants an exception respectively.

(b) A property required to disconnect from a private water well as set forth in this Section may continue to utilize the well for outdoor irrigation use so long as such use is authorized by a valid well permit and there is no cross-connection between the well system and any water-using building or structure or indoor potable water system, inclusive of the Town's water system. (Prior code 13.08.030; Ord. 19-1997 §2; Ord. 1-2006 §1; Ord. 21 §6, 2012)

Sec. 13-44. No tampering or damage.

(a) No person shall knowingly, maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is part of the public water system, nor make a connection to or draw water from the public water system without first having received a permit or authorization from the Town.

(b) It is unlawful for any person, except members of the Fire Department, Police Department or Public Works Department, to open any fire hydrant or Town-owned yard or park water spigot or faucet without prior authorization from the Town. The Public Works Director may designate and post individual Town-owned yard or park spigots and faucets for noncommercial use by the public. Persons wishing to draw water from a Town-owned spigot or faucet for use in a business or commercial enterprise must first obtain a permit from the Public Works Department. The Public Works Director may establish limits on the volume of water that may be drawn by the public from Town-owned spigots and faucets and may establish volume limits and impose and collect a fee as he or she deems reasonable and necessary for water taken from Town-owned spigots or faucets for business or commercial use.

(c) It is unlawful for any person to pollute or interfere in any manner with the reservoirs, streams, trenches, pipes and drains used in and necessary for the construction, maintenance and operation of the Town's water system. It is unlawful for any person to pollute or interfere in any manner with streams or sources of water for a distance of five (5) miles above the point from which said water is taken. (Prior code 13.08.040; Ord. 19-1997 §3; Ord. 21 §7, 2012)

Sec. 13-45. Water system.

The Town's water system, including water rights, has been planned and constructed to provide potable water for conventional domestic and commercial uses and fire protection. The system has also been designed for limited lawn irrigation for residential lawns, commercial landscaping and municipal lawns only. Application shall be in accordance with regulations established from time to time by the Town. Private well users and irrigation ditch users shall be identified by conspicuous signs posted on their properties. The Town shall provide such signs at the Town's expense. These users will not be subject to Town water restrictions and will be able to water outside at any time. Schools, golf courses and private recreational turfs that are irrigated from the municipal water system shall be metered. (Prior code 13.08.050)

Sec. 13-46. Cross-connections; customer plumbing.

No cross-connections between the Town water system and any other water supply line shall be permitted. All customer plumbing shall be in compliance with the Uniform Plumbing Code. (Prior code 13.08.060)

Sec. 13-47. Installation of water meters.

(a) All water service lines connected to the Town's water system and all water service delivered through the Town's system shall be metered, and every customer of the water system shall install and have a water meter operating for each water line serving his or her property, building, structure or water-using facility.

(b) The Public Works Director may, within his or her sole discretion, install a meter on any service line that has not been converted to metered service, and the full cost thereof shall be charged to the customer and added to the customer's monthly bill. (Prior code 13.08.080; Ord. 16-1990 §1; Ord. 25-1992 §3; Ord. 26-1992 §1; Ord. 20-1996 §1; Ord. 19-1997 §4; Ord. 21 §8, 2012)

Sec. 13-48. Waterline extension and installation cost reimbursement.

(a) When water mains are extended from existing mains for purposes of any real estate development, the Town and the developer may enter into a contract for partial recovery of costs associated with the developer's extension of the mains for a period not to exceed ten (10) years. The Town makes no representations that costs will be fully recovered within the ten-year time period allowed by this policy.

(b) The developer may petition the Town for annexation of property proposed for development, so that system investment fees and user charges shall be at in-Town rates.

(c) The developer shall certify to the Town the cost of extending the water mains to the development. Lateral lines within the development shall not be considered for reimbursement. The developer shall extend main lines to the boundary of the development.

(d) Prior to entering into a contract for recovery of costs, the developer shall submit all the information deemed necessary by the Town in order to allow the Town to make a determination as to the eligibility of the portion of the system to be constructed by the developer for reimbursement. All topographic, land survey, construction documents and other information necessary to determine the scope of the system extension, the possible service area and the area proposed for immediate service shall be provided to the Town.

(e) No connection to the Town's water system shall be permitted until the applicant has applied to be connected to the municipal water system and certification of the costs of the system have been presented to and accepted by the Town. The costs eligible for consideration for recovery are limited to the cost of construction of the system improvements, the cost of professional engineering services directly related to the design and construction documents for the extension system, and the cost of easements and/or rights-of-way to accommodate the construction of the extension system.

(f) The area eligible for reimbursement is that which is located between the existing infrastructure and the developer's property.

(g) Any subsequent customer that connects to the line built by the developer that is eligible for reimbursement shall pay the Town the appropriate system investment fee for the customer's use, an additional development reimbursement fee equal to one-fourth (1/4) of the system investment fee, and an administrative fee in the amount of fifty dollars (\$50.00) to the Town. The Town shall pay the

developer the development reimbursement fee, less an administrative fee in the amount of fifty dollars (\$50.00).

(h) The contract between the Town and the developer for the payment of development fees shall be for a period not to exceed ten (10) years, or until the cost of extension of the water main has been paid to the developer, whichever period of time is shorter.

(i) The developer will submit the plans for the system extension to the Town prior to commencement of construction. Such plans shall be reviewed by the Town's engineer and accepted by the Town prior to the commencement of construction. The developer shall pay the Town's necessary legal and engineering costs incurred in arriving at an agreement under this policy.

(j) The developer shall comply with the Town's specifications and regulations and furnish the Town with copies of all existing and future surveys, as-built drawings and plans and specifications.

(k) The developer shall acquire and pay for any necessary easements. In the event that the Town agrees to use its powers of condemnation to assist in the acquisition of easements, the developer shall pay all legal fees, costs and other expenses of such action.

(l) The developer shall be required to record the contract on all affected deeds, with a copy of said recordings furnished to the Town.

(m) The Town shall not be obligated to accept the water extension or accept any connections until all terms and conditions of the contract between the Town and the developer have been met. (Ord. 2-2006; Ord. 21 §9, 2012)

Secs. 13-49—13-60. Reserved.

ARTICLE IV

Water Extension Policies

Sec. 13-61. General policies; extraterritorial service extensions and annexation.

(a) Where both a water service connection and all points of service are within the corporate limits of the Town, the water service shall be considered "water service within the corporate limits of the Town," and shall be provided as set forth in this Chapter and in accordance with the plans, policies and resolutions of the Board of Trustees relating to water service as such exist at the time of the request for connection.

(b) Where a water service connection or any point of consumption is outside the corporate limits of the Town, the water service shall be considered an "extraterritorial service extension" and shall only be made pursuant to a written water service agreement approved by written resolution of the Board of Trustees. Such water service agreement shall comply with all applicable water service ordinances and regulations. The Town shall not be obligated to extend water service outside its corporate limits and may do so only upon a determination that it is in the interests of the Town.

(c) Every application to annex property to the Town shall address the extension of the Town's water delivery system to serve the territory proposed to be annexed, utilizing the criteria set forth in this Article. Every ordinance annexing territory to the Town not already served by the Town's water delivery system shall be accompanied by and incorporate a water service agreement described in this Article, unless the extension of municipal water service to the annexation territory is adequately addressed and reflected in a subdivision, zoning or other land use development approval issued by the Town as part of the annexation approval process.

(d) The cost of all new or enlarged water mains and appurtenant facilities needed to extend service to areas within or without the Town's corporate limits shall be paid by the owner or developer of such area. Actual costs shall include, but not be limited to, the costs of design drawings and engineering review and all costs associated with the construction, inspection and testing of such mains and any related water service facilities required to be constructed in connection with the mains. In addition, the owner or developer shall pay the Town's costs for an engineering review of the preliminary and final design drawings prior to their approval by the Town and the cost of any legal services reasonably incurred by the Town in connection with the extension application and/or installation, as well as the cost of any inspections of the installation and/or construction of the mains and any attendant facilities deemed necessary by the Town. New mains shall be built to the standards set forth in this Article. Persons installing new water mains are required to follow all of the procedural steps set forth herein in order to properly complete any and all water main extension projects. (Prior code 13.16.010; Ord. 4-2004 §1; Ord. 21 §10, 11, 2012)

Sec. 13-62. Procedures for securing a water main extension.

The following steps shall be followed by persons wishing to secure a water main extension.

(1) Letter of official request. Any person seeking a water main extension shall make such request in writing directed to the Public Works Director. The following information shall be furnished along with the request, together with a deposit in an amount determined by the Public Works Director to be the approximate amount required to process and review the request, inclusive of all necessary engineering and legal reviews.

a. The legal description of the area to be served;

b. A description of the proposed development, including number of units, type of units, amount of planned outdoor irrigation and such other information regarding the proposed development as shall be deemed necessary by the Public Works Department to fully assess the request;

c. The proposed timing for the commencement and completion of the water delivery system and other infrastructure construction, as well as the timing schedule and anticipated completion date for build-out of the proposed development;

d. The estimated water flow requirements for the development at full build-out;

e. For extraterritorial water service applicants or applicants seeking annexation only, a description of the water rights, if any, to be conveyed to the Town pursuant to Subparagraph 13-62(5)c. below and an acknowledgment that all individual wells on the property to be served

must be abandoned upon the delivery of water service to the property. Extraterritorial water service applicants must also provide an acknowledgment that the Town may require the annexation to the Town, in whole or in part, of the property served by the water service extension at such time or times as the Town may deem appropriate, provided that the legally requisite contiguity is present.

(2) Review of service request; engineering feasibility report and water rights dedication requirement. The Board of Trustees will evaluate all letters of official request for a water main extension at a public meeting. Recommendations concerning the merits and acceptability of a request shall be provided to the Board of Trustees by the Public Works Director. If the Board of Trustees finds that the request is acceptable in concept, then the applicant shall be required to submit an engineering feasibility report prepared by a professional engineer registered in the State, and shall pay an engineering review fee to the Town. The feasibility report shall include, but not be limited to, the following:

a. Preliminary design drawings for all proposed water mains and system infrastructure, including a description of line sizes and lengths and all hydrants, storage facilities, pump stations, water treatment facilities and other planned infrastructure;

b. A listing or description of any and all easements deemed necessary for the installation of the proposed water system extension;

c. Preliminary cost estimates for the entire water system to be constructed, including connection charges and water distribution costs;

d. Hydraulic and functional analyses of the proposed water system which will show the effect of the added water service and service area on the Town's existing facilities;

e. Preliminary cost estimates for any required off-site water treatment, transmission, storage or pumping facilities;

f. Water flow requirements, including number of taps, anticipated average daily usage, peak flow requirements and fire demand;

g. For extraterritorial water main extensions, documented proof of the availability of water rights acceptable to the Town to be provided by the project owner or developer to meet the anticipated water service demand to be generated by the proposed development, and documented proof of approval, or the pending approval, of the proposed development project by the County. For the purposes of this Subparagraph, *water rights acceptable to the Town* shall mean such water rights as are determined by the Town, upon the expert advice of its water rights consultants and in its sole discretion, to be sufficient in quantity and seniority to reliably provide for the proposed demands of the project. The Town may waive, in whole or in part, the water rights dedication requirement if the Board of Trustees, in its sole discretion, determines that such a waiver would serve the Town's best interests.

(3) Review of engineering feasibility report. Recommendations concerning the merits and acceptability of the feasibility report shall be provided to the Board of Trustees by the Public Works Director. If a proposed water main extension is being applied for within the context of a

development application, review of the engineering feasibility report will be conducted as part of the development review called for under the provisions of Chapter 17 of this Code. For extraterritorial water main extensions, or other extensions not part of or requiring a development approval pursuant to Chapter 17, the engineering feasibility report will be separately reviewed and the project owner or developer will be notified in writing of the findings. If the extension is preliminarily approved, the project owner or developer shall submit to the Town final construction plans and final cost estimates, all of which shall be prepared by a professional engineer registered in the State.

(4) Review of final construction plans. The Public Works Department will review all final construction plans, contract documents and cost estimates. Recommendations concerning the merits and acceptability of the final plans, contract documents and cost estimates shall be provided to the Board of Trustees by the Public Works Director. If the proposed water main extension is being applied for within the context of a development application, the review will be conducted as part of the final development review process under Chapter 17 of this Code. For extraterritorial water main extensions and other extensions not part of or requiring a development approval pursuant to Chapter 17, the plans, contract documents and cost estimates will be reviewed separately and the project owner or developer will be notified in writing of the findings.

(5) Water service agreement; payment in lieu of water rights dedication.

a. Water main extensions authorized as part of a development approval shall be memorialized in and subject to the terms and conditions of a subdivision improvements agreement as required under Article VII of the Development Code.

b. Authorized nonextraterritorial water main extensions not involving a development approval shall be memorialized by a written water service agreement illustrating and incorporating the design and construction plans approved by the Public Works Director and such other terms and conditions deemed necessary by the Town Attorney, inclusive of bonding, inspections, the provision of easements and as-built surveys/drawings and construction scheduling.

c. Authorized extraterritorial water main extensions shall be memorialized by a written water service agreement illustrating and incorporating the design and construction plans approved by the Public Works Director and such other terms and conditions deemed necessary by the Town Attorney, inclusive of bonding, inspections, the provision of easements and as-built surveys/ drawings and construction scheduling. Additionally, all water service agreements for an extraterritorial water main extension shall include a provision requiring the developer to dedicate water rights to the Town of a quantity and seniority deemed reasonably necessary and acceptable to supply sufficient water to the property to be served, as determined by the Town upon the expert advice of its water rights consultants and in its sole discretion. Alternatively, and at the Town's option, the developer shall provide a cash payment to the Town in lieu of dedicating the necessary water rights, such payment to be in an amount determined by the Town upon the expert advice of its water rights consultants, and in its sole discretion, to be reasonably necessary to purchase water rights of sufficient quantity and seniority to reliably provide water satisfying the demands of the development or property to be served. The water service agreement shall also include a provision requiring the developer or owner of the property served to annex the property, in whole or in part, to the Town at such

time or times as the Town deems appropriate, provided that the legally requisite contiguity is present. Notwithstanding the foregoing, the Board of Trustees may, within its sole discretion, waive the water rights dedication requirement upon finding that the Town's best interests will be served thereby. (Prior code 13.16.020; Ord. 4-2004 §1; Ord. 21 §12, 2012)

Sec. 13-62.5. Extraterritorial service for individual service connection.

A single property located outside the Town's corporate limits may be connected by an individual service line to an existing Town water main that is within four hundred (400) feet of his or her property. Such connection shall be approved only upon the property owner's execution of a utility connection permit and water service agreement approved by the Board of Trustees which shall require, at a minimum, the following:

- (1) Payment by the property owner of the cost for the connection and applicable System Investment and Development Fee;
- (2) An abandonment of all wells on the property to be served;
- (3) Unless specifically waived by the Board of Trustees, a dedication of water rights of a quantity and seniority acceptable to the Town, in its sole discretion, to provide sufficient water for service to the property or, alternatively, and at the Town's option, the payment of a cash-in-lieu fee in an amount equivalent to the value of such water rights;
- (4) An agreement to annex the property served to the Town at such time as the Town may request, provided that the legally requisite contiguity is present; and
- (5) The installation, at the owner's cost, of a meter pit at a location approved by the Public Works Director. (Ord. 4-2004 §1; Ord. 21 §13, 2012)

Sec. 13-63. Rebate agreement.

Rebate agreements pertaining to the reimbursement of water system installation and construction costs which were executed by the Town prior to January 1, 1997, under provisions of this Chapter now repealed and no longer effect, shall remain intact and be fully enforceable until the terms thereof have been satisfactorily performed, subject to the following:

- (1) The amount of all rebate payments shall be based upon the fee structure in existence on the date upon which the rebate agreement was originally entered into; and
- (2) The rebate agreement and any rights thereunder shall remain a personal right of the person or entity that originally executed the agreement with the Town, and such agreement and the rights thereunder shall not be assigned or transferred without the express written prior consent of the Town. The assignment, transfer or attempted assignment and transfer of a rebate agreement, or the rights and benefits thereunder, absent the prior consent of the Town, shall result in the automatic forfeiture of all rights and benefits therein. (Prior code 13.16.030; Ord. 20, 1996, §4)

Sec. 13-64. Water distribution system.

All construction of water mains and related appurtenances shall be completed in accordance with the following procedures and specifications:

(1) Inspection. All new water main construction which is to become a part of the Town water system shall be inspected by the Town. Inspection costs shall be the responsibility of the owner/developer. In the case of an extension of water service to a development which falls under the provisions of Chapter 17 of this Code, the inspection services shall be paid for as provided for in the subdivision improvements or development agreement associated with such development. In the case of the extension of water service to areas that do not fall under Chapter 17, the owner/developer shall be required to deposit five percent (5%) of the estimated costs of all water line construction to cover the cost of inspection services. Payment shall be made to the Town in the form of a certified check or cash prior to commencement of construction of the extension. After completion and acceptance of the water line extension, the Town shall refund the remainder, if any, of the five-percent deposit to the owner/ developer. The Town shall have the authority to halt construction of any work which, in its opinion, is not in conformance with the specifications contained herein or the plans provided by the owner or developer.

(2) Materials. The following materials or their equivalents shall be used for the construction of the water distribution system:

a. Pipe. All distribution mains shall be Class 50 ductile iron pipe. The pipe shall be designed in accordance with AWWA Standard C150/A21.50-91, "American National Standard for the thickness design of ductile iron pipe," produced in accordance with AWWA Standard C151/A21.51-91, "American National Standard for ductile iron pipe, centrifugally cast, for water or other liquids," and cement-mortar lined in accordance with AWWA Standard C104/A21.4-90, "American National Standard for cement-mortar lining for ductile iron pipe and fittings for water." The ductile iron exterior of the pipe shall be coated with standard bituminous coating approximately one (1) mil thick.

b. Gate valves and boxes. The gate valves for pipelines two (2) inches and larger shall be iron body, bronze-mounted, double-disc, parallel-seat conforming to AWWA Standard No. C500-86, for buried service, open left, nonrising stem, two-inch operating nut, for a working pressure of one hundred fifty (150) psi. The joints for valves connected to the ductile-iron pipe shall be mechanical joints in accordance with ASA Specification A21.11. All gaskets shall be for standard water service. The valve box shall be installed over each buried valve. The valve boxes shall be of cast iron, complete with cover, and shall be of extension type with screw-on or slide-type adjustment, with flared base to fit the valve to which it is to be used. The cover shall have the word "WATER" cast on the top. Boxes shall have five-and-one-half-inch shafts.

c. Line valves and boxes.

1. The butterfly valves for pipeline sixteen (16) inches and larger shall be iron body, conforming to AWWA Standard No. C504-87, for buried service, open left, gear-operated two-inch operating nut, for a working pressure of one hundred fifty (150) psi. The valves shall be similar and equal to Pratt "Groundhog."

2. The joints for all valves shall be mechanical joints in accordance with ASA Specification A21.11. All gaskets shall be for standard water service. The contractor shall provide suitable adaptors for connection of the valve and pipe. The valve box shall be installed over each buried valve. The valve boxes shall be of cast iron, complete with cover, and shall be of extension type with screw-on or slide-type adjustment, with a flared base to fit the valve to which it is to be used. The cover shall have the word "WATER" cast on the top. Boxes shall have five-and-one-half-inch shafts.

d. Fittings for pipeline. The fittings shall be cast iron conforming to the requirements set forth in ASA Standard A21.10. Fittings twelve-inch size and smaller shall be Class 250, and fittings larger than twelve-inch shall be Class 150. The interior of the fittings shall be cement-lined, as is required for the pipe. The fittings shall have mechanical joints in accordance with ASA Specification A21.11.

e. Fire hydrants. Fire hydrants shall be Waterous "Pacer" or an equivalent approved by the Water Department with optional traffic flange including:

| | |
|---------------|--|
| Valve | 5¼ inch |
| Inlet | 6 inch for mechanical joint |
| Trench depth | 6 feet, 6 inches |
| Operating nut | 1½ inch pentagon |
| Open | left |
| Nozzles | Two 2½ inch, one 4½ inch pumper nozzle |
| Threads | National standard |

(3) Installation. All water mains and related appurtenances shall be installed in accordance with the following procedures:

a. Trench excavation and preparation.

1. The pipe trench shall be excavated as nearly to vertical as possible and to such depth that six (6) feet of minimum cover over the top of the pipe may be obtained after backfilling. Should sloping or benching of the trench be required, such sloping or benching shall terminate one (1) foot above the top of the pipe, and from the joint downward, the trench wall shall be vertical. The trench width at a point one (1) foot above the top of the pipe shall not be greater than shown in the following table:

| <i>Pipe Diameter (Inches)</i> | <i>Maximum Trench (Inches)</i> |
|-------------------------------|--------------------------------|
| 4 | 24 |
| 6 | 26 |
| 8 | 28 |
| 10 | 30 |
| 12 | 33 |
| 15 | 36 |
| 18 | 40 |

2. A clear area shall be maintained a sufficient distance back from the top edge of excavation to avoid overloading which may cause slides or caving of the trench walls. If needed to insure safe working conditions, trench walls shall be properly shored and braced; but such shoring shall be removed as work progresses. Should blasting be required, a permit shall be obtained from the Town and the services of a licensed explosives expert shall be enlisted.

3. Following excavation, the trench shall be completely drained to provide unwatered conditions. Then, the trench bottom shall be uniformly graded and shaped to provide uniform and continuous bearing on firm trench bottom. Bell hoses shall be provided at each joint to permit proper jointing.

b. Pipe laying and jointing.

1. Pipe shall be carefully lowered into the trench with bell ends facing in the direction of laying.

2. For mechanical joints, the last eight (8) inches of the pipe spigot and the inside of the bell of the mechanical joint shall be thoroughly cleaned to remove oil, grit, tar (other than standard coating) and other foreign matter from the joint, and then painted with a soap solution provided by the pipe manufacturer. The cast-iron gland shall then be slipped on the spigot end of the pipe with the lip extension of the gland toward the spigot end. The gasket shall be painted with the soap solution and placed on the spigot end of the pipe to be laid, with the thick edge toward the gland.

3. The entire section of the pipe being laid shall be pushed forward to seat in the spigot end of the bell of the pipe in place. The gasket shall then be pressed into place within the bell, being careful to have the gasket evenly located around the entire joint. The cast-iron gland shall be moved along the pipe into position for bolting, all of the bolts inserted and the nuts screwed up tightly with fingers. All nuts shall be then tightened with a suitable (preferably torque-limiting) wrench. The torque for various sizes of bolts shall be as follows:

| <i>Range of Torque</i> | |
|------------------------|----------------|
| <i>Size (Inch)</i> | <i>Ft.—Lb.</i> |
| $\frac{5}{8}$ | 40—60 |
| $\frac{3}{4}$ | 60—90 |

4. Nuts spaced one hundred eighty (180) degrees apart shall be tightened alternately in order to produce an equal pressure on all parts of the gland.

5. For push-on joints, the exterior four (4) inches of the pipe at the spigot end and the inside of the adjoining bell shall be thoroughly cleaned to remove oil, grit, tar (other than standard coating) and other foreign matter. The gasket shall be placed in the bell with the large round side of the gasket pointing inside the pipe so it will spring into its proper place inside the pipe bell. A thin film of the pipe manufacturer's joint lubricant shall be applied to the gasket over its entire exposed surface. The spigot end of the pipe shall then be wiped clean and then inserted into the bell to contact the gasket. Then the pipe shall be forced all the way into the bell by crowbar or by jack and choker slings. Pipe joint deflections shall not exceed one (1) inch per foot of pipe length for pipe twelve (12) inches in diameter or smaller. For pipe between fourteen (14) and eighteen (18) inches in diameter, pipe joint deflection shall not exceed five (5) degrees. These maximum deflections shall apply to both horizontal and vertical direction. When pipe laying is not in progress, the open ends of pipe shall be closed by a watertight plug.

6. The cutting of pipe for inserting valves, fittings or closure pieces shall be done in a neat and workmanlike manner without damage to the pipe or cement lining and so as to leave a smooth end at right angles to the axis of the pipe. The flame cutting of pipe by means of an oxyacetylene torch will not be permitted.

c. Installation of gate valves, fire hydrants and thrust blocks.

1. Gate valves shall be installed where shown on the plans and shall be set plumb. Valves shall have the interior cleaned of all foreign matter, stuffing boxes shall be tightened and valves shall be inspected and tested to ensure proper working condition prior to backfilling.

2. A valve box shall be provided for every gate valve. The box shall not transmit shock or stress to the valve and shall be centered and plumbed over the operating nut of the valve, with the box cover flush with the surface of the finished grade and adjusted to be flush with final pavement grade upon construction of the pavement (see Sections 13-177 and 13-178 of this Chapter for details).

3. Fire hydrants shall be installed where shown on the plans and in accordance with Section 13-178 of this Chapter. Fire hydrants shall be set plumb at the finished grade line. Gate valves and valve boxes shall be installed in conjunction with all fire hydrants to the specifications above.

4. Thrust blocks shall be installed behind all tees, wyes, bends, fire hydrants and where elsewhere required and shown on the plans. Thrust blocks shall be of such size and

configuration as shown in Section 13-177 of this Chapter. Concrete shall be placed so that pipe fittings and joints will be accessible for repair and so that fire hydrant weep holes remain free of obstruction.

(4) Sewer encasement. Whenever and wherever a sewer and water main are found to cross each other, the sewer main shall be encased in concrete in accordance with the requirements supplied by the Town Engineer.

(5) Pipeline conductivity. Conductivity of the pipeline is required and shall be provided at all joints as follows: For mechanical joints, all gaskets shall be lead-tipped gaskets. For push-on joints, the electrical conductivity across the joint shall be made with "Cadweld" CAHBA-IL welder and cartridge CA 25-XF19. The connection wire shall be No. 4 bare copper wire. After the entire connection has been completed, the connectors, wire and pipe adjacent to the connectors shall be thoroughly coated with hot coal-tar enamel.

(6) Bedding and backfilling.

a. For the purposes of this specification, *bedding* shall refer to material installed below the pipe invert, and *backfill* shall refer to material installed above the bedding.

b. Bedding, consisting of sand or crushed gravel compacted to ninety-five percent (95%) of maximum dry density, shall meet the following gradation requirements:

| <i>Sieve Size</i> | <i>Percentage of Weight Passing Sieve</i> |
|-------------------|---|
| 1½ inch | 100% |
| No. 10 | 80% |
| No. 200 | 0—7% |

c. Backfill around the pipe and to an elevation six (6) inches above the top of the pipe shall be taken from the excavated trench stockpile or other suitable source and shall have no stones larger than two (2) inches in diameter for ductile iron pipe or one (1) inch in diameter for cast-iron pipe. The remainder of the trench shall be backfilled with material from the excavated trench stockpile, except that no boulders larger than twenty-four (24) inches in diameter, frozen material, organic material or debris shall be used. Within pavement areas, the top six (6) inches of trench shall be backfilled and the surface repaved as specified in Subsection 13-130(h) of this Chapter.

d. Backfill shall be brought first to the spring line of the pipe and compacted to ninety-five percent (95%) of maximum dry density with T-bars or other mechanical units. Backfill shall then be brought to the surface in eight-inch lifts, compacted at each lift to ninety-five percent (95%) of maximum dry density by mechanical tamping. For backfill outside of pavement areas, backfill above the spring line shall be brought up in lifts not to exceed two (2) feet and compacted as above. Should any backfill settle below the required surface, the settled area shall be refilled with required material and recompact.

e. Excess trench materials shall immediately be removed from the right-of-way and transported to fill areas within the Town or to another approved site.

(7) Testing, flushing and disinfecting.

a. Upon completion of construction of a section of pipeline to be tested, such section shall be flushed with water to ensure that sand, rocks or other foreign matter are not left in the pipeline. If possible, the flushing shall be made through an open pipe end; otherwise, use of a fire hydrant may be permitted.

b. The section of the pipeline being tested shall then be slowly filled with water from the lowest point of elevation of the pipeline while provision for removing air from the pipeline is made at a point of high elevation. Water test pressure of one hundred fifty (150) psi shall then be applied by means of a pump and meter connected to the pipe; provision for air removal shall be maintained. Test pressure of one hundred fifty (150) psi shall be maintained for two (2) hours, during which time leakage shall not exceed the following limits:

| <i>Pipe Size (Inches)</i> | <i>Maximum Allowable Leakage Per 1,000 Feet</i> |
|---------------------------|---|
| 4" | 1.48 gallons |
| 6" | 2.20 gallons |
| 8" | 2.94 gallons |
| 10" | 3.68 gallons |
| 12" | 4.40 gallons |
| 14" | 5.16 gallons |
| 16" | 5.92 gallons |
| 18" | 6.66 gallons |

c. For a section of pipeline under test containing less than one thousand (1,000) feet, the allowable leakage will be reduced proportionately, as determined by the Town Engineer.

d. All installed pipelines shall be disinfected following completion of construction work. Chlorine shall be added to the water at necessary locations so that a fifty-ppm free chlorine residual results. The chlorine solution shall be kept in the pipes for at least twenty-four (24) hours, at which time the line shall be flushed, as specified below, so that a free chlorine residual equal to the flushing water results. Flushed water must be dechlorinated by an approved method until the chlorine residual reaches the level of the flushing water.

e. The contractor shall furnish the pump, pipe, connections, meter and all other necessary testing apparatus and shall furnish all necessary labor to conduct the test. A representative of the Town shall be present during the entire duration of such testing and shall verify all test results in writing. Should any test of pipe laid disclose leakage greater than that specified above, the contractor shall, at his or her own expense, locate and repair the points of leakage until the leakage is within the specified allowance.

(8) Final acceptance. After completion of installation and pressure testing of the water main extension, the owner/developer shall submit to the Town as-constructed (as-built) drawings in the form of one (1) digital set of original reproducible copies and two (2) sets of prints of the new water main. After all of the provisions of this Article have been satisfied, the Town shall formally

accept the water main extension as part of the Town water system, assume ownership and maintenance responsibilities for the same and officially authorize charging (filling with water) of the main. (Prior code 13.16.040; Ord. 26-1992 §1; Ord. 4-2004 §1; Ord. 21 §14, 2012)

Secs. 13-65—13-80. Reserved.

ARTICLE V

Water Rates and Charges

Sec. 13-81. Water service rate schedule; service availability fee; extraterritorial service; fire suppression and low-income senior citizen rates.

(a) The fees, rates and/or charges for water service delivered through the Town's municipal water system shall be established and adjusted from time to time by written resolution adopted by the Board of Trustees at a public meeting. All rates and charges shall be published in a fee schedule posted and kept on file by the Town Clerk in Town Hall.

(b) Any property connected to the municipal water delivery system during any given month shall pay a service availability fee equal to the base monthly water service charge regardless as to whether water service was actually used during said month.

(c) Unless otherwise provided for by written service contract approved by the Board of Trustees, the charge or rate for all metered water service delivered outside of the Town's corporate boundaries shall be assessed at one and one-half (1.5) times the metered rate for similar service within the Town.

(d) Notwithstanding any other provision contained in this Section, water service delivered through a service line dedicated to serve a fire-suppression system shall be charged at twenty-five percent (25%) of the base monthly water service charge.

(e) Residential water service customers sixty (60) years of age and older, and who have a total household income at or below one hundred and thirty percent (130%) of the Gross Federal Poverty Level as reported annually in October by the Chaffee County Department of Social Services, shall be entitled upon application to and approval by the Town Administrator of a discount in their monthly water service charge or rate equal to twenty-five percent (25%). The discount provided in this Subsection shall apply only to an owner-occupied residence and not to any other property owned by a qualified customer. Applications for the discount rate must be made annually in writing to the Town Administrator prior to April 1 in each year in which the discount is sought. (Prior code 13.20.010; Ord. 25-1992 §2; Ord 19-1997 §1; Ord. 15-2002 §1)

Sec. 13-82. Flat rate billing.

All water service delivered to customers by the municipal water system shall be metered. In the event a customer has failed or refused to install a water meter on any service line serving said customer, the monthly flat rate charge for water service for each unmetered service line shall be seventy-five dollars (\$75.00). (Ord. 19-1997 §1; Ord. 21 §15, 2012)

Sec. 13-83. Billing and payment; late charges and fees.

(a) Statements for all charges shall be rendered monthly. Charges for late payments, service line repair and other appropriate charges shall be added to the statements. There will be a charge for all checks returned by a customer's bank for insufficient funds. Such charge will be set in the Town Fee Schedule.

(b) Bills shall be mailed monthly and shall be fully paid by the twenty-first day of the month following the statement date. Customers will be charged a late fee of five dollars (\$5.00) per month for payments submitted after the payment due date.

(c) A monthly surcharge of seventy-five dollars (\$75.00) per service line shall be added to the billing statement of any customer who has failed or refused to install a water meter as required by this Chapter. The imposition and payment of such surcharge shall not relieve a customer from the requirement of installing a water meter nor limit the remedies or penalties available to the Town to obtain the customer's compliance with meter installation requirements.

(d) Invoices for water service materials (e.g., corporation cocks, curb stops, curb boxes, meters, etc.) not paid within thirty (30) days of receipt of the invoice shall be added to the next monthly billing statement.

(e) Until paid, all rates, tolls, charges and fees shall constitute a first and perpetual lien on and against the lots, land, buildings and property served by the water system, and, in the event said charges and fees are not paid when due, the Town may certify the same to the County Treasurer, to be collected and paid over in the same manner as taxes, together with the costs of collection. (Prior code 13.20.030; Ord. 20-1996 §3; Ord. 19-1997 §1; Ord. 21 §16, 2012)

Sec. 13-84. Water system connection fee.

(a) Basic connection fee. A basic connection fee, also known as the System Investment and Development Fee (SIDF), shall be established and amended from time to time by the Board of Trustees by written resolution and published in the Fee Schedule. Such fee shall be based on meter size. No water meter greater than six (6) inches shall be connected to the municipal water system unless authorized in advance by the Public Works Director, in which event the fee for such meter shall be negotiated using the basic fee for a six-inch meter and adding thereto an incremental amount deemed necessary and reasonable in consideration of the then-current demands on the municipal water system.

(b) Payment schedule. Prior to the connection of new or upgraded water service to any lot, property or structure, the then-current connection fee based on meter size as set forth in the Town's Fee Schedule shall be paid. A fixture count form is required to be submitted to the Public Works Director by the applicant for determination of the meter size prior to payment of the connection fee. Such connection fee shall be paid prior to the tapping of the water main. (Prior code 13.20.040; Ord. 16, 1994 §1; Ord. 29, 1994 §4; Ord. 8, 1996 §1; Ord. 20-1996 §5; Ord 19-1997 §1; Ord. 15-2002 §2; Ord. 4-2004 §2; Ord. 9-2010 §1; Ord. 21 §17, 2012)

Sec. 13-85. Noncontinuous service.

(a) Water service charges are based, in part, on the availability of water to the customer and are made on a year-round basis. Property temporarily unoccupied must pay for service continuously. If a property is to be vacated permanently, the owner shall be required to sign a tap abandonment form in order to have the Town discontinue service. A service charge of ten dollars (\$10.00) shall be paid to abandon a tap. Service may later be reinstated only upon payment by the owner to the Town of the then applicable connection fee.

(b) If the property is to be vacated for a period in excess of three (3) months without the abandonment of the tap, the owner may notify the Town to temporarily suspend service after which water service and the base service fee shall be discontinued. Service may later be reinstated only upon payment of a fee of ten dollars (\$10.00), plus an amount equal to one hundred percent (100%) of the total base water service charges which the customer would have otherwise incurred from the date service was suspended to the date of service reinstatement. (Prior code 13.20.050; Ord. 19-1997 §1)

Secs. 13-86—13-100. Reserved.

ARTICLE VI

Water Fines and Enforcement

Sec. 13-101. Noncompliance with regulations and restrictions.

(a) Water users failing or refusing to comply with water management and conservation regulations and restrictions which have been duly established by proclamation of the Mayor or duly enacted by resolution of the Board of Trustees shall be subject to fines and penalties established in Chapter 1, Article IV of this Code.

(b) Water users shall not waste water in any manner. Any violation shall be subject to penalty under this Code. (Prior code 13.24.010)

Sec. 13-102. Failure to comply.

(a) Any person found to be in violation of the provisions of this Chapter may be served with a written notice or correction order by the Town. Such notice or order shall state the nature of the violation, the date of such violation, the approximate location of the violation and the compliance required, and provide a reasonable time within which to comply. The time for compliance shall not exceed thirty (30) days. The notice or order may be mailed by certified mail to the owner or served upon the persons in possession of the premises cited or, if neither the owner nor the person in possession may be located after diligent search, such notice or order may be posted conspicuously upon the premises for a period of ten (10) days.

(b) In the event of failure to comply with the notice, the Town may take action as required in its sole discretion to prevent or abate actual or anticipated damage or danger to the Town's system, and such costs shall be charged against the property served and shall constitute a lien thereon.

(c) It is unlawful for any person to fail or refuse to comply with any notice given pursuant to Subsection (a) of this Section. Any person who fails to comply with such notice shall be guilty of a separate offense for each and every day or portion thereof during which any such failure is committed, continued or permitted, and upon conviction of the same as a misdemeanor, such person shall be punishable as set forth in Section 1-72 of this Code.

(d) Neither the issuance of a notice or correction order, nor a customer's compliance therewith, shall bar or be a prerequisite to the commencement of a prosecution in the Municipal Court for a violation of this Chapter, or to the initiation of any other proceeding to abate or remedy a violation. (Prior code 13.24.020; Ord. 19-1997 §5)

Sec. 13-103. Disconnection of service.

(a) In addition to and notwithstanding any other provisions and regulations, the Town may, at its option, discontinue water service to property owned by any person violating any of the provisions of these rules and regulations and fees from the facilities of the Town. The costs of such discontinuance and severance shall be charged against the property formerly served by the Town and, until paid, shall constitute a lien which shall be collected in the same manner as provided herein for the collection of rates, tolls, fees and charges, or as otherwise provided by law.

(b) Noncompliance with the provisions of this Chapter shall be grounds for disconnecting or discontinuing water service to a customer, property, premises or building and may, additionally, be subject to prosecution and penalty in the Municipal Court. A service charge of ten dollars (\$10.00) shall be assessed to discontinue or disconnect water service.

(c) The service of water to any building, property or premises may be discontinued by the Town upon not less than ten (10) days' written notification if an unprotected cross-connection is found to exist on the premises, if any defect is found in an installed backflow protection device, or if a backflow prevention device has been removed or bypassed. Water service shall not be restored until such condition or defect is corrected.

(d) Notwithstanding the provisions of Subsection (c) above, the Town may summarily discontinue water service to a building, property or premises without advance written notice where, in the opinion of the Director of Public Works, such action is necessary to protect the purity of the Town's public water supply or the Town's public water system.

(e) Water service that has been disconnected or discontinued as the result of noncompliance with the provisions of this Chapter shall not be restored or reinstated absent the payment of a reconnection fee of fifty dollars (\$50.00), plus an amount equal to the total base water service charges which the customer would have otherwise incurred from the date service was discontinued or disconnected to the date of service reinstatement, and the cost of any materials or labor necessary to restore service. (Prior code 13.24.030; Ord. 4-1990 §1; Ord. 19-1997 §6)

Secs. 13-104—13-120. Reserved.

ARTICLE VII

Water Service Installations

Sec. 13-121. Water service line connections.

An applicant for a water service permit shall obtain an application form from the Town. The applicant shall complete the application form and deliver it and the appropriate fee to the Town, which will set the date for tapping the main. It is the customer's responsibility to expose the main and provide sufficient excavated area for tapping. Pipes shall be cleared all around for tapping. (Prior code 13.12.010; Ord. 20-1996 §7)

Sec. 13-122. Cost responsibility.

(a) All cost and expense of the installation and connection of water service lines shall be borne by the customer. All tap fees shall be paid by the owner and shall be paid prior to the installation of the water tap.

(b) It shall be the owner's responsibility to protect so much of the service line as he or she is responsible for maintaining, as set forth in Subsections 13-42(c), (d) and (e) of this Chapter, along with the water meter, if used, and appurtenances from freezing or other physical damage. If a water meter or any portion of a water meter must be replaced due to freezing or some other form of physical damage for which the owner, by the terms of this Article, is responsible, then the actual cost of replacing the meter or portion thereof shall be paid by the owner. The Town shall have the same responsibility with respect to the portion of the water service line that is its responsibility to maintain.

(c) Upon acceptance by the Town of service line construction, the Town shall assume ownership of any water meter installed as well as responsibility for such meter's calibration and normal maintenance, excluding full replacement of the meter or any portion thereof, which cost shall be the responsibility of the customer.

(d) Customers shall purchase corporation cocks, curb valves, curb boxes, plastic sheeting and meters from the Town. (Prior code 13.12.020; Ord. 21 §18, 2012)

Sec. 13-123. Connection permits and charges for service lines; no refunds upon expiration of permit.

(a) All persons connecting a water service line to a building, structure, lot or property shall pay a nonrefundable connection fee, also known as the System Investment and Development Fee (SDIF), as described in Article V of this Chapter, prior to making such connection.

(b) No person may apply for or receive a water tap absent the possession of a corresponding current building or excavation permit for the building or property to be served by the service connection.

(c) Fees for water service shall be billed and paid monthly in accordance with the fees and rate structure set forth in this Chapter. Monthly fees shall commence on the date a water connection is made. A monthly service availability fee equal to the base monthly charge shall be imposed and

collected for every water service connection (water tap) regardless as to whether any water is actually used.

(d) A connection permit shall automatically expire one (1) year from the date of its issuance unless the service line connection authorized thereunder has been installed, inspected and approved as required in this Article.

(e) Absent an extension authorized by the Town for good cause upon application by a permittee, water taps or connection permits paid for and/or issued prior to the enactment of this Section shall automatically expire one (1) year from the effective date hereof unless the service line connection authorized thereunder has been installed, inspected and approved as required in this Article. Any fee previously paid for on an expired water tap or connection permit as described in this Subsection, inclusive of any previously paid monthly water service availability charges, shall be credited upon application for the purchase of a new permit. (Prior code 13.12.030; Ord. 15-2002 §1; Ord. 9 §2, 2010; Ord. 21 §19, 2012)

Sec. 13-124. Service lines.

For multi-unit structures, service lines shall be installed in accordance with the tables in Section 13-128. Any variance from this requirement shall require written approval in advance of installation of such lines from the Board of Trustees. (Prior code 13.12.040)

Sec. 13-125. General specifications.

All water service line construction shall be installed in accordance with the specifications contained in this Chapter. (Prior code 13.12.050; Ord. 15-2002 §4; Ord. 21 §20, 2012)

Sec. 13-126. Permits required.

(a) A permit for service line installation shall be secured from the Town by the water customer and the appropriate fee paid in accordance with Section 13-84 of this Chapter. The customer's contractor shall familiarize himself or herself with the service line installation standards and specifications, select and obtain approval of the appropriate water service installation materials for the building or facility and inform Town personnel of the intended schedule for construction. A permit shall normally not be issued until the servicing main has been accepted by the Town; however, in the case of a water extension, taps for service lines may, with the prior approval of the Public Works Director, be made to a new main at the time of the main's construction. All taps to a main for a service line and the installation of corporation cocks shall be performed by the Town.

(b) Where a street cut is required for a water service, the contractor shall obtain a Town ROW Construction/Excavation permit and shall rebuild the road base and surface in accordance with the applicable specifications called for in Chapter 11 of this Code. (Prior code 13.12.060; Ord. 20, 1996 §8; Ord. 21 §21, 2012)

Sec. 13-127. Inspection.

All work shall be inspected by a representative of the Public Works Department, who shall have the authority to halt construction when, in his or her opinion, the specifications contained herein or

proper construction practices are not being followed. Whenever any portion of the specifications contained herein are violated, the Town's representative shall, in writing, order further construction to cease until all deficiencies are corrected. No pipe or other installation shall be backfilled without the Town Inspector's prior approval. (Prior code 13.12.070; Ord. 21 §22, 2013)

Sec. 13-128. Minimum sizing criteria for service lines and meters in residential areas.

Note: The tables below give minimum size permitted by the Town; lines may have to be oversized for low pressure areas or for other specific reasons as determined by the Town Engineer:

Step 1: Find the required flow from the following table:

| <i>Number of Units Served</i> | <i>Flow Per Unit (GPM)</i> | <i>Total Flow (GPM)</i> |
|-------------------------------|----------------------------|-------------------------|
| 1 | 15.00 | 15.00 |
| 2 | 8.65 | 17.50 |
| 3 | 6.67 | 20.00 |
| 4 | 5.63 | 22.50 |
| 5 | 5.00 | 25.00 |
| 6 | 4.58 | 27.50 |
| 8 | 4.06 | 32.50 |
| 10 | 4.00 | 40.00 |
| 20 | 3.33 | 66.67 |
| 30 | 3.00 | 90.00 |

Step 2: Determine the distance from the main to the structure.

Step 3: With the GPM and length of service line, refer to the following table and determine the minimum size of service line and meter size.

| Flow Required | Length of Service Line (Feet) | | | | | | | | | | | |
|---------------|-------------------------------|-------|------|-------|------|-------|------|-------|------|-------|------|-------|
| | 25 | | 50 | | 75 | | 100 | | 150 | | 200 | |
| GPM | Line | Meter | Line | Meter | Line | Meter | Line | Meter | Line | Meter | Line | Meter |
| 15 | ¾ | ¾ | ¾* | ¾ | 1 | ¾ | 1 | ¾ | 1½ | ¾ | 1½ | ¾ |
| 20 | ¾ | ¾ | 1 | ¾ | 1 | ¾ | 1½ | ¾ | 1½ | ¾ | 1½ | ¾ |
| 25 | 1 | ¾ | 1½ | ¾ | 1½ | ¾ | 1½ | ¾ | 1½ | ¾ | 1½ | ¾ |
| 30 | 1 | 1 | 1½ | 1 | 1½ | 1 | 1½ | 1 | 1½ | 1 | 1½ | 1 |
| 35 | 1 | 1 | 1½ | 1 | 1½ | 1 | 1½ | 1 | 1½ | 1 | 1½ | 1 |
| 40 | 1½ | 1 | 1½ | 1 | 1½ | 1 | 1½ | 1 | 1½ | 1 | 2 | 1 |
| 45 | 1½ | 1 | 1½ | 1 | 1½ | 1 | 1½ | 1 | 2 | 1 | 2 | 1 |
| 50 | 1½ | 1½ | 1½ | 1½ | 1½ | 1½ | 1½ | 1½ | 2 | 1½ | 2 | 1½ |
| 75 | 2 | 1½ | 2 | 1½ | 2 | 1½ | 2 | 1½ | 3 | 1½ | 3 | 1½ |
| 100 | 2 | 2 | 2 | 2 | 2 | 2 | 3 | 2 | 3 | 2 | 3 | 2 |

* Use one-inch line where static pressure is less than 50 psi.

(Prior code 13.12.080; Ord. 21 §23, 2012)

Sec. 13-129. Materials.

(a) As noted in Section 13-122 of this Article, the Town shall supply corporation cocks, curb stops, curb boxes and meters for purchase by its customers. The Public Works Department shall maintain a water distribution system catalogue containing specifications and ordering information for various makes and models of materials required for service line installations. All such materials which are to be used to make service line connections to the Town's water distribution system must have been approved for use by the American Water Works Association. The Public Works Department shall maintain an adequate stock of these materials on hand and shall update the materials catalogue as required.

(b) Service line pipe shall be Type K copper (ASTM B251) with flared or pack-joint connections and shall be provided by the customer. Polyethylene pipe SDR-9 200 psi for one and one-half (1½) inch and two (2) inch sizes can be used, in accordance with AWWA Standard C901-88 "Polyethylene (PE) pressure pipe and tubing, ½inch through 3 inch for water service." A number six (6) solid copper wire must also be installed for a tracer line. (Prior code 13.12.090; Ord. 26-1992 §1; Ord. 21 §24, 2012)

Sec. 13-130. Installation of service connection.

(a) Location and alignment of service. Water service lines shall be located so as to take the shortest, most direct path (preferably perpendicular to the main) between the main and the building. The water line shall not be located under any paved or concrete driveway or service road. If curbs exist, the curb shall be marked with a chiseled "V" at the point where the line crosses under the curb. Water service will not be allowed across property other than that being served, without proper easement, provided by the property owner, reviewed by the Town Engineer, approved by the Board of Trustees and recorded with the County Clerk and Recorder.

(b) Service line installation. An approved corporation cock will be installed into the existing main. Curb stops and curb boxes are required for all service installations. The curb box shall be located on Town property. One (1) continuous length of copper pipe shall be run from the main to the curb stop, and a second continuous length of copper pipe will run from the curb stop to the building.

(c) Water meters. Meters, when used, shall be installed in the presence of the Town Inspector in accordance with Section 13-47 of this Chapter. The operational testing of the meter and its readout shall be demonstrated at the time of installation.

(d) Remote readout installation. Where water meters are to be installed, a remote readout shall be installed in a location adjacent to the power and gas service meter installations which service the subject property. The readout unit shall be installed on the building at a height of approximately five (5) feet above the ground. The maximum distance from the remote readout to the meter shall be one hundred twenty-five (125) feet, and the remote readout signal cable shall be installed in the shortest path from the meter location to the remote readout location. In the case of an exterior (pit-type) meter installation, the remote readout cable shall be laid underground with a minimum of eighteen (18) inches of cover and be laid in the shortest path from the meter to the building on which the readout is to be placed. Exterior (pit-type) meter installations shall be allowed only with prior written permission of the Public Works Director.

(e) Maintenance of traffic. All construction operations within the Town right-of-way shall be carried on in such a manner as to cause the least possible interruption of traffic. Adequate barricades, signs and warning devices will be provided by the customer or owner. All traffic-control devices shall conform to the *Manual on Uniform Traffic Control Devices for Streets and Highways* published by the U.S. Department of Transportation. No portion of any Town right-of-way shall be closed or blocked, except during regular working hours, without specific written permission of the Public Works Director.

(f) Excavation. Excavation of the trench shall be done in a workmanlike manner providing a trench that is straight and true with a flat bottom containing no rock or other deleterious material that would damage the pipe. A minimum of six and one-half (6½) feet of cover over the pipe shall be provided from the main to the building. After completion of the excavation and before the pipe or bedding is laid, the Public Works Department shall inspect the trench for line, grade, rock or other deleterious material and cover, and either accept or reject the trench.

(g) Bedding. All service lines shall be bedded from two (2) inches under the pipe to twelve (12) inches over the pipe with sand, free of frozen, organic or other deleterious materials. The bedding shall be thoroughly compacted with hand tampers or mechanical equipment so that a firm base results. Compaction must be accomplished with equipment specifically designed for earthwork compaction.

(h) Backfill.

(1) Backfill material within the right-of-way shall consist of material meeting the requirements of "Class 1 Structure Backfill Material," as designated in Section 703.08 of the Standard Specifications for Road and Bridge Construction of the State Department of Highways, Division of Highways, and meeting the following gradation:

| <i>Sieve Designation</i> | <i>Percent by Weight Passing Lab Sieves</i> |
|--------------------------|---|
| 2 inch | 100 |
| No. 4 | 30—100 |
| No. 50 | 10—60 |
| No. 200 | 5—20 |

(2) Backfill shall be placed in two-foot layers thoroughly compacted with rollers or vibration tampers. Compaction must be accomplished with equipment specifically designed for earthwork compaction. Beneath paved streets, backfill shall be placed to within six (6) inches of final surface grade. A four-inch layer of Class VI base course material, as designated in Section 703.03 of the Colorado Standard Specifications, shall then be placed and thoroughly compacted. The street shall then be resurfaced with prime coat and three-inch asphalt concrete surface course as specified in Chapter 17 of this Code.

(3) Curb and gutters, sidewalks and other street improvements altered, damaged or destroyed during service line installation shall be restored to their original condition.

(4) Backfill material outside the right-of-way shall consist of materials from the excavated trench free of frozen, organic or other deleterious material and less than twelve (12) inches in diameter. The backfill shall be mounded over final surface grade to allow for settlement. (Prior code 13.12.100; Ord. 21 §25, 2012; Ord. 9 §4, 2013)

Secs. 13-131—13-150. Reserved.

ARTICLE VIII

Water Line Connections

Sec. 13-151. Definitions.

Terms used in this Article shall be defined as follows:

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

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

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

Auxiliary water supply means any water supply on or available to the premises other than the water purveyor's approved potable water supply. These auxiliary water supplies may include, but

are not limited to, water from another purveyor's potable water supply or any natural source such as a well, spring, river, stream, pond, lake, etc., or "used waters" or "industrial fluids." These waters may be polluted or contaminated, or may be objectionable and constitute an unacceptable water source over which the water purveyor does not have sanitary control.

Backflow means the undesirable reversal of the direction of flow the water or mixtures of water and other liquid, gases or other substances into the distribution pipes of the potable water supply from any source or sources caused by back pressure and back siphonage acting together.

Backflow prevention device (also referred to as a *backflow preventer*) means a device or means designed to prevent backflow created by back pressure, back siphonage or back pressure and back siphonage acting together.

Back pressure means backflow caused by a pump, elevated tank, boiler or "head" in pipe, or any means that could create greater pressure within a piping system than that which exists within the potable water supply.

Back siphonage means the reverse flow of water or other liquids, mixtures, gases or substances into the distribution pipes of a potable water supply system caused by negative or subatmospheric pressure in the potable water supply system.

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

Check valve means a self-closing device which is designed to permit the flow of fluids in one (1) direction. A single check valve is not an approved backflow prevention device.

Colorado Department of Health Cross-Connection Control Manual means a manual that has been published by the State addressing cross-connection control practices which shall be used as a guidance document for the water purveyor in implementing a Cross-Connection Control Program.

Containment, prevention by shall mean the installation of an approved backflow prevention device, or method, on the water service line serving any premises, location, facility or area.

Containment, protection by shall be used when the potable water system may be contaminated or polluted by substances used or stored within a building or premises.

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

Critical level means the critical level or C/L marking on a backflow prevention device or vacuum breaker which is a point conforming to approved standards and established by a testing

laboratory, which determines the minimum elevation above the flood-level rim of the fixture, highest point of usage or receptacle served at which the device may be installed. When a backflow prevention device does not bear a critical level marking, the bottom of the vacuum breaker, combination valve or the bottom of any such approved device shall constitute the critical level.

Cross-connection means any physical arrangement whereby a potable water supply is connected, directly or indirectly, with any other water supply system, sewer, drain, conduit, tank, plumbing fixture or other device which contains, or may contain, contaminated water, sewage or other waste, liquid or gas of unknown or unsafe quality which may be capable of imparting contamination or pollution to the potable water supply as a result of backflow. Bypass arrangements, jumper connections, removable spools, swivel or changeover devices, four (4) way valve connections and other temporary or permanent devices through which, or because of which, backflow could occur are considered to be cross-connections.

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

Double check valve assembly means an assembly of two (2) independently operating approved check valves between two (2) tightly closed (resilient seated) shut-off valves, plus four (4) properly located test cocks for the testing of each check valve. The entire assembly shall be an approved backflow prevention device.

Hazard, degree of means the term is derived from an evaluation of the potential risk to public health and the adverse effect of the hazard upon the potable water system.

Hazard, health means any condition, device or practice in the water supply system and its operation which could create, or in the judgment of the water purveyor may create, a danger to the health and well-being of the water consumer. An example of a health hazard is a structural defect, including cross-connections, in a water supply system, or a direct connection of a potable water supply line to a sanitary sewer.

Hazard, plumbing means a plumbing type cross-connection in a potable water system that has not been properly protected by an air-gap separation or an approved backflow prevention device. Unprotected plumbing type cross-connections are considered to be a health hazard.

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

Hazard, system means an actual or potential threat of severe damage to the physical properties of the potable water system or the consumer's potable water system or of a pollution or contamination which would have a protracted effect on the quality of the potable water in the system caused by a cross-connection.

Industrial fluids system means any system containing a fluid or solution which may be chemically, biologically, radiologically or otherwise contaminated or polluted in a form or concentration such as would constitute a health, system, pollutional or plumbing hazard if introduced into an approved water supply. This may include, but not be limited to: polluted or contaminated waters; all types of process waters and "used waters" originated from the potable water system which may have deteriorated in sanitary quality; chemicals in fluid form; plated acids and alkalis; circulated cooling waters connected to an open cooling tower and/or cooling towers that are chemically or biologically treated or stabilized with toxic substances; contaminated natural waters such as from wells, springs, streams, rivers, lakes, dams, ponds, retention pits, irrigation canals or systems, etc.; oils, gases, glycerine, glycols, paraffins, caustic and acid solutions and other liquid and gaseous fluids used in industrial or other purposes or for fire-fighting purposes.

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

Nonpotable water means water that is not safe for human consumption or that does not meet the requirements set forth in the State Primary Drinking Water Regulations.

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

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

Public Works Director means the Public Works Director of the Town, or his or her designated representative.

Reduced pressure principle device means an assembly of two (2) independently operating approved check valves with a hydraulic automatic operating differential relief valve between the two (2) check valves. The assembly shall be located between two (2) tightly closing (resilient seated) shut-off valves, and have four (4) properly located test cocks for the testing of the check and relief valves. The entire assembly shall be an approved backflow prevention device.

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

Vacuum means any pressure less than atmospheric pressure.

Vacuum breaker, atmospheric nonpressure type means a vacuum breaker consisting of an inlet opening and a nonloaded floating check disk valve designed to prevent back siphonage only. The device shall not be subjected to continuous static line pressure or back pressure, or be installed where it would be under pressure for more than twelve (12) continuous hours.

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

Water Distribution and Wastewater Collection Systems Certification Council means the group which has been designated by the State Department of Health to administer and maintain the Cross-Connection Control Technician certification program.

Water-service connection means the terminal end of the water purveyor's service connection from the potable water distribution system; i.e., where the water purveyor loses jurisdiction and sanitary control over the water at its point of delivery to the customer's stop box or shut-off valve or meter, whichever comes first from the water main. If a meter is installed at the end of the service connection, then the service connection shall mean the downstream end of the meter. There shall be no unprotected takeoffs from the service line ahead of any meter or backflow prevention device located at the point of delivery to the customer's water system. This shall include irrigation systems and fire sprinkler systems. Service connection shall also include water service connection from a fire hydrant and all other temporary or emergency water service connections from the potable water system. For customers outside the water purveyor limits, water service connection shall mean the terminal end of the water purveyor's service connection from the potable water system to the customer's corporation stop. (Ord. 4-1990 §1; Ord. 21 §26, 2012)

Sec. 13-152. Building plans; submission; approval.

(a) All building plans submitted to the Town pursuant to the Town's Building Codes shall, in addition to such other requirements as may be imposed by law, be reviewed and approved by the Public Works Director to assure compliance with the provisions of this Article.

(b) In addition to other requirements imposed by law, all building plans submitted to the Town shall include:

- (1) Water service connection size and location;
- (2) Water meter size and location;
- (3) Size, type and location of backflow prevention devices; and
- (4) Size and type of any backflow prevention devices used on service lines of fire sprinkling systems. (Ord. 4-1990 §1; Ord. 21 §27, 2012)

Sec. 13-153. Required inspections.

(a) No backflow prevention device shall be installed within the Town until such device has been inspected by the Water Department and approved as being in compliance with the provisions of this Article. The Water Department shall inspect all backflow protection devices to ensure that such

devices have been properly installed in accordance with the provisions of this Article and to further ensure that such devices are operating properly after installation.

(b) Final inspections on new or retrofit installations shall be performed by the Town only after the backflow prevention device has been tested. The test results, plumbing permit and test permit number shall be supplied to the Water Department at the time of the final inspection. (Ord. 4-1990 §1; Ord. 21 §28, 2012)

Sec. 13-154. Required testing and maintenance.

(a) All backflow prevention devices shall be tested and properly maintained so that such devices shall operate at all times in accordance with the applicable technical specification for such device.

(b) At least once each calendar year, the Town shall cause a certified test to be performed on each such device to determine if such device is operating properly. The Water Department shall have the authority to require more frequent inspections if, in its determination, there is a substantial existing or potential hazard from a particular backflow protection device. All inspections and testing provided for in this Subsection shall be performed at the expense of the owner.

(c) All costs for the design, installation, maintenance and repair of a backflow protection device shall be borne by the owner of the property where the backflow protection device is located. (Ord. 4-1990 §1; Ord. 21 §29, 2012)

Sec. 13-155. Approved backflow prevention devices required.

(a) The owner of each building, property or premises connected to the Town's public water system shall cause to be installed a backflow prevention device in accordance with the requirements of this Article so as to prevent a cross-connection.

(b) Any backflow prevention device required by this Article shall be of a model and size approved by the Water Department.

(c) Only approved backflow prevention devices, as described in this Article, shall be used within the Town; provided, however, that residential containment may be accomplished with a backflow prevention device approved by the American Society of Sanitary and Mechanical Engineers and designated by the Water Department.

(d) Backflow prevention devices installed prior to the effective date of the ordinance codified in this Article shall be replaced with an approved backflow prevention device at such time as the unapproved device fails an operational test. (Ord. 4-1990 §1; Ord. 21 §30, 2012; Ord. 9 §5, 2013)

Sec. 13-156. Backflow prevention devices; technical specifications and requirements.

(a) All backflow prevention devices installed within the Town shall comply with the specifications contained in the following publications:

(1) "Manual of Cross-Connection Control," Foundation for Cross-Connection Control and Hydraulic Research, University of Southern California;

(2) Cross-Connection Control Manual, Colorado Department of Health;

(3) Cross-Connection Control Committee, Pacific Northwest Section AWWA Manual of Accepted Procedures and Practices; and

(4) Recommended Practice for Backflow Prevention and Cross-Connection Control, AWWA Manual M14.

Without limiting the generality of the provisions of this Subsection, all backflow prevention devices used within the Town shall also comply with the provisions of Subsections (b) through (f) of this Section.

(b) Backflow prevention devices used on fire lines shall have O. S. & Y. valves and be listed by the National Fire Protection Association.

(c) All fire sprinkling lines shall have a minimum protection of an approved double check valve for containment of the system.

(d) All glycol (ethylene or propylene), or antifreeze systems, shall have an approved reduced pressure principle device for containment.

(e) Dry fire systems shall have an approved double check valve installed upstream of the air pressure valve.

(f) Single-family residences with a fire sprinkler system and domestic water combined shall have a double check valve when no chemicals are used.

(g) All underground fire sprinkler systems shall conform to the following sections of the National Fire Protection Association Pamphlet No. 13: Section 1-11.2 (hydrostatic testing) and Sections 1-1.2.2 (allowable leakage); and to Pamphlet No. 24, "Private Fire Service Mains and Their Appurtenances," Sections 8.4, 8.5, 8.6, 8.7 and 8.8. Copies of these publications shall be made available for inspection and copying at the office of the Town Clerk during normal business hours. (Ord. 4-1990 §1)

Sec. 13-157. Backflow prevention devices; installation requirements.

(a) All backflow prevention devices shall be installed in accordance with the provisions of the following reference manuals:

(1) "Manual of Cross-Connection Control," Foundation for Cross-Connection Control and Hydraulic Research, University of Southern California;

(2) Cross-Connection Control Manual, Colorado Department of Health;

(3) Cross-Connection Control Committee, Pacific Northwest Section AWWA Manual of Accepted Procedures and Practices; and

(4) Recommended Practice for Backflow Prevention and Cross-Connection Control, AWWA Manual M14.

(b) All backflow protection devices shall be installed in the horizontal position. Variances may be granted only for retrofit fire systems.

(c) Backflow prevention devices shall be installed in an accessible location to facilitate maintenance, testing and repair.

(d) All backflow prevention devices shall be installed immediately downstream of the water meter.

(e) Before installing a backflow prevention device, pipelines shall be thoroughly flushed to remove foreign material.

(f) It is impermissible to have connections or tees between the water meter and the service line backflow prevention device.

(g) It is impermissible to connect the relief valve discharge on the reduced pressure device into a sump, drainage ditch or similar facility.

(h) Backflow prevention valves are not to be used as the inlet or outlet valve on the water meter. Test cocks are not to be used as supply connections.

(i) A pressure vacuum breaker may be used where the device is never subjected to back pressure and is installed a minimum of twelve (12) inches above the highest piping or outlet downstream of the device in a manner to preclude back pressure.

(j) An atmospheric nonpressure type vacuum breaker may be used only where the device is:

(1) Never subject to more than twelve (12) hours of continuous pressure;

(2) Installed with the air inlet in a level position and at a minimum of six (6) inches above the highest piping or outlet it is protecting; and

(3) No such valve may be placed downstream of the device.

(k) A single check valve shall not be considered to be a backflow prevention device.

(l) Double check valve assemblies may be installed in below-grade vaults when those vaults are properly constructed.

(m) Reduced pressure backflow preventers shall be installed above ground. The unit should be placed at least twelve (12) inches above the finished grade to allow clearance for repair work. A concrete slab at finished grade is recommended. Proper drainage should be provided for the relief valve and may be piped away from the location, provided that it is readily visible from above grade and the relief valve is separated from the drainline by a minimum of double the diameter of the supply line. A modified vault installation may be used if constructed with ample side clearances. Precautions should be taken to protect aboveground installations from freezing.

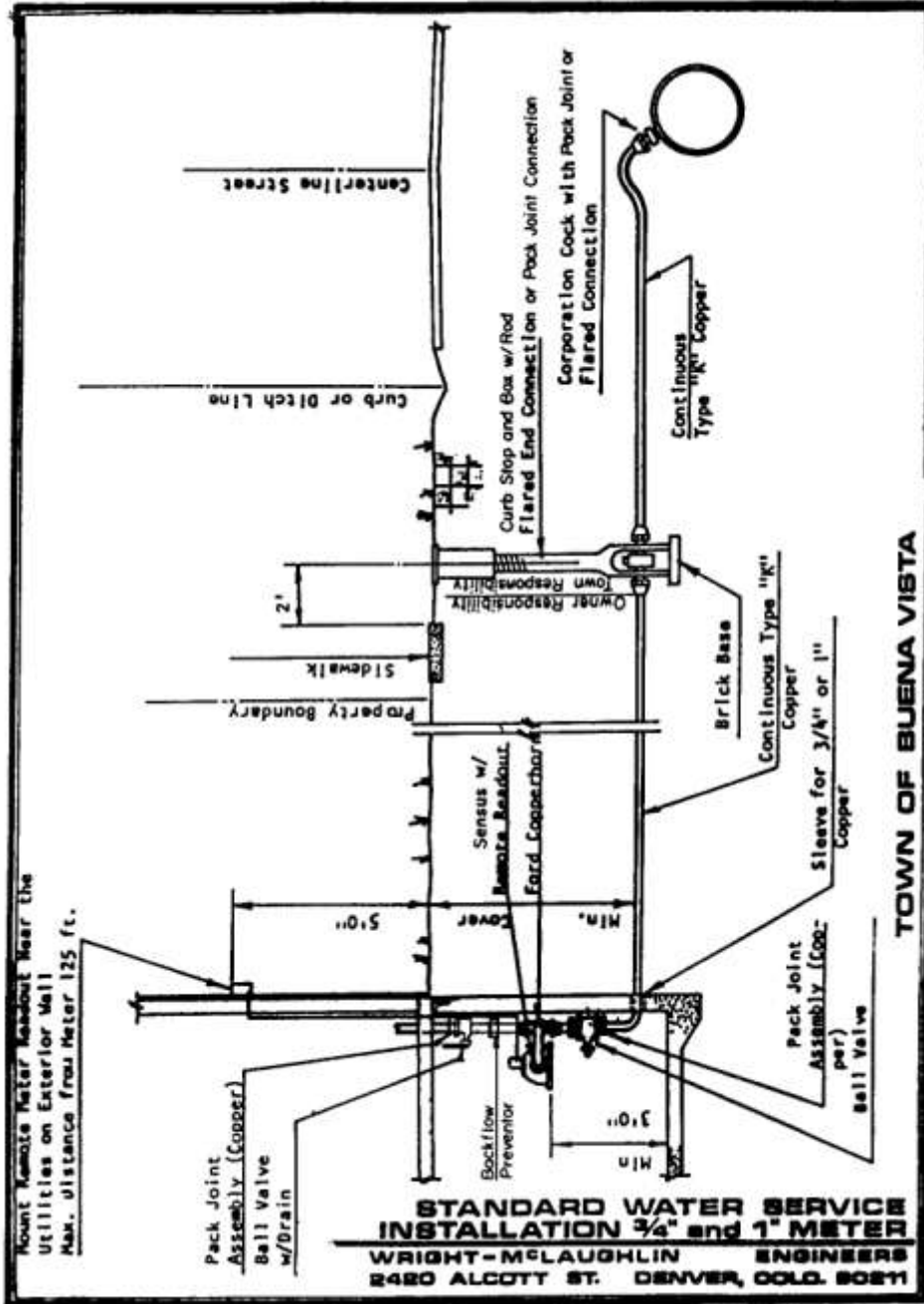
(n) A reduced pressure principle backflow preventer may be installed in a basement provided with an adequate drain which has an effective opening of twice the diameter of the device. (Ord. 4-1990 §1; Ord. 21 §31, 2012)

Secs. 13-158—13-170. Reserved.

ARTICLE IX

Water Meters and Design Standards

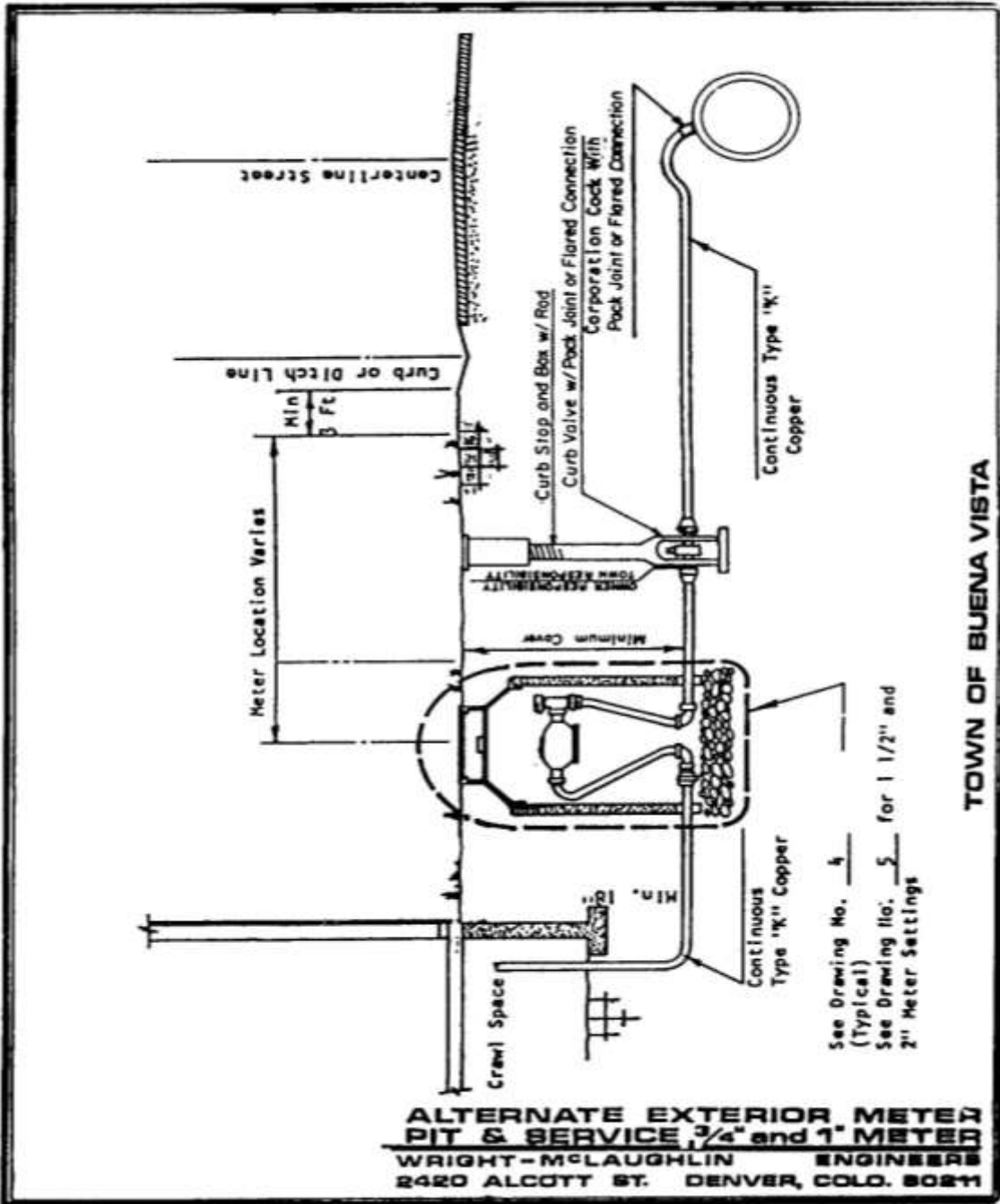
Sec. 13-171. Standard water service installation 3/4" and 1" meter.



DRAWING 2

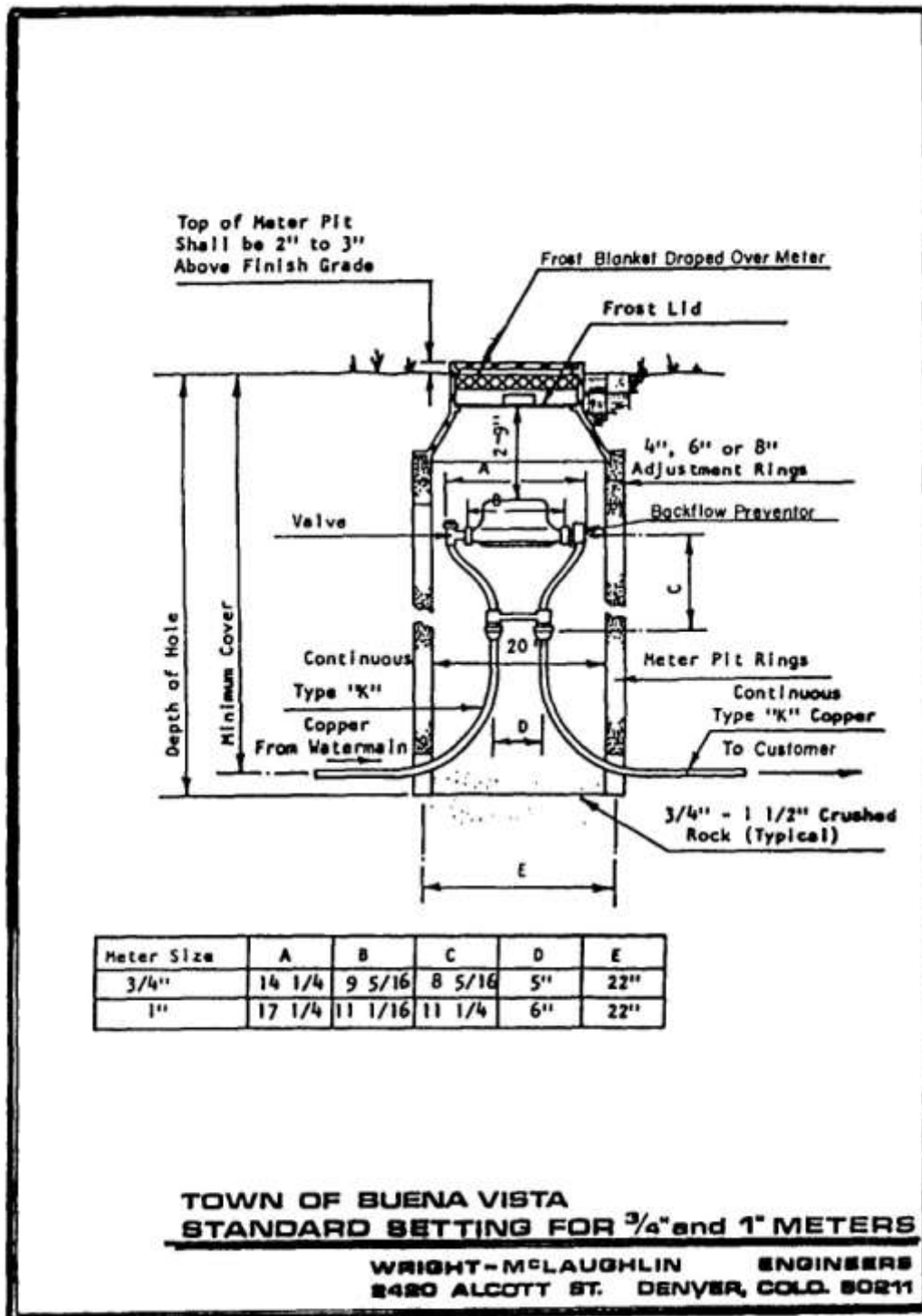
(Ord. 26-1992 §1)

Sec. 13-172. Alternate exterior meter pit and service 3/4" and 1" meter.



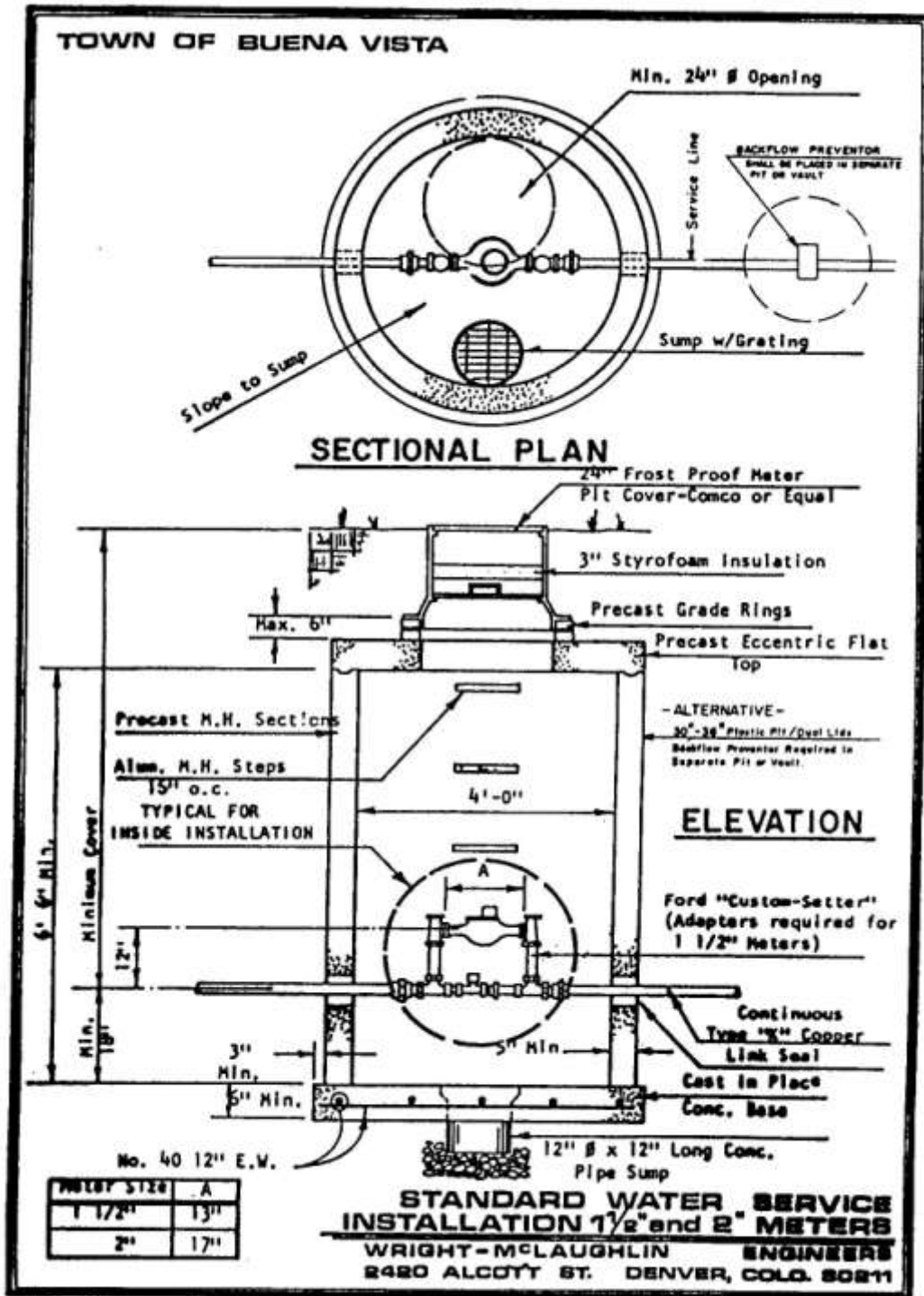
(Ord. 26-1992 §1)

Sec. 13-173. Standard setting for 3/4" and 1" meters.



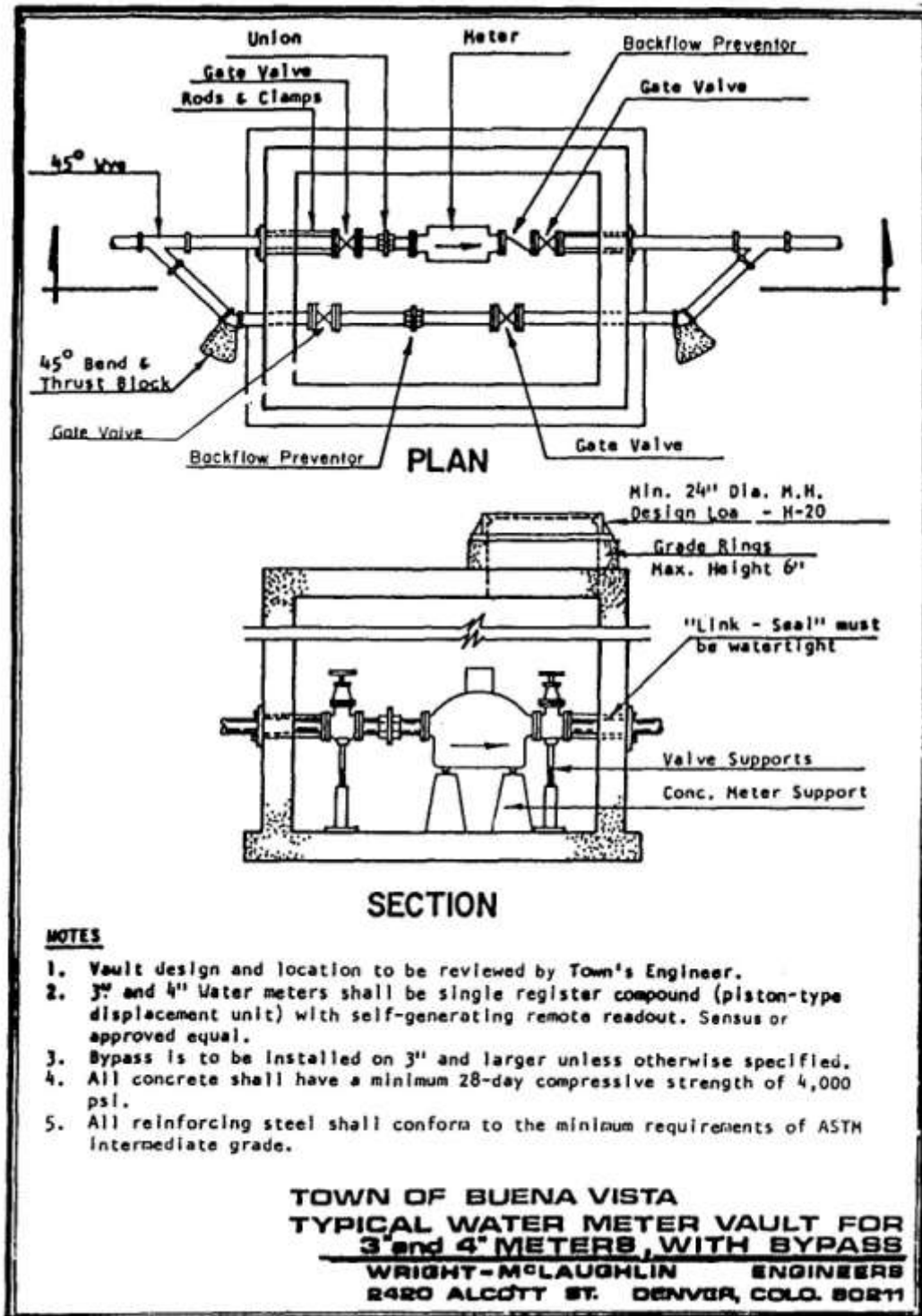
(Ord. 26-1992 §1)

Sec. 13-174. Standard water service installation 1½" and 2" meters.



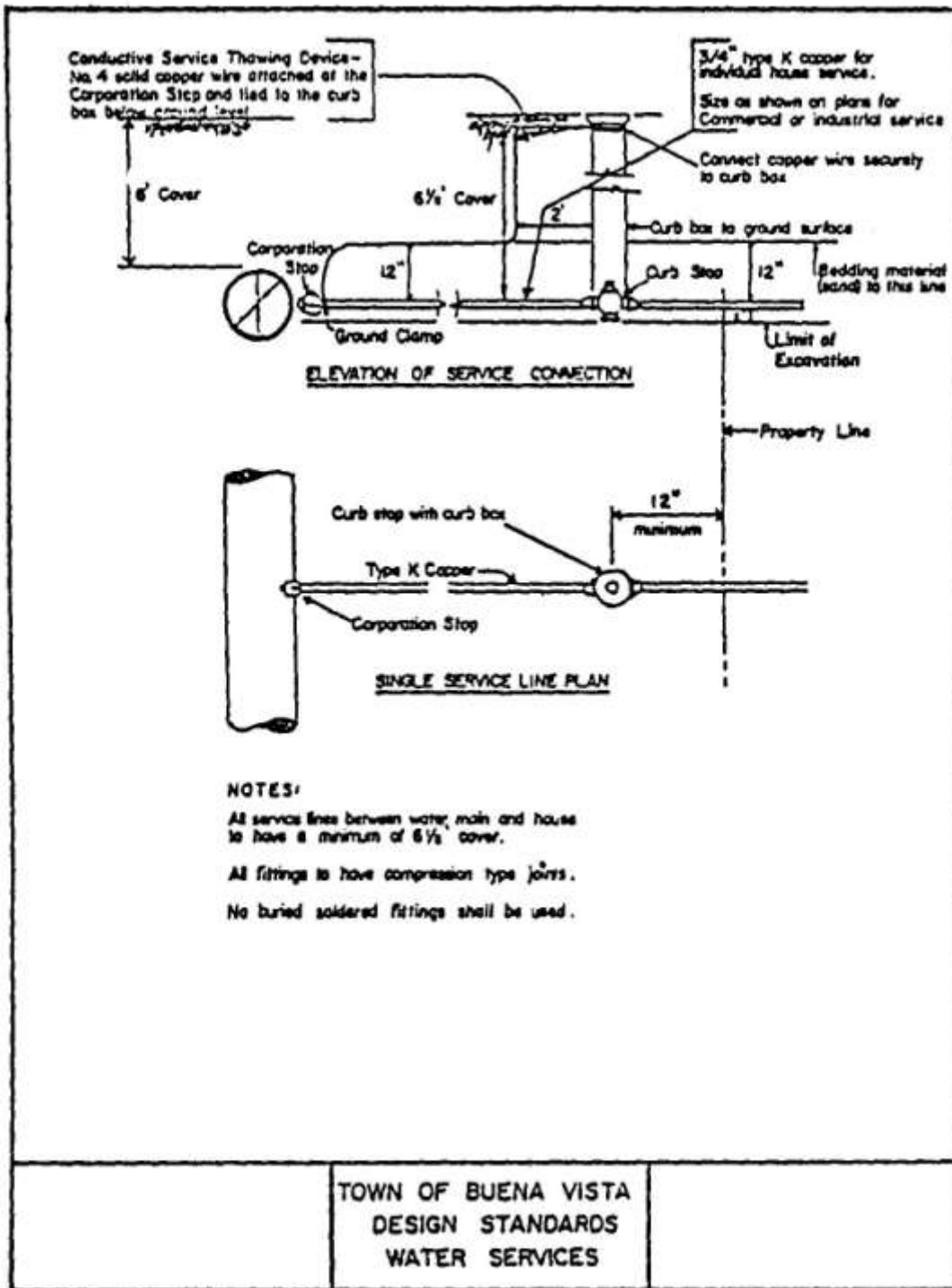
(Ord. 26-1992 §1)

Sec. 13-175. Typical water meter vault for 3" and 4" meters, with bypass.



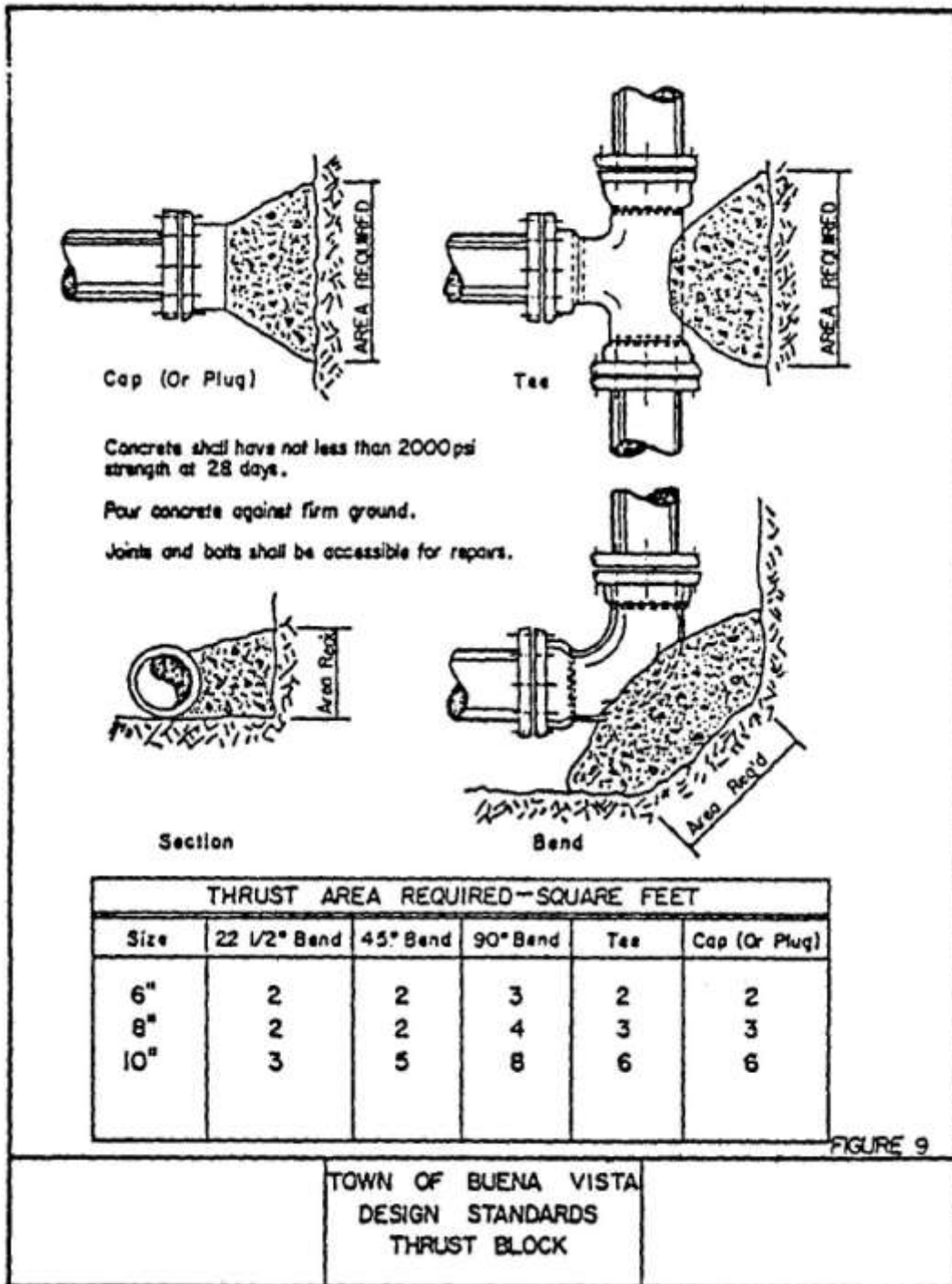
(Ord. 26-1992 §1)

Sec. 13-176. Design standards water services.



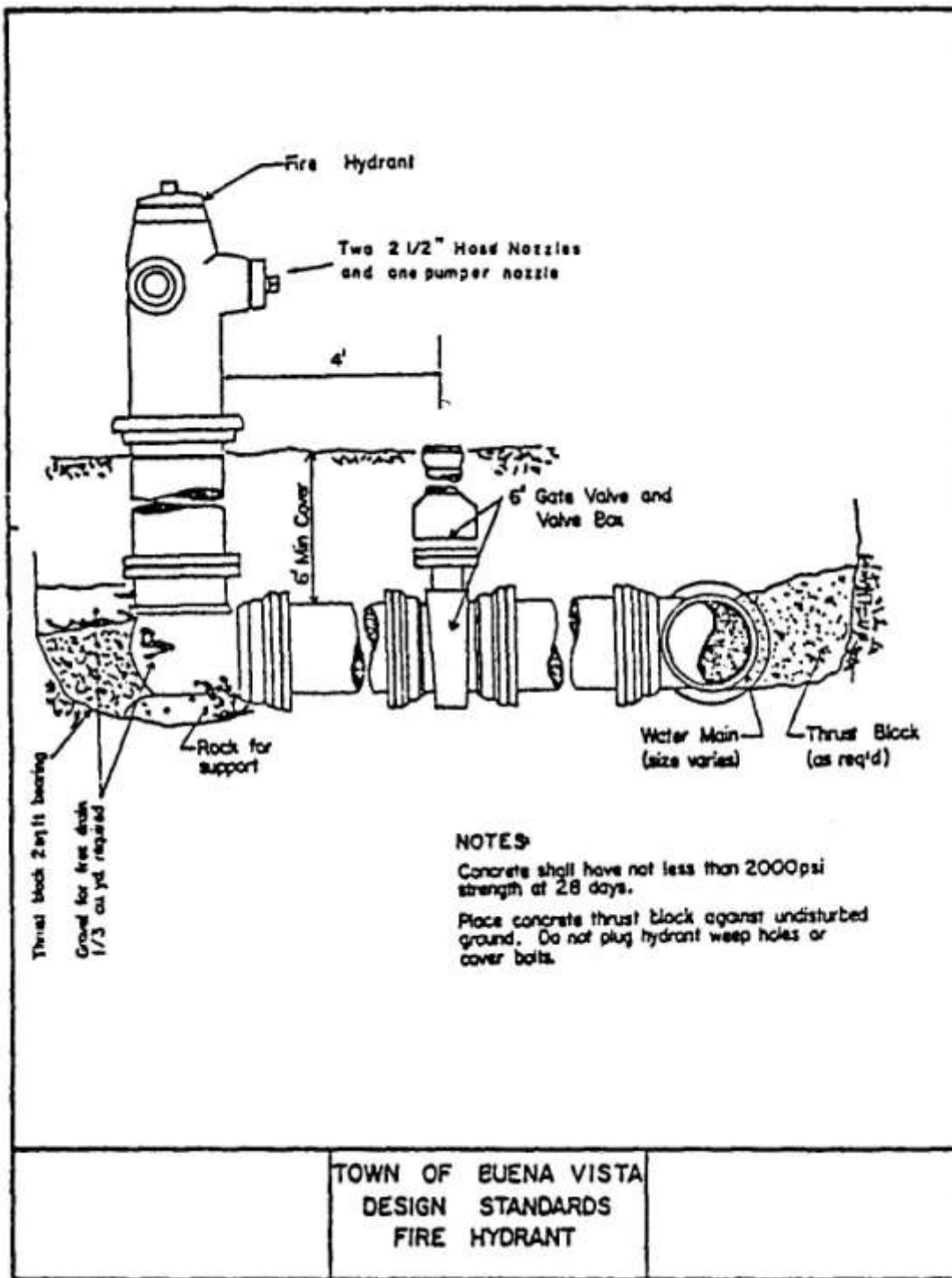
(Ord. 26-1992 §1)

Sec. 13-177. Design standards thrust block.



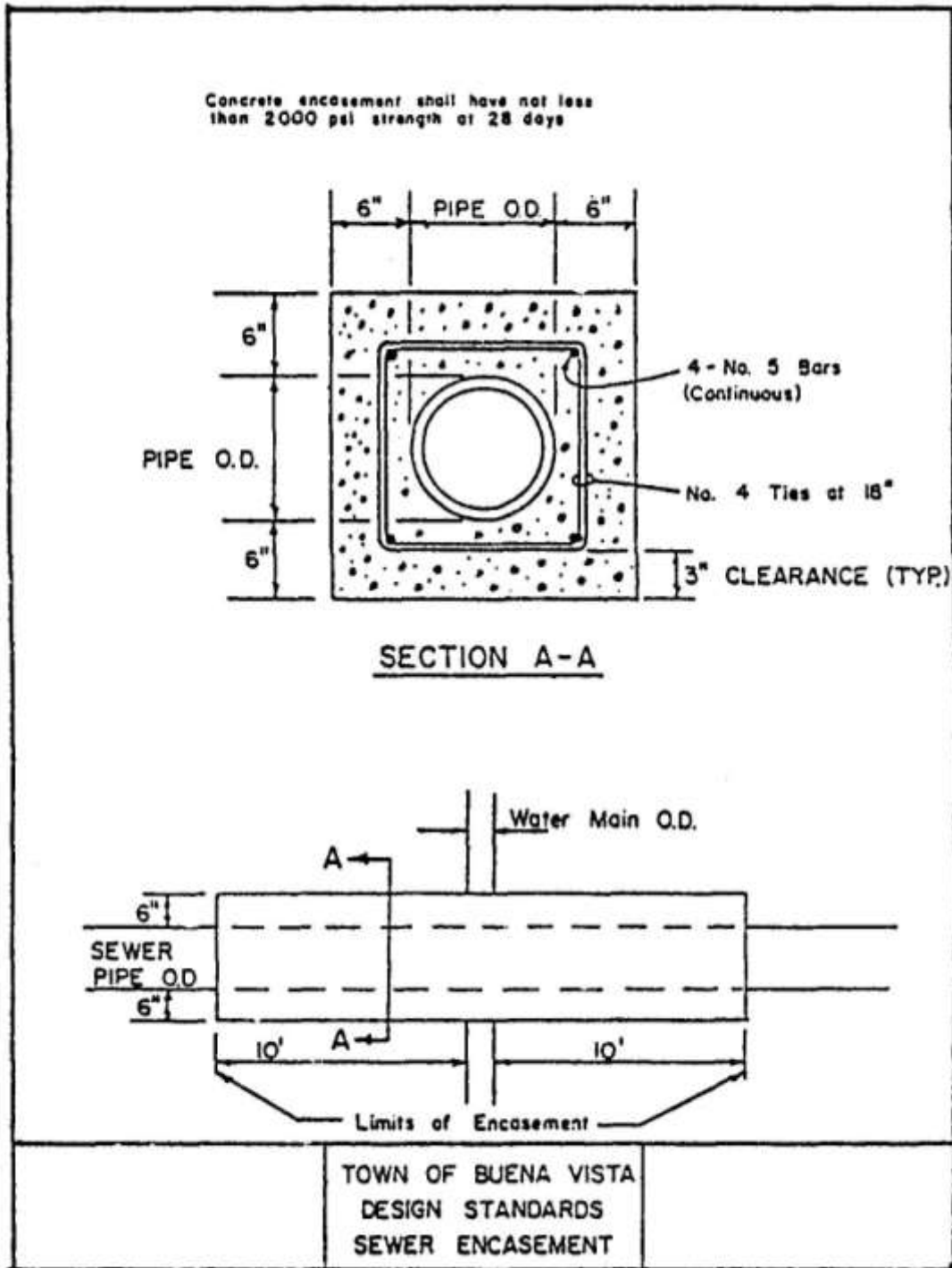
(Ord. 26-1992 §1)

Sec. 13-178. Design standards fire hydrant.



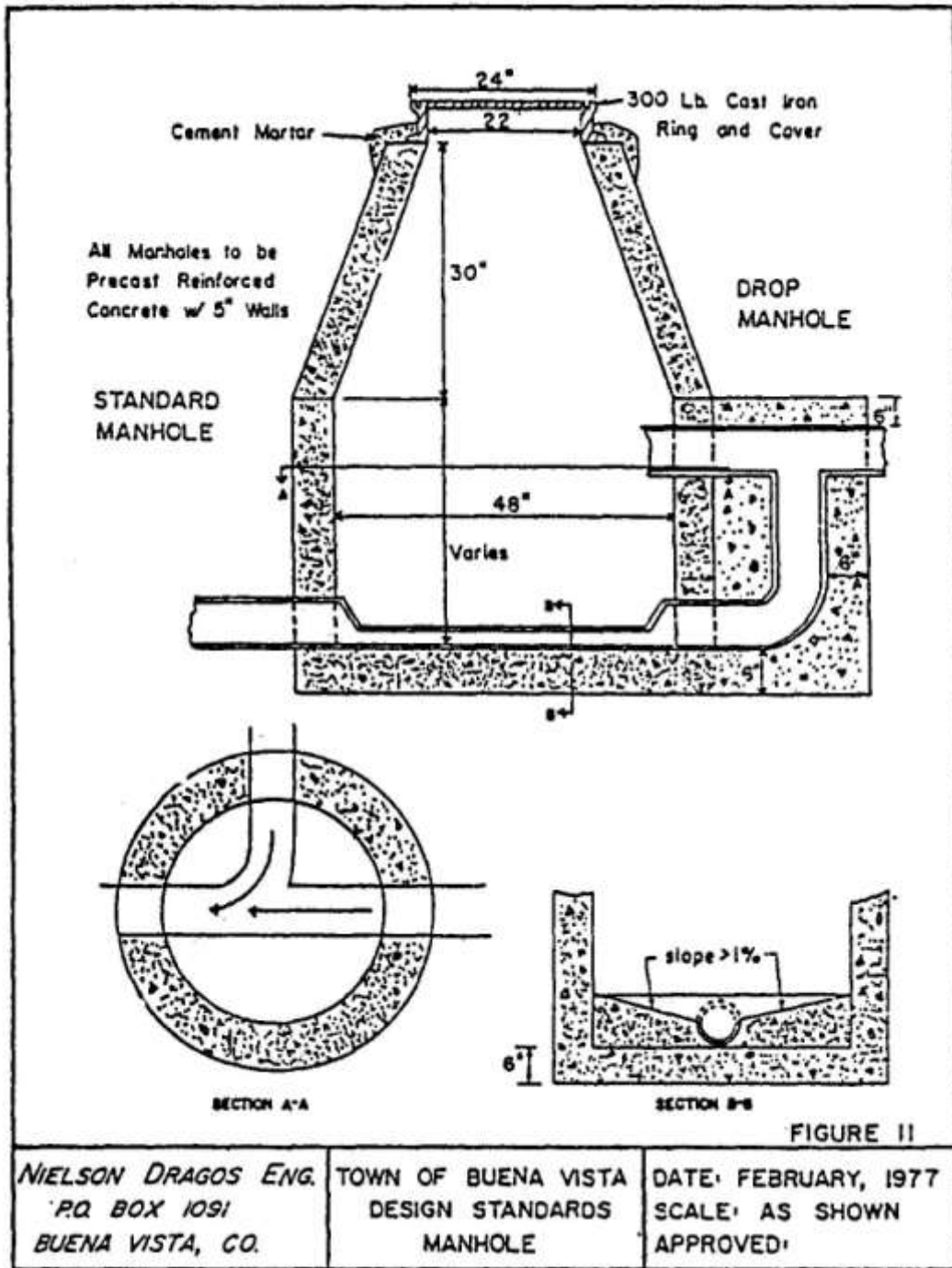
(Ord. 26-1992 §1)

Sec. 13-179. Design standards sewer encasement.



(Ord. 26-1992 §1)

Sec. 13-180. Design standards manhole.



(Ord. 26-1992 §1)

Secs. 13-181—13-200. Reserved.

ARTICLE X

Water Activity Enterprise

Sec. 13-201. Reestablishment of Enterprise.

There is hereby reestablished, pursuant to the terms and provisions of the Water Activity Law, Title 37, Article 45.1, C.R.S., the "Town of Buena Vista Water Activity Enterprise" (the "Enterprise"). The Enterprise shall consist of the business represented by all of the Town's water facilities and properties, now owned or hereafter acquired, whether situated within or without the Town boundaries, including all present or future improvements, extensions, enlargements, betterments, replacements or additions thereof or thereto (the "System"). The Enterprise shall have all of the authority, powers, rights, obligations and duties as may be provided or permitted by the Water Activity Law, and the Colorado Constitution, and as may be further prescribed by ordinance or resolution of the Town. (Ord. 3, 1995 §1)

Sec. 13-202. Governing body.

The governing body of the Enterprise (the "governing body") shall be the Board of Trustees of the Town, and shall be subject to all of the applicable laws, rules and regulations pertaining to the Board of Trustees. Whenever the Board of Trustees is in session, the governing body shall also be deemed to be in session. It shall not be necessary for the governing body to meet separately from the regular and special meetings of the Board of Trustees, nor shall it be necessary for the governing body to specifically announce or acknowledge that actions taken thereby are taken by the governing body of the Enterprise. The governing body may conduct its affairs in the same manner and subject to the same laws which apply to the Board of Trustees for the same or similar matters; provided that in accordance with Section 37-45.1-104(2), C.R.S., the governing body may authorize the issuance of bonds by adoption of a resolution. (Ord. 3, 1995 §2)

Sec. 13-203. Maintenance of enterprise status.

The Enterprise shall at all times and in all ways conduct its affairs so as to continue to qualify as a "water activity enterprise" within the meaning of Section 37-45.1-102, C.R.S., and as an "enterprise" within the meaning of Article X, Section 20 of the Colorado Constitution. Specifically, but not by way of limitation, the Enterprise is not authorized, and shall not, receive ten percent (10%) or more of its annual revenue in grants from all Colorado state and local governments combined. (Ord. 3, 1995 §3)

Sec. 13-204. Issuance of bonds.

The Enterprise is authorized to issue bonds, notes or other obligations payable from the revenues derived or to be derived from the System, in accordance with the Water Activity Law. The Board of Trustees may also authorize the issuance of such bonds, notes or other obligations in accordance with law, and in so doing shall be deemed to be acting as both the governing body and the Board of Trustees. (Ord. 3, 1995 §4)

Sec. 13-205. Ratification and approval of prior actions.

All actions heretofore taken by the officers of the Town and the members of the Board, not inconsistent with the provisions of this Article, relating to the operation or creation of the Enterprise, are hereby ratified, approved and confirmed. (Ord. 3, 1995 §5)

Secs. 13-206—13-220. Reserved.