

Title 13

PUBLIC SERVICES

Chapters:

13.04 Water Service System

13.08 Sewer Service System

13.12 Septic Tanks and Soil Absorption Systems

Chapter 13.04

WATER SERVICE SYSTEM*

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* Prior ordinance history: Ord. 2-2000, Ord. 1-1983, Ord. 5-1979, Ord. 1-1979, Ord. 4-1978, Ord. 4-1959, Ord. 3-1959.

13.04.010 General regulations.

- A. All users of town water services shall be subject to the terms and conditions as set out in this chapter and shall be subject to all applicable regulations of the town code and other ordinances, resolutions and regulations of the town, as they now exist or as they may be amended in the future.
- B. The owner, lessee, party in possession and party actually using water service, of any property served by town water service, shall be jointly and severally liable for all fees, charges and penalties imposed by this chapter and for compliance with other requirements of this chapter, notwithstanding any agreement among themselves.

(Ord. 2002-8 § 1 (part), 2002)

13.04.020 Application for service.

- A. Application for town water service shall be made upon forms provided by the town, which forms shall require information as may be necessary for the proper billing and management of the water system.
- B. The town may grant permission for the use of water service, in town, only upon receipt of the proper application and payment of all applicable fees, charges and deposits.
- C. The Board of Trustees may grant permission for the use of water service, out of town, at their discretion.

(Ord. 2010-2, 2-18-2010) (Ord. 2002-8 § 1 (part), 2002)

13.04.030 Conditions and application for connection.

- A. Applications for connection to the town water system shall be accompanied by the system improvement and other fees imposed by this chapter, a plan of the property to be served, and the evidence of title to, and legal description of, the property to be served.
- B. If the property to be served is within the town limits, the application will be accompanied by:
 - 1. A title memorandum furnished by a title company doing business in Delta County, Colorado, a copy of the applicant's deed or a copy of a title insurance policy showing the current title status of the property, the owner of record, and the legal description of the property to be served;
 - 2. In the event that the property to be served does not already have a structure upon it wherein the water is to be used, a valid building permit issued by the town shall be required. Construction (or in the case of a manufactured structure-setdown) must commence within the time limits as contained in the Uniform Building Code as adopted by the town;
 - 3. An agreement executed by the owner/applicant which contains the following conditions and other conditions consistent with this chapter:
 - a. All service lines between the town lines or mains and the premises served shall be constructed and maintained in compliance with all town codes, standards and specifications.
 - b. The owner/applicant agrees to comply with all provisions of this chapter, as amended from time to time.
- C. If the property to be served is outside the town limits, and within the Utility Annex Control Area, utility connection shall only be considered under 13.04.030.B after the property is

annexed into the Town. If the property to be served is outside town limits and within the Utility Annex Agreement Area the application shall be accompanied by:

1. A title memorandum furnished by a title company doing business in Delta County, Colorado, a copy of the applicant's deed or a copy of a title insurance policy showing the current title status of the property, the owner of record, and the legal description of the property to be served;
2. An agreement executed by the owner/applicant which contains the following conditions and other conditions consistent with this chapter:
 - a. All service lines between the town lines or mains and the premises served shall be constructed and maintained in compliance with all town codes, standards and specifications,
 - b. The owner/applicant agrees to annex, to execute a petition for annexation of the property served, and to vote for annexation at any annexation election to the town, upon the town's request, at any time that such property is eligible for annexation, and shall irrevocably appoint the town clerk as their attorney-in-fact with respect to annexation proceedings. This agreement shall be binding upon and shall run with the land for which service is provided. The town may require immediate annexation at the applicant's expense,
 - c. The owner/applicant agrees to comply with all provisions of this chapter, as amended from time to time;
3. Proof of the existence of a street or road address for the property to be served;
4. Proof that temporary electrical service has been established on the property or that a septic tank permit has been approved for the property by the Delta County health department; and
5. The owner/applicant agrees to transfer to the town of Cedaredge, at the time of payment and application; water right as follows:
 - a. Water right as represented by stock in ditch and/or reservoir company as approved by resolution adopted by the board of trustees.
 - b. The amount of water per acre feet per year as approved by resolution by the board of trustees.
 - c. An exemption to the ordinance requirement to transfer water shall be permitted when an approved town of Cedaredge sewer tap application has provided an amount of water that is currently equal to or greater than the current resolutions requirement of stock representation and amount.

- D. Applications for connection to the town water system shall be accompanied by properly executed documents granting the town all easements reasonably necessary for water lines and facilities.
- E. Application Approval
1. Applications for, in town, connections must be reviewed and approved by the town administrator and public works director or their designees.
 2. Applications for connections in the Utility Annex Agreement Area shall be approved by the Board of Trustees contingent that the Public Works Director has reviewed and approved.
 3. If any town main or line extension is required, the connection shall not be approved unless the terms of the extension have been approved by the town board of trustees.
 4. The application shall be denied if capacity is not available for utility related reasons.
- F. The town trustees may declare a moratorium on new connections at any time due to limitations on system capacity or other circumstances, which require such action in their sole discretion.
- G. Separate buildings or residences shall require separate taps to a town water main, or in the case of service provided through a water company, district or privately owned main, separate taps to the company, district or privately owned main. Provided, however, a garage regularly used to house vehicles accessory only to a residence may have plumbing and plumbing fixtures served off of the residence's tap, if not intended to change the existing use. Separate system improvement and other fees shall be due for each tap onto a town, company, district, or privately owned main, regardless of building ownership. Individually owned properties in a recreational vehicle park or mobile home park shall require separate water taps to town-owned water laterals or mains. The purchaser may purchase more than one tap to serve any building or commercial unit. Each parcel designated as common ground, open space, private park or other similar designation shall require a separate water tap if the owner or owners intend to irrigate the parcel with town water.

The town has recognized that there are a number of existing uses wherein one water tap is serving more than one dwelling unit. Some of these uses were instituted with the prior knowledge and approval of the town. In order that these uses be recognized and properly regulated, the town hereby establishes a separate commercial use category for these properties which shall be designated "secondary suite commercial taps." These taps shall be recognized in a recorded document listing the present owner, legal description and address of the properties utilizing these taps. It is anticipated that no future taps of this type shall be issued by the town. Should any of the affected properties be subdivided in the future, the owner of said property shall be required to purchase a separate water tap for the divided parcel. Each dwelling unit receiving water under this type of tap shall be charged a separate monthly capital improvements fee and debt retirement fee as those fees may be

set from time to time by the board of trustees. The tap shall also be billed at the regular commercial rate for water service.

- H. When the property of any water consumer, either in or out of the town is subdivided, each dwelling unit shall establish and install a separate tap.
- I. No application for the connection to the town's mains of any private line, private water company, or feeder district shall be approved. Provided, however, this shall not preclude approving connection for water service to a mobile home park, travel home park, or apartment building through a master water meter. Existing water companies or other private lines served by the town shall submit an application for connection for any additional customers, dwelling units, buildings, or taps to be serviced by such companies accompanied by fees as set out in Section 13.04.040, on the same basis as if the connection was to be directly to a town main.
- J. Taps shall be used to serve only that property for which the tap was purchased and approved to serve, and are not transferable. Taps must be installed within two years of the date of purchase. If not installed within that time period, the right to install said tap shall terminate and the tap shall revert to the town. Upon written request of the owner of such a terminated tap, the fee paid for the purchase of said tap shall be refunded. Such request for refund must be made within thirty (30) days from the date of reversion of the tap to the town. The town shall not be responsible for any additional charges and no fees charged under Section 13.04.060(C) to said tap shall be refunded.
- K. The town reserves the right at any time to attach water meters to all service pipes and all premises where the water is used and to charge the quantity of water used at metered rates; provided, however, that the charge for such places shall not be less than the minimum rate.

(Ord. 2010-2, 2-18-2010) (Ord. 2009-1 (part), 2009; Ord. 2007-9, 2007; Ord. 2004-9 (part), 2004; Ord. 2002-8 § 1 (part), 2002) (Ord. No. 2009-01, 1-15-2009)

13.04.040 Water system improvement fees.

- A. General Provisions Applicable to Water Fees.
 - 1. Fees imposed by this section shall be due when any customer presently served by water extends their facilities or changes their use, if the expansion or change in use necessitates a larger connection or increases the number of units, or when a new connection to the system is required, except a connection solely for the purposes of repair of an existing adequately sized connection, in which case only actual costs of town material and labor will be charged. Such charges shall be paid prior to any expansion or connection or issuance of any permit therefor.
 - 2. No connection to the town or existing private system shall be allowed which is smaller than reasonably necessary to serve the proposed use, as provided in town codes, standards and specifications. No customer may make any changes or additions to property served which would substantially increase the amount of

water used without obtaining an enlarged tap sufficient to accommodate such use.

3. If an existing connection is not of reasonably adequate size, a credit shall be allowed toward the fees imposed by this chapter for an amount equivalent to the charge which would be imposed by this chapter for a connection the same size as the one to be replaced by a new connection and taken out of service. Such credit may be applied only toward charges imposed by this chapter. However, in all cases the applicant shall be charged at least for actual costs of material and labor expended by the town.
4. Private water systems shall be charged the charges imposed by this chapter both for the connection of the private line to the town system and for each customer, building or dwelling unit served by such line, prior to connecting such customers. Private companies or systems shall also remit unit charges for each additional unit added to a multi-unit facility as specified in subsection B of this section.

B. Water System Improvement Fees and Unit Charges.

1. The following system improvement fees shall be imposed and collected prior to connection to the water system, or in the case of new structures at the time of the application for a building permit, pursuant to this section:

a. Basic System Improvement Fee (Water).

| | |
|-------------|---------------------|
| Size of Tap | BSIF - In-Town |
| 3/4" | \$ 8,000.00 |
| 1" | 9,000.00 |
| 1 1/2" | 11,000.00 |
| 2" | 16,000.00 |
| Size of Tap | BSIF - Outside Town |
| 3/4" | \$10,000.00 |
| 1" | 11,500.00 |
| 1 1/2" | 18,500.00 |
| 2" | 22,000.00 |

b. System Improvement Fee (Water)--Unit Charges.

- i. In addition to the basic system improvement fee imposed by subsection (1)(a) of this section, multiple unit residences such as apartments and rental mobile home parks shall be assessed an additional charge of two thousand dollars (\$2,000.00) per unit for each unit after the first unit which is served by town water out of a single tap. Hotels, motels, and travel home parks shall be charged one thousand dollars (\$1,000.00) per unit for each unit after the first

unit which is served by town water out of a single tap. Such charge shall be payable prior to the time at the time of application for a building permit is made and prior to the use of such unit.13.04.040

- ii. No water tap larger than two inches shall be approved, except solely for a fire line, unless the town determines that adequate capacity is available to serve the use without adverse effects, or unless the applicant pays for the cost of installing necessary system capacity. The cost of such water tap shall be established by action of the town board of trustees at the time of application.
- iii. In addition to water system improvement fees, a water tapping charge shall be paid for town expenses incurred in tapping the main and installing pipe, meter, appurtenances and curb boxes, except when these facilities are provided by the developer, pursuant to the town subdivision regulations. Following installation, tapping fees shall be due and payable upon billing by the town.

(Ord. 2004-7, 2004; Ord. 2002-8 § 1 (part), 2002)

13.04.050 Installation and maintenance responsibilities.

- A. The town shall make and maintain all connections to the town water system, from corporation stop to the meter pit assembly, including, but not limited to tapping saddle, corp stop, service line, curb stop, curb box, meter pit and meter yoke, except as otherwise provided by contract for existing private companies or pursuant to town subdivision regulations. The property owner shall purchase from the town all water meters along with other materials necessary to provide water service, and the location and type of meter shall be determined by the public works director. The property owner shall be required to expose the water main proper to any connections being made and shall install and maintain all other water lines and facilities to serve the owners property and shall keep the water meter free from obstruction and conveniently accessible. The location of all meters must be approved by the town prior to installation. No occupancy permit shall be issued by the town for any building requiring water service until a meter has been installed, inspected and approved in accordance with these provisions. The town will own and maintain all water meters after proper installation.
- B. If any portion of the water lines or other facilities for which the customer is responsible is in need of repair and the customer fails to make such repairs following notice from the town, the town may either terminate water service or make repairs and bill them to the customer. Such charges shall become a lien upon the property and may be collected as other charges imposed by this chapter.

(Ord. 2003-1 § 4, 2003; Ord. 2002-8 § 1 (part), 2002)

13.04.055 Cross-connection control.

- A. Purpose. The purpose of this program is:
1. To protect the public potable water supply served by the town from the possibility of contamination or pollution by isolating within its customers' internal distribution system such contaminants or pollutants which could backflow or back-siphon into the public water system;
 2. To promote the elimination or control of existing cross-connections, actual or potential, between its customers' on-site potable water systems and nonpotable systems;
 3. To provide for the maintenance of a program of cross-connection control that will effectively prevent the contamination or pollution of potable water systems by cross-connection;
 4. Backflow prevention devices within structures, building and appurtenant plumbing shall be regulated by the current edition of the adopted Uniform Plumbing Code.
- B. Authority. The town, as the water purveyor, has the primary responsibility for preventing water from unapproved sources, or any other substances, from entering the public potable water system. Authority to implement and maintain this program on cross-connection is contained in the following legislative actions:
1. The Federal Safe Drinking Water Act of 1974;
 2. Sections 25-2-207, 25-2-108 and 25-1-114, C.R.S.;
 3. Section 39 of 5 CCR 1002-11, Colorado Primary Drinking Water Regulations.
 4. Cross-Connection Control Manual, 5th edition, Colorado Department of Public Health and Environment.
- C. Responsibility. The public works director or his designee shall administer the program to protect the public potable water distribution system from contamination or pollution due to the backflow or back-siphonage of contaminants or pollutants through the water service connection. If the public works director determines that an approved backflow device is required at the town's water service connection to any customer's premises, the public works director shall give notice in writing to said customer to install an approved backflow prevention device at each service connection to his or her premises. The customer shall install the approved device or devices at his or her own expense within ninety (90) days of the receipt of the notice or the customer's water service will be discontinued until the proper device or devices are installed.
- D. Administration.

1. The town will operate a "Cross-connection Control Program," which includes the required recordkeeping related to initial inspection, hazard level, initial device testing, yearly device testing and device replacement, etc.
 2. The owner shall allow his or her property to be inspected for possible cross-connections and shall follow the provisions of the town's program if a cross-connection is permitted.
- E. General Requirements. Guideline for backflow prevention assemblies, required on identified hazardous cross-connections:
1. Commercial, industrial and institutional buildings shall have an approved reduced pressure zone assembly to isolate all building fixtures and taps from the town distribution system.
 2. Backflow prevention assemblies are to be installed in an accessible location to facilitate maintenance, testing and repair. Drawings must show various installations.
 3. All backflow prevention assemblies shall be installed on the customer side, immediately following the water meter.
 4. In no case will it be permissible to have connections or tees between the meter and service line backflow prevention assembly.
 5. The valves associated with the backflow prevention device shall not be used as the inlet or outlet valve of the water meter. Test cocks shall not be used as supply connections.
 6. In order to ensure that backflow prevention assemblies continue to operate satisfactorily, they shall be tested at the time of installation and on an annual schedule thereafter. Such test shall be conducted in accordance with American Society of Sanitary Engineering (A.S.S.E.) and/or University of Southern California, Foundation of Cross-Connection Control and Hydraulic Research (U.S.C. F.C.C.C. and H.R.) performance standards and field test procedures as directed by the Colorado Department of Public Health and Environment.
 7. All costs for design, installation, maintenance, repair and testing shall be borne by the customer.
 8. All fire sprinkler systems shall conform to the applicable sections in the current edition of the Uniform Plumbing Code.
 9. All identified hazardous cross-connections to the town water system shall conform or be brought into conformance with the requirements of this chapter within one year of adoption of this chapter.

F. Standards for Backflow Prevention Assemblies.

1. Any backflow prevention assembly required herein shall be a model and size approved by the public works department. The term approved backflow prevention assembly shall mean an assembly that has been manufactured in full conformance with the standards established by the latest version of the Colorado Department of Public Health and Environment Cross-Connection Control Manual. Final approval shall be evidenced by a "Certificate of Approval" issued by an approved testing laboratory certifying full compliance with Colorado Department of Public Health and Environment standards and A.S.S.E. and/or U.S.C. F.C.C.C. and H.R. specifications.
2. Only approved backflow prevention assemblies shall be used.

G. Installations.

1. Backflow prevention assemblies shall be installed in accordance with Uniform Plumbing Code specifications.
2. Backflow prevention assembly installations shall be approved for use by the public works department.
3. All backflow assemblies shall be installed in the horizontal position. Vertical installation shall be acceptable when approved by A.S.S.E. and/or U.S.C. F.C.C.C. and H.R. specifications. A variance may be granted by the town of Cedaredge upon review.
4. The single check valve is not considered to be a backflow prevention assembly.
5. Reduced pressure backflow prevention devices shall be installed above ground. The unit shall be placed at least twelve (12) inches above finish grade to allow clearance for the repair work. A concrete slab at finish grade is recommended. Proper drainage shall be provided for the relief valve and may be piped away from the location, provided that it is readily visible from above grade and provided that the relief valve is separated from the drain line by a minimum of double the diameter of the supply line. A modified vault installation may be used if constructed with ample side clearances. Freezing is a major concern in this area. Precautions shall be taken to protect aboveground installations.

H. Testing and Maintenance. Identified hazardous cross-connections:

1. At least once per year, it is the duty of the customer/user at any premises where backflow prevention assemblies are installed to have a certified test made of those assemblies. In those specific instances where the public works department deems the hazard to be great enough, certified inspections and testing at more frequent

intervals may be required. These tests shall be at the expense of the water user and shall be performed by a certified technician approved by the Colorado Department of Public Health and Environment and the public works department. An inspection of the assembly may be performed at any time complying with the right of entry portion of this code.

2. As necessary, the assembly shall be repaired or replaced at the expense of the customer/user whenever the assembly is found to be defective. Records of all such tests, repairs or replacements shall be kept for three years by the customer/user and be made available to the public works department for review upon request.
3. Existing assemblies shall be tagged by the technician performing the test at the completion of the test, showing the names of the technician and date of test.
4. All testing equipment used in the testing of backflow prevention assemblies shall be checked for accuracy yearly, or more often, and the proof of compliance shall be submitted to the public works department upon request.
5. The public works department retains the right to test or otherwise check the installation and operation of any containment assembly at any time to assure proper operation.

(Ord. 2008-3 (part), 2008)

13.04.057 Backflow Prevention and Cross-Connection Control Program

A. Applicability

1. This section applies to all commercial, industrial and multi-family residential service connections within the public water system and to any persons outside the Town who are, by contract or agreement with the Town of Cedaredge, users of the public water system. This section does not apply to single-family-residential service connections unless the public water system becomes aware of a cross connection at the single family connection.

B. General Requirements

1. In instances where a reduced pressure principle backflow preventer cannot be installed, the owner must install approved backflow prevention devices or methods at all cross-connections within the owner's plumbing system.
2. Provisions shall be made to provide adequate drainage from the discharge of water from reduced pressure principle backflow prevention assemblies. Such discharge shall be conveyed in a mater which does not impact waters of the state.
3. Where a backflow prevention assembly or method is installed on a water supply system using storage water heating equipment such that thermal expansion causes

an increase in pressure, a device for controlling pressure shall be installed.

4. No grandfather clauses exist except for fire sprinkler systems where the installation of a backflow prevention assembly or method will compromise the integrity of the fire sprinkler system
5. For new buildings, all building plans must be submitted to Town Hall and approved prior to the issuance of water service. Building plans must show
 - a. Water service type, size, and location
 - b. Meter size and location
 - c. Backflow prevention assembly size, type, and location
 - d. Fire sprinkler system(s) service line, size, and type of backflow assembly.
 - i. All fire sprinkling lines shall have minimum protection of an approved double check valve assembly for containment of the system
 - ii. All glycol (ethylene or propylene), or antifreeze systems shall have an approved reduced pressure principle backflow preventer for containment
 - iii. Dry fire systems shall have an approved double check valve assembly installed upstream of the air pressure valve.
 - iv. In cases where the installation of a backflow prevention assembly or method will compromise the integrity of the fire sprinkler system the Town of Cedaredge will not require the backflow protection. The Town will measure and perform periodic bacteriological testing at the site. If the Town suspect water quality issues the Town will evaluate the practicability of requiring that the fire sprinkler system be flushed periodically.

C. Inspection, Testing and Repair:

1. Any backflow prevention devices or methods that are non-testable, shall be inspected at least once annually by a certified cross-connection control technician. The inspections shall be made at the expense of the customer.
2. Copies of records of test reports, repairs and retests shall be submitted to Town Hall by mail, facsimile, or e-mail by the testing company or testing technician.
3. Information on test reports shall include, but may not be limited to,
 - a. Assembly or method type

- b. Assembly or method location
- c. Assembly make, model and serial number
- d. Assembly size
- e. Test date
- f. Test results including all results that would justify a pass or fail outcome
- g. Certified cross-connection control technician certification agency
- h. Technician's certification number
- i. Technician's certification expiration date
- j. Test kit manufacturer, model and serial number
- k. Test kit calibration date

13.04.060 Water use charges--General provisions.

- A. Rates, charges, credits, and waivers for water fund service shall be set by the town board of trustees by resolution and shall be payable, assessed and billed at periodic intervals specified by resolution of the town board of trustees.
- B. Base fees or monthly water charges shall commence when service is first utilized, but no later than sixty (60) days from the date of approval of the water tap, whether or not the tap has been activated.
- C. All bills shall be due by twelve midnight (12:00am) the first business day following the twenty-fifth day of each month of the billing date. Bills not paid by the due date shall be assessed a penalty of five percent of the unpaid balance due as a late payment penalty.
- D. All charges and fees imposed by this chapter shall become a lien on the property.
 - 1. Served as of the date they are billed or due.
 - 2. When account charged equals \$200 or more and \$200 or more is 90 days past due and the account owner has not requested a payment plan, application of 13.04.070C is applicable.
- E. Water Service Outside Town Limits
 - 1. General Regulations.
 - a. All users of town water services shall be subject to the terms and conditions of this chapter and shall be subject to all water service

regulations of the town code and other water service resolutions of the town, as they now exist or as they may be amended in the future. All regulations contained in this chapter shall be considered a part of any contract between the town and any person, company, or developer being supplied water by the town.

- b. In times of restricted water availability or emergencies, treated water provided may also be restricted and/or temporarily shut off.
 - c. The town shall provide water service within all applicable state or federal regulations.
2. The Town (water system) is a Public Water System. In furnishing water to persons and consumers outside of the corporate limits of the town, the town shall provide service to Consecutive Systems or Integrated Systems as a “Wholesale Public Water System” or to out-of-town customers served by the Public Water System as defined by CDPHE-WQCC Primary Drinking Water Regulations. The town further reserves all of its claims, rights and priorities in and to the water so furnished, and said consumers shall acquire no right, priority or claim in or to said water by use of the same.
3. Out-of-Town water customers connected to the Public Water System shall be billed waterline maintenance and repair costs prorated equally among all customers connected to a repaired water trunk line or repaired branch line. The billing amount is the actual cost to the Town, including wages of Town employees, for the service and repair of the branch or trunk line. This expense will be added to the monthly water bill of all affected customers, and may be collected in such manner as any other water bill.
4. Master Meter--Installation. Master meter(s) are required on all Consecutive Systems and Integrated Systems at the point where the private pipeline, or pipelines in the case of outside entities having or requiring multiple tie ins. The location, size and type of meter(s) shall be determined by the town. Installation of the master meter(s), includes the meter(s), shall be performed by the town at cost to the Consecutive or Integrated System served. All work incidental to the installation (excavation, backfill, etc.) is the responsibility of the Consecutive or Integrated System served. That work may, at the System's option, be performed by the System but must be done under the supervision of the town. If the excavation, backfill, etc., is performed by the town, the work will be done at cost plus an overhead charge of twenty (20) percent and shall be paid for by the Consecutive or Integrated System.

5. Master Meter Maintenance. Maintenance of the master meter(s) shall be performed by the town at cost to the Consecutive System or Integrated System served. All work incidental to maintenance (excavation, backfill, etc.) is the responsibility of the Consecutive or Integrated System. That work may, at the System's option, be performed by the System but must be done under the supervision of the town. If the excavation, backfill, etc., is performed by the town, the work will be done at cost plus an overhead charge of twenty (20) percent and shall be paid for by the Consecutive or Integrated System.
6. Charges and Billing to Consecutive Systems or Integrated Systems. All water service shall be billed by the town on a periodic cycle established by resolution based on usage as reflected by periodic meter readings or estimated amounts. The amount due shall be determined by Method "A" or "B" below:
 - a. Method "A." If the Consecutive System or Integrated System desires that the town deliver water and bill the company only for the quantity delivered to the Master Meter, the town shall charge one flat rate and a rate per 1,000 gallons metered.
 - b. Method "B." If the Consecutive System or Integrated System desires that the town deliver water, read and bill each water tap user within that Consecutive System or Integrated System, the town, at its option, may agree to do so, and may determine the conditions under which it will do so, and will charge for that service as follows:
 - i. Minimum Bill. Charged to the individual tap user the base fee provided by resolution for out-of-town users; plus
 - ii. Metered Rate Charge. This charge, as specified by resolution for out-of-town users, shall be billed to the individual as follows:
 - (A) Per Gallon Charge. Charged to tap owner or agent designated in writing the amounts specified by resolution for out-of-town water users.
 - (B) Consecutive System or Integrated System Excess. At the same time or just prior to the individual meters being read, the town may read the master meter(s) of the pipeline company. If there is a difference between the usage indicated by the master meter(s) and the sum of usage for all activated taps beyond the master meter(s) (master meter(s) usage minus sum of individually metered usages), that amount shall be charged at an overage rate specified by resolution. The reason for the discrepancy (i.e., a leak or individual meter(s) reading too low) shall be determined by the Consecutive System or Integrated System and cured. If the System excess has not been paid and a

cure is not being sought, the town may terminate service to the Consecutive System or Integrated Systems, and apply other remedies provided by law.

- iii. **Billing and Meter Reading Service.** Adopted by resolution of the board from time to time is an annual service fee to cover the labor and administrative costs associated with reading the individual's meter and billing them.

F. **Special Consumer Fees for Service Outside of Town Limits**

1. The Board of Trustees has the authority to adopt reasonable surcharges and/or higher water use rate fees for out-of-town customers. Revenue from these types of fees is general revenue to the Town Water Fund.
2. A flat rate billed to Consecutive Systems or Integrated Systems that have selected billing Method A as provided in Code subsection 13.04.060.H hereinabove can include a system fee reduction.
3. Waterline Replacement fees for current and future expenses associated with waterline replacement including but not limited to fund generation associated with grant/loan applications, planning, engineering, easement and right-of-way acquisition, construction, land reclamation and service hook ups shall be allocated among out-of-town water customers located in geographic areas to be served by waterlines identified for possible future replacement.
4. Consecutive Systems are exempt from Waterline Replacement fees. Integrated Systems are exempt from Waterline Replacement fees if the system provides treatment including disinfection.

(Ord. 2017-07, 6-21-2017)

13.04.070 Remedies for non-payment.

In addition to any other remedies which the town may have, the town may take the following action upon failure to pay any charges or fees by the date specified as due upon the bill, or when they are otherwise due:

- A. The town may foreclose the lien imposed by this chapter in accordance with law.
- B. The town may maintain an action for the amount of charges, plus costs of collection and attorney's fees, due in a court of competent jurisdiction including interest as allowed by law.
- C. The town may certify the amount of any charge due to the county treasurer to become an assessment upon such property served to be collected as taxes upon such property are collected.

- D. The town may shut off water to any premises for which the bill is not paid in accordance with the procedures set forth in Section 13.04.110 of this chapter.

(Ord. 2002-8 § 1 (part), 2002)

13.04.080 Specifications and standards.

The materials used and installation of all components of the town water system, service lines and plumbing systems connected thereto and served thereby shall be in accordance with standards, regulations, and specifications approved by the town, and in accordance with all town building and plumbing regulations and other applicable regulations. Such town standards, specifications and regulations may include but not be limited to the installation, location, and type of material of water mains, service lines, curb boxes, valves, corporation stops, meters, meter pits, meter yokes, and other fixtures and facilities. All such facilities shall also comply with all applicable state and federal regulations.

(Ord. 2002-8 § 1 (part), 2002)

13.04.090 Water extensions.

- A. No water main of the town may be extended without the approval of the town.
- B. The town may, at its own expense, extend its water mains and lines as deemed feasible or necessary. The town may provide for such extensions in accordance with its subdivision regulations or by contract with any person desiring such extensions or by improvement district. Any such contract shall be on terms approved by the town and may provide for the size of the mains or lines to be extended, the apportionment of the costs of the extensions, reimbursement provisions for subsequent taps onto such extension, or such other provisions as the town trustees deems in the public interest.
- C. All such mains, lines and facilities connected to the town system shall be conveyed and dedicated to the town, and the appurtenant easements shall be conveyed to the town, free and clear of all liens and encumbrances.

(Ord. 2002-8 § 1 (part), 2002)

13.04.100 Right of entry.

- A. Whenever necessary to make an inspection or investigation, to perform any duty, or to enforce any of the provisions of this chapter, any authorized town representative may enter upon any building or premises served by town water at any reasonable time for such purposes. If the building is unoccupied, he shall make reasonable efforts to locate the owners or persons in possession of the premises and request entry. If refused, he shall have recourse to all remedies provided by law to secure entry, including issuance of an inspection warrant by the municipal court.

- B. The right of entry shall apply, but not be limited to the following functions: to determine the location and conditions of all hydrants, pipes, fixtures to read meters, to make repairs, perform dye and smoke tests, for cross-connections relative to possible hazards and to investigate violations of this chapter.

(Ord. 2008-3 (part), 2008; Ord. 2002-8 § 1 (part), 2002)

13.04.110 Shut off and resumption of water service.

- A. In case any person fails or refuses to pay any charges or penalties for town water service or shall fail to comply with the provisions of this chapter or other regulations applicable to town water service, the town may shut off the water to the premises.
- B. Prior to shutting off the water, the town shall send a notice to the address of the customer concerned, as shown on town records, stating the reason for the shut off, and the date upon which service may be shut off unless the charges are paid or other specified violation is corrected. Such date shall be at least ten days after the deposit of the letter giving notice of the shut off in the U.S. mail, postage prepaid.
- C. If the town shuts off water service pursuant to this chapter, service will not be restored until all overdue charges, penalties, other applicable charges have been paid, and a turn-on fee, as established by resolution of the town board of trustees, has been paid to the town.
- D. The owner of real property as recorded at the Delta County Clerk & Recorder's by deed are permitted to request water shut off and resumption by the town, at the meter, in writing to the town for any reason to manage their property with the required shut off fee submitted or billed. Before services can be resumed, the customer will be required to remit all past due billing amounts and the required turn-on fee.

(Ord. 2002-8 § 1 (part), 2002) (Ord.2013-3, 06-20-2013)

13.04.120 Restriction of water uses.

- A. The town trustees may by resolution limit the use of town water to specific times, days and uses.
- B. It shall be unlawful for any person to sell or give water away to be used on premises other than those for which service is authorized.
- C. It shall be unlawful to open or close any fire hydrant, stop or curb valve, or to turn on or turn off the water service to any property without lawful authority to do so.
- D. It shall be unlawful to cause or allow any pollutant to be introduced in the town water system or to cross connect it with any irrigation water system.

- E. The use of an open hose is prohibited at all times.

(Ord. 2002-8 § 1 (part), 2002)

13.04.130 Use of fire hydrants.

- A. When it is necessary to use water temporarily at a place where the water supply is inadequate, application may be made to the town for a permit to use water from a fire hydrant. It shall be unlawful to use water from, or connect any apparatus to, a fire hydrant without first obtaining a permit.
- B. Each permit shall specify the terms and conditions of use and the fire hydrant or hydrants authorized to be used. No person shall attach to the operating stem or cap of a fire hydrant any wrench or tool that is not approved by the town for use on fire hydrants. In addition to any other remedy available to the town, any wrench, connection apparatus, valve, hose, or other item attached to a fire hydrant in violation of this chapter shall be subject to removal and confiscation by the town.

(Ord. 2002-8 § 1 (part), 2002)

13.04.140 Tampering with and unauthorized use of utilities and services.

It shall be unlawful to tamper with, damage or destroy any town water lines, mains, meters or facilities, or to utilize any town utility service without lawful authority, or to operate any town utility facilities without lawful authority.

(Ord. 2002-8 § 1 (part), 2002)

13.04.150 Permit required.

It is unlawful to excavate, construct, repair or make taps within any easement, right-of-way or property owned by the town without first obtaining an excavation permit for such work from the town, in accordance with Chapter 15.10 of this code.

(Ord. 2002-8 § 1 (part), 2002)

13.04.160 Violations.

- A. Failure of the customer to cooperate in the installation, maintenance, testing or inspection of backflow prevention assemblies required by these standards shall be grounds for the discontinuance of water service to the premises or the requirement of installation of an air-gap separation from the public potable water system.
- B. Service of water to any premises may be discontinued by the authority of the public works director if unprotected cross-connections exist on the premises. When any defect is found

in an installed backflow prevention assembly, or if a backflow prevention assembly has been removed or bypassed, the service may be discontinued. Service shall not be restored until such conditions or defects are corrected.

- C. Discontinuance of service may be immediate and without written notice whenever, in the judgment of the public works director, such action is necessary to protect the purity of the public potable water supply or the safety of the water system.
- D. Any person who tampers with any meter, valve, or water line or who violates any other provisions of this chapter shall be deemed guilty of a criminal offence punishable by fine of up to one thousand dollars (\$1,000.00), a jail sentence of up to one year, or both. Any person who violates the terms and conditions of this chapter or of any rules or regulations adopted by the town board of trustees shall be deemed guilty of a misdemeanor and subject to a fine. Each day of violation of the ordinance codified in this chapter shall be deemed a separate offence.

(Ord. 2008-3 (part), 2008: Ord. 2002-8 § 1 (part), 2002)

13.04.170 Validity.

If any article, section, paragraph, sentence, clause or phrase of this chapter is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this chapter. The board of trustees of the town of Cedaredge, Colorado, hereby declares that it would have passed this chapter and each part or parts thereof, irrespective of the fact that any one part or parts may be declared invalid or unconstitutional.

(Ord. 2008-3 (part), 2008)

13.04.180 Repeal.

All other ordinances or parts of any ordinances or other code provisions in conflict herewith are hereby repealed. The repeal established herein shall not be construed to revive any ordinance code provision or part thereof that had been previously repealed by any ordinance which is repealed by the ordinance codified in this section.

(Ord. 2008-3 (part), 2008)

Chapter 13.08

SEWER SERVICE SYSTEM*

Sections:

- 13.08.010 General regulations.**
- 13.08.020 Application for service.**
- 13.08.030 Conditions and application for connection.**
- 13.08.040 Sewer system improvement fees.**
- 13.08.050 Installation and maintenance responsibilities.**
- 13.08.060 Sewer use charges--General provisions.**

- 13.08.070 Remedies for non-payment.
 - 13.08.080 Specifications and standards.
 - 13.08.090 Sewer extensions.
 - 13.08.100 Right of entry.
 - 13.08.110 Shut off and resumption of sewer service.
 - 13.08.120 Tampering with and unauthorized use of utilities and services.
 - 13.08.130 Permit required.
 - 13.08.140 Violations--Penalty.
- * Prior ordinance history: Ord. 2-2000, Ord. 7-1995, Ord. 7-1976.

13.08.010 General regulations.

- A. All developed parcels of real property within the town shall be required to be connected to the town sewer system. All users of the town sewer services shall be subject to the terms and conditions as set out in this chapter and shall be subject to all applicable regulations of the town code and other ordinances, resolutions and regulations of the town, as they now exist or as they may be amended in the future.
- B. The owner, lessee, party in possession and party actually using sewer service, of any property served by town sewer service, shall be jointly and severally liable for all fees, charges and penalties imposed by this chapter and for compliance with other requirements of this chapter, notwithstanding any agreement among themselves.

(Ord. 2003-1 § 3, 2003: Ord. 2002-8 § 1 (part), 2002)

13.08.020 Application for service.

- A. Application for town sewer service shall be made upon forms provided by the town, which forms shall require information as may be necessary for the proper billing and management of the sewer system.
- B. The town may grant permission for the use of sewer service, in town, only upon receipt of the proper application and payment of all applicable fees, charges and deposits.

(Ord. 2010-3, 2-18-2010) (Ord. 2002-8 § 1 (part), 2002)

13.08.030 Conditions and application for connection.

- A. Applications for connection to the town sewer system shall be accompanied by the system improvement and other fees imposed by this chapter, a plan of the property to be served, and the evidence of title to, and legal description of, the property to be served.
- B. If the property to be served is inside the town limits, the application shall be accompanied by:
 - 1. A title memorandum furnished by a title company doing business in Delta County, Colorado, a copy of the applicant’s deed or a copy of a title insurance policy showing the current title status of the property, the owner of record, and the legal description of the property to be served; and

2. An agreement executed by the owner/applicant which contains the following conditions and other conditions consistent with this chapter:
 - a. All service lines between the town lines or mains and the building served shall be constructed and maintained in compliance with all town codes, standards and specifications.
 - b. The owner/applicant agrees to comply with all provisions of this chapter, as amended from time to time.
- C. If the property to be served is outside the town limits and within the Utility Annex Control Area, utility connection shall only be considered under 13.08.030.B after the property is annexed into the Town. No property shall be served with sewer within the Utility Annex Agreement Area.
- D. Whenever a town sewer main is installed within four hundred (400) feet of a premises served by town water, the occupant or owner will, upon request of the town, connect to such sewer line and pay all system improvement and other fees, therefor, in accordance with town ordinances and regulations, as they may be amended from time to time. All buildings requiring sewage disposal shall connect to the town sewer system.
- E. Applications for connection to the town sewer system shall be accompanied by properly executed documents granting the town all easements reasonably necessary for sewer lines and facilities.
- F. All charges and fees imposed by this chapter shall become a lien on the property.
 1. Served as of the date they are billed or due.
 2. When account charged equals \$100 or more and \$100 or more is 90 days past due and the account owner has not requested a payment plan, application of 13.08.070C is applicable.
- G. The town trustees may declare a moratorium on new connections at any time due to limitations on system capacity or other circumstances, which require such action in their sole discretion.
- H. Separate buildings or residences shall require separate taps to a town sewer main, or in the case of service provided through a sewer company, district or privately owned main, separate taps to the company, district or privately owned main. Provided, however, a garage regularly used to house vehicles accessory only to a residence within the town may have plumbing and plumbing fixtures served off of the residence's tap, if not intended to change the existing use. Separate system improvement and other fees shall be due for each tap onto a town, company, district, or privately owned main, regardless of building ownership.

Individually-owned properties in a recreational vehicle park or mobile home park shall require separate sewer taps to town-owned sewer laterals or mains. The purchaser may purchase more than one tap to serve any building or dwelling unit.

- I. When the property of any sewer user, either in or out of the town, is subdivided each dwelling unit shall establish and install a separate tap.
- J. No application for the connection to the town's mains of any private line, private, company, or feeder district shall be approved. Provided, however, this shall not preclude approving connection for sewer service to a mobile home park, travel home park, or apartment building. Existing sewer companies or other private lines served by the town shall submit an application for connection for any additional customers, dwelling units, buildings, or taps to be serviced by such companies accompanied by fees as set out in Section 13.08.040, on the same basis as if the connection was to be directly to a town main.
- K. Taps shall be used to serve only that property for which the tap was purchased and approved to serve, and are non transferable.
- L. Users of the town sewer system will not discharge non-acceptable wastes into the town sewer system whether directly or indirectly prohibited. Where investigation reveals the presence in the system of non-acceptable wastes emanating from any lot, land, building or premises, the owner, lessor, renter or occupant of such lot, land, building, or premises shall be required, at his own expense, to treat, neutralize or in other ways prepare the noxious substance therein in order to convert the same into acceptable wastes.
- M. Grease, oil and sand interceptors shall be provided when, in the opinion of the town building inspector or public works director, they are necessary for the proper handling of any liquid waste containing grease in excessive amounts or any flammable waste, sand, or other harmful ingredients; except that such interceptor shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the town building inspector, and shall be located as to be readily and easily accessible for cleaning and inspection.
- N. When required by the town building inspector or public works director, the owner of any property served by a building sewer carrying industrial waste shall install a suitable control manhole in the building sewer to facilitate observation and sampling of the waste. Such manholes, when required, shall be accessible and safely located and shall be constructed in accordance with the plans approved by the building inspector. The manholes shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.

- O. No person shall discharge into any natural outlet within the town, or any area within the jurisdiction of the town, any sanitary sewer industrial waste or other polluted waste, except where suitable treatment has been provided.
- P. For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed them by this section:
1. “Non-acceptable wastes” include the following wastes:
 - a. Any liquor or vapor having a temperature higher than one hundred sixty-two degrees (162°) Fahrenheit, as it enters the collection line;
 - b. Any water or waste having more than one thousand (1,000) parts per million by weight of five day biological oxygen demand;
 - c. Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas;
 - d. Any garbage that has not been properly shredded;
 - e. Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, grit, brick, cement, onyx, carbide or any other solid or viscous substance capable of obstruction of the flow of the sewers or other interference with the proper operation of the sewage works, including, without limitation, organic compounds which will react with the sewer pipe material;
 - f. Any water or waste having pH lower than five and one-half (5.5) or higher than nine or having any other corrosive property capable of causing damage or hazard to structures, equipment or personnel of the sewage works;
 - g. Any water or waste containing a toxic or poisonous substance in sufficient quantities to injure or interfere with sewage process, constituting a hazard to humans or animals or creating any hazard in the receiving waters of the sewage treatment plant;
 - h. Any waters or wastes containing suspended solids of such character or quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant;
 - i. Any noxious or malodorous gas or substance capable of creating a public nuisance.
 - j. Any ground water collected by sump pumps, french drains or other collection methods.

- k. Any storm water collected by patio drains, rain gutters or other storm drains.
- 2. “Sanitary sewage” means the waste from water closets, urinals, lavatories, sinks, bathtubs, showers, household laundries, cellar floor drains, bars, soda fountains, refrigeration drips, drinking fountains and any other waterborne waste not constituting a non-acceptable waste as defined in this section.

(Ord. 2010-33, 11-18-2010§ F (part)) (Ord. 2010-3, 2-18-2010) (Ord. 2007-10, 2007; Ord. 2002-8 § 1 (part), 2002) (Ord. No. 2009-01, 1-15-2009)

13.08.040 Sewer system improvement fees.

A. General provisions applicable to sewer fees.

- 1. Fees imposed by this section shall be due when any customer presently served by sewer extends his facilities or changes his use, if the expansion or change in use necessitates a larger connection or increases the number of units, or when a new connection to the system is required except a connection solely for the purposes of repair of an existing adequately sized connection, in which case only actual costs of town material and labor will be charged. Such charges shall be paid prior to any expansion or connection or issuance of any permit therefor.
- 2. No connection to the town or existing private system shall be allowed which is smaller than reasonably necessary to serve the proposed use, as provided in town codes and specifications. No customer may make any changes or additions to property served which would substantially increase the amount of water used or sewage produced without obtaining an enlarged tap sufficient to accommodate such use.
- 3. If an existing connection is not of reasonably adequate size, a credit shall be allowed toward the fees imposed by this chapter for an amount equivalent to the charge which would be imposed by this chapter for a connection the same size as the one to be replaced by a new connection and taken out of service. Such credit may be applied only toward charges imposed by this chapter. However, in all cases the applicant shall be charged at least for actual costs of material and labor expended by the town.
- 4. Private sewer systems shall be charged the charges imposed by this chapter both for the connection of the private line to the town system and for each customer, building or dwelling unit served by such line, prior to connecting such customers. Private companies or systems shall also remit unit charges for each additional unit added to a multi-unit facility as specified in subsections (B) and (C) below.

B. Sewer system improvement fees and unit charges:

- 1. The following system improvement fees shall be imposed and collected prior to

any connection to the sewer system:

- a. Residential users, including single family residences, duplexes, townhouses, condominiums, apartments and mobile homes (within or without a mobile home park) shall pay System Improvement Fees in the amount of four thousand dollars (\$4,000.00) per dwelling unit for in-town residences and six thousand dollars (\$6,000.00) per dwelling unit for out-of-town residences. Provided, however, if the property owner of a mobile home park, apartment building, townhouse building, or condominium building can be served by a single service connection, they may elect to have the system improvement fees set out pursuant to subsection (b) below.
 - b. All other users not provided for in subsection (1)(a) above shall pay the following sewer system improvement fees and unit charges: In addition to the basic system improvement fee imposed by paragraph (1)(a) above, duplexes, apartments, mobile home parks, and other multi-unit residences qualified for rates under this paragraph (1)(b) shall be assessed an additional charge of two thousand dollars (\$2,000.00) for each unit after the first unit served by a single tap. Hotels, motels and travel home parks shall be assessed an additional charge of one thousand dollars (\$1,000.00) for each unit served after the first unit served by a single tap. Such charge shall be payable prior to the time any occupancy permit for such unit is issued and prior to the use of such unit.
2. No sewer tap larger than four inches shall be approved unless the town determines that adequate capacity is available to serve the proposed use without adverse effects, or unless the applicant pays for the cost of installing necessary system capacity. The cost of such sewer tap shall be established by action of the town board of trustees at the time of application.

(Ord. 2002-8 § 1 (part), 2002)

13.08.050 Installation and maintenance responsibilities.

- A. The property owner shall be responsible for the connection, installation and maintenance of all sewer lines and facilities, including the entire length of sewer lateral between the town owned main and the customer's premises and for plumbing facilities serving his property up to and including the tap. All such work shall be inspected by the town prior to approval and backfilling.
- B. If any portion of the sewer lines or other facilities for which the customer is responsible is in need of repair and the customer fails to make such repairs following notice from the town, the town may either terminate water and sewer service or make repairs and bill them to the customer. Such charges shall become a lien upon the property and may be collected as other charges imposed by this chapter. (Ord. 2002-8 § 1 (part), 2002)

- C. Exceptions. Effective August 1, 2009, the Public Works Director is authorized to allocate up to \$10,000 for location (camera or standard location device work) purposes annually, not to exceed five (5) years, and approve repairs on severe Inflow and Infiltration (I&I) points on a private line at his or her discretion within the limitations of the five (5) year estimated revenues. The expense for location and repair shall be posted to a chartered account under the sewer fund called Inflow and Infiltration Repair on Private Lines or IIRPSL. The chartered account revenue shall be collected from each sewer account monthly at one dollar (\$1.00) surcharge and deposited in the chartered account called Inflow and Infiltration Repair on Private Lines or IIRPSL. The revenue is restricted to the IIRPSL project and reviewed annually one month following spring runoff and terminated no later than August 1, 2014. Equal division of remaining funds shall be refunded to all current sewer users upon termination of the program.

Effective January 1, 2011 the one dollar (\$1.00) surcharge shall be suspended and can be reenacted by Resolution at any time during the term of the IIRPSL.

(ord. 2010-32, 11-18-2010) (Ord. 2002-8 § 1 (part), 2002) (Ord. No. 2009-4, 7-16-2009)

13.08.060 Sewer use charges--General provisions.

- A. Rates for sewer service shall be set by the town board of trustees by resolution and shall be payable, assessed and billed at periodic intervals specified by resolution of the town board of trustees.
- B. Monthly sewer charges shall commence when service is first utilized, but no later than sixty (60) days from the date of approval of the sewer tap, whether or not the tap has been activated.
- C. Sewer charges may be billed with the water bills or otherwise, as determined by the town trustees.
- D. All bills shall be due by twelve midnight (12:00am) the first business day following the twenty-fifth day of each month of the billing date. Bills not paid by the due date shall be assessed a penalty of five percent of the unpaid balance due as a late payment penalty.
- E. All charges and fees imposed by this chapter shall become a lien on the property served as of the date they are billed or due.
- F. Special consumer rates. The town also reserves the right to fix special rates for consumers not covered by this chapter.

(Ord. 2002-8 § 1 (part), 2002)

13.08.070 Remedies for non-payment.

In addition to any other remedies which the town may have, the town may take the

following action upon failure to pay any charges or fees by the date specified as due upon the bill, or when they are otherwise due:

- A. The town may foreclose the lien imposed by this chapter in accordance with law.
- B. The town may maintain an action for the amount of charges, plus costs of collection and attorney's fees, due in a court of competent jurisdiction including interest as allowed by law.
- C. The town may certify the amount of any charge due to the county treasurer to become an assessment upon such property served to be collected as taxes upon such property are collected.
- D. It shall be unlawful to fail to pay the charges imposed by this chapter.
- E. The town may shut off water to any premises for which the sewer bill is not paid in accordance with the procedures set forth in Section 13.08.110 of this chapter.

(Ord. 2002-8 § 1 (part), 2002)

13.08.080 Specifications and standards.

The materials used and installation of all components of the town sewer system, service lines and plumbing systems connected thereto and served thereby shall be in accordance with standards, regulations, and specifications approved by the town, and in accordance with all town building and plumbing regulations and other applicable regulations. Such town standards, specifications and regulations may include but not be limited to the installation, location, and type of material of sewer mains, lines, service lines, clean outs, valves, manholes and other fixtures and facilities. All such facilities shall also comply with all applicable state and federal regulations.

(Ord. 2002-8 § 1 (part), 2002)

13.08.090 Sewer extensions.

- A. No sewer main of the town may be extended without the approval of the town.
- B. The town may, at its own expense, extend its sewer mains and lines as deemed feasible or necessary. The town may provide for such extensions in accordance with its subdivision regulations or by contract with any person desiring such extensions or by improvement district. Any such contract shall be on terms approved by the town and may provide for the size of the mains or lines to be extended, the apportionment of the costs of the extensions, reimbursement provisions for subsequent taps onto such extension, or such other provisions as the town trustees deems in the public interest.
- C. All such mains, lines and facilities connected to the town system shall be conveyed and dedicated to the town, and the appurtenance easements shall be conveyed to the town, free and clear of all liens and encumbrances.

(Ord. 2002-8 § 1 (part), 2002)

13.08.100 Right of entry.

- A. Whenever necessary to make an inspection or investigation to perform any duty, or to enforce any of the provisions of this chapter, any authorized town representative may enter upon any building or premises served by town sewer service at any reasonable time for such purposes. If the building is occupied, he shall present proper credentials and request entry. If such building is unoccupied, he shall make reasonable efforts to locate the owners or persons in possession of the premises and request entry. If entry is refused, he shall have recourse to all remedies provided by law to secure entry, including issuance of an inspection warrant by the municipal court. 13.08.100
- B. The right of entry shall apply but not be limited to the following functions: to determine the location and conditions of all lines, connections, pipes, fixtures, to make repairs, to perform dye and smoke tests, and to investigate violations of this chapter.

(Ord. 2002-8 § 1 (part), 2002)

13.08.110 Shut off and resumption of sewer service.

- A. In case any person fails or refuses to pay any charges or penalties for town sewer service or shall fail to comply with the provisions of this chapter or other regulations applicable to town sewer service, the town may shut off the water to the premises and/or take such other steps as are reasonably necessary to curtail sewer service to the premises.
- B. Prior to shutting off the water or taking other allowed actions, the town shall send a notice to the address of the customer concerned, as shown on town records, stating the reason for the shut off or other action, and the date upon which service may be shut off unless the charges are paid or other specified violation is corrected. Such date shall be at least ten (10) days after the deposit of the letter giving notice of the shut off or other action in the U.S. mail, postage prepaid.
- C. If the town shuts off water service or takes other action pursuant to this chapter, service will not be restored until all overdue charges, penalties, other applicable charges which have been billed, and a turn-on fee, as established by resolution of the town board of trustees, have been paid to the town.

(Ord. 2010-33, 11-18-2010 § D rescinded)

(Ord. 2003-5 § 1, 2003; Ord. 2003-1 § 2, 2003; Ord. 2002-8 § 1 (part), 2002)

13.08.120 Tampering with and unauthorized use of utilities and services.

It shall be unlawful to tamper with, damage or destroy any town sewer lines, mains, manholes or facilities, or to utilize any town utility service without lawful authority, or to operate any town utility facilities without lawful authority.

(Ord. 2002-8 § 1 (part), 2002)

13.08.130 Permit required.

It is unlawful to excavate, construct, repair or make taps within any easement, right-of-way or property owned by the town without first obtaining an excavation permit for such work from the town, in accordance with Chapter 15.10 of this code.

(Ord. 2002-8 § 1 (part), 2002) 13.08.130

13.08.140 Violations--Penalty.

Any person who tampers with any manhole, valve, sewer water line or other facility or structure or who violates any other provisions of this chapter shall be deemed guilty of a criminal offense punishable by a fine of up to one thousand dollars (\$1,000.00), a jail sentence of up to one year, or both.

Any person who violates the terms and conditions of this chapter or of any rules and regulations adopted by the town board of trustees shall be deemed guilty of a misdemeanor and subject to a fine. Each day of violation of the ordinance codified in this chapter shall be deemed a separate offense.

(Ord. 2002-8 § 1 (part), 2002)

Chapter 13.10

Paper Taps

Sections:

13.10.010 Definitions.

13.10.020 Effective Date.

13.10.030 Purpose.

13.10.040 General Regulations – Transfer.

13.10.050 Applicable Fees.

13.10.060 Term and Expiration of Paper Tap.

13.10.070 Administration.

13.10.010 Definitions.

Eligible Paper Tap Holder: The documented original purchaser of an uninstalled sewer tap purchased prior to January 1, 1976, or transferee of said uninstalled, pre-1976 sewer tap who is also the property owner(s) of record, as of the effective date of this ordinance, of the real property parcel to which the tap was assigned. (The original purchasers of sewer taps before January 1, 1976 were required to designate a specific parcel of real property to which each sewer tap would be assigned pursuant to Resolution 4-1997, Amendment 1, effective date, July 17, 1997). (Ord. 2011-7, 8-18-2011)

Paper Tap: A certificate issued by authority of the Town representing a single residential Town sewer tap purchased prior to January 1, 1976 which is assigned to a specific parcel of real property and which tap remains uninstalled. (Ord. 2011-7, 8-18-2011)

Paper Tap Certificate: The original attested document presented as proof of purchase for one sewer tap. (Ord. 2011-7, 8-18-2011)

13.10.020 Effective Date.

Effective date of this Ordinance is January 1, 2011; and the conversion of the uninstalled taps to paper tap certificates shall be completed prior to December 31, 2011.

(Ord. 2011-7, 8-18-2011)

13.10.030 Purpose.

A Paper Sewer Tap category recognizes a commitment to a sewer system proposed in the mid 1970's by community members. The community members purchased taps to assist the Town in funding the Town's first sewer system or commonly known as "contributions in aid of construction". For a temporary period, the tap purchaser was obligated to pay monthly capital fees regarding the Town's obligation to long term debt incurred to construct the Town's sewer system. In 1997, the Town required that the taps be assigned to specific parcels of real property. With the assignment the then current one time "Plant Improvement Fee" and monthly non-active fees were waived. Some of these taps remain as uninstalled taps as of July 31, 2011. In order to manage these uninstalled taps and continue to waive monthly sewer charges the town has terminated the associated accounts and produced a Paper Tap Certificate assigned to the Eligible Paper Tap Holder as the single and only document representing the pre-1976 tap purchase.

(Ord. 2011-7, 8-18-2011)

13.10.040 General Regulations – Transfer.

Although the Eligible Paper Tap Holder of a pre-1976 uninstalled tap may transfer the tap one time after the effective date of this Ordinance to a new owner of the real property to which the tap has been assigned, the waiver of monthly sewer charges of the Paper Tap cannot be transferred. In addition, the paper tap cannot be installed. The Paper Tap Certificate is provided as a proof of purchase only. In the event of application for Town Sewer Service pursuant to Cedaredge Municipal Code 13.08.020, the Paper Tap Certificate is equal to the required single residential Sewer System Improvement Fee as required by Cedaredge Municipal Code section 13.08.040, not including installation costs, and must be presented with application. When the application is approved the tap will be converted from a Paper Tap to a residential tap and can be installed according to then current standards and will then be subject to monthly sewer charges from the date of transfer pursuant to Cedaredge Municipal Code section 13.08.060. For purposes of this

section, "Transfer" shall include lifetime transfers for consideration or by gift, or transfers upon death (succession or inheritance).

(Ord. 2011-7, 8-18-2011)

13.10.050 Applicable Fees.

In the event that the Eligible Paper Tap Holder transfers the Paper Tap, the Paper Tap privileges are rescinded and all applicable monthly sewer charges as provided in Cedaredge Municipal Code section 13.08.060 are due from the transferee from the date of transfer to the date of application for Town Sewer Service. Although the Eligible Paper Tap Holder monthly sewer charges are waived prior to transfer, in the event the Town is obligated to charge all Town sewer tap owners with fees other than monthly sewer charges required by lending or grant agencies to repay capital improvement loans or to qualify for capital improvement grants related to sewer system improvements, payment of the said required fees from the date of implementation of such fees are due and payable at the time of application for Town Sewer Service. The Town shall remit the required fees from an eligible fund on behalf of the Paper Taps until such time the Paper Tap Certificate is presented for application of Town Sewer Service or expires.

(Ord. 2011-7, 8-18-2011)

13.10.060 Term and Expiration of Paper Tap.

Term of a Paper Tap is January 1, 1975 to December 31, 2019. The Paper Tap representing a sewer tap was purchased to commit to a sewer system proposed in the mid 1970's. By 2020, the sewer system constructed in the mid 1970's will be replaced, significantly updated or improved technically beyond the 1970's sewer system investment, meaning that all paid historical sewer plant improvement fees and "contributions in aid of construction" will practically have been expended. Paper Taps expire January 1, 2020. Paper Tap Certificates must be presented to the Town prior to January 1, 2020 to be considered as proof of purchase or must be transferred prior to January 1, 2020 and subject to the fees provided in section 13.10.060 hereinabove. Upon expiration, Paper Tap Certificates as proof of purchase of a Town sewer tap are invalid whether transferred or not. After January 1, 2020, all applications for Town sewer service will require payment of all fees then applicable as adopted by the Board of Trustees.

(Ord. 2011-7, 8-18-2011)

13.10.070 Administration.

All Eligible Paper Tap Holders were notified of the conditions of a Paper Tap and had the option of retaining the uninstalled tap status or converting to a Paper Tap status. Administration of the Paper Tap Certificate is the sole responsibility of the Eligible Paper Tap Holder. Loss or destroyed Paper Tap Certificate is considered an expired Paper Tap, and voids all proof of purchase. The Eligible Paper Tap Holder has the authority to transfer the Paper Tap Certificate

at any time prior to January 1, 2020. The transferred certificate must be presented to the Town prior to January 1, 2020 for it to be considered proof of Paper Tap.

(Ord. 2011-7, 8-18-2011)

Chapter 13.12

SEPTIC TANKS AND SOIL ABSORPTION SYSTEMS

Sections:

- 13.12.010 Definitions.**
- 13.12.020 Permits--Application.**
- 13.12.030 Review authority--Permit expiration—
Installation--Permit denial--Hearing.**
- 13.12.040 Adequate sewage disposal facilities required.**
- 13.12.050 Cesspools prohibited-- Septic tank specification
conformity required.**
- 13.12.060 Percolation tests and soil information--Inspection of
sewage systems.**
- 13.12.070 Validity.**
- 13.12.080 Violation--Penalty.**

13.12.010 Definitions.

For the purpose of this chapter the following words and phrases shall have the meaning ascribed to them in this section.

Board of health means the town council.

Cesspool means an underground pit into which raw household sewage or other untreated liquid waste is discharged and from which the liquid seeps into the surrounding soil or is otherwise removed.

Effluent means liquid waste discharged from a septic tank or any other type of treatment system, containing finely divided organic matter in suspension.

Health officer shall be the duly authorized health officer of the town or any qualified person appointed by the town council to act in the capacity of the enforcement of the ordinance codified in this chapter.

Person means any person, firm, partnership, corporation or association.

Sewage means any combination of liquid waste discharging from any building. Sewage may nor may not include human excreta.

Sewage disposal system means a system for disposing of sewage, industrial waste or any other waste, and which includes sewage systems and treatment works.

Soil absorption system means a system constructed underground which allows the effluent to be

absorbed into the surrounding soil.

Town department of public health shall be the town council, the health officer or the authorized representative.

(Ord. 1-1971 § 1, 1971)

13.12.020 Permits--Application.

It is unlawful for any person or persons to construct, alter or repair any sewage disposal system with the exception of any municipal, corporate or sanitary districts which are duly organized under the statutes of the state and situated within the town, unless such person holds a valid permit issued by the town board of health or the duly appointed agent for the specific construction, alteration or repair of any system as proposed at the location described in the permit.

All applications for permit shall be made in writing on a form provided by the town and in all instances shall be made prior to any construction, repair or excavation in the said town. The property owner or his authorized agent shall pay such fees as may be established by the town from time to time. All applications shall contain pertinent and necessary information as may be deemed necessary by the town board of health. A part of the application shall consist of a plot plan drawn to scale and containing the following information:

- A. Location of property, address and lot, block, subdivision or legal description;
- B. Accurate property boundary measurements;
- C. Location of existing building, location of new proposed construction and the proposed site for the sewage disposal system and the proposed percolation rate test hole locations;
- D. Accurate location and the type of domestic water within the boundaries of the location of the proposed sewage system;
- E. The accurate location of streams, lakes, irrigation ditches, washes or any other drainage condition within one hundred (100) feet of property lines.
- F. In the event the town council finds that it is necessary for a complete determination on an application for permit, it may also require the applicant to furnish an engineer's design and detailed specifications on a septic system.

(Ord. 1-1971 § 2, 1971)

13.12.030 Review authority--Permit expiration--Installation--Permit denial--Hearing.

All plans and tests shall be reviewed by the town board of health or their duly appointed agent. All permits shall expire upon completion of the sewage disposal system for which the permit has been issued, or at the end of six months after date of issuance unless work is in progress. The

property owner or his agent shall be responsible for proper installation of the sewage disposal system installed on his premises. Any change of design in any sewage disposal system after the permit has been issued shall be authorized in writing by the town board of health or their duly appointed agent. Any applicant who is denied a construction and use permit, or any person who is adversely affected by the action of the duly appointed agent of the town board shall have the right to request a hearing before the town board. The results of such hearing shall be made known to the applicant in writing no less than ten days after said hearing.

(Ord. 1-1971 § 3, 1971)

13.12.040 Adequate sewage disposal facilities required.

It is unlawful for any person to establish, construct or maintain any premises having any dwelling or structure which is not equipped with adequate facilities for the disposal of sewage in a sanitary manner and under no condition shall sewage or effluent from any premises be deposited upon the surface of the ground, into any stream, irrigation ditch, drainage ditch or any other watercourse.

(Ord. 1-1971 § 4, 1971)

13.12.050 Cesspools prohibited--Septic tank specification conformity required.

It is unlawful to install, construct or operate a cesspool in the town. All septic tank systems constructed in the town shall conform to specifications of the Colorado Department of Public Health.

(Ord. 1-1971 § 5, 1971)

13.12.060 Percolation tests and soil information--Inspection of sewage systems.

- A. It shall be the responsibility of the property owner or his agent to supply the town board of health or its duly authorized agent with the percolation tests and soils information as may be required by the town. A final inspection and written approval of all sewage disposal systems shall be made by the town board of health or its duly authorized agent and it shall be the responsibility of the owner or his agent to notify said town or its agent when the construction is completed, so that the inspection can be made before top soil or dirt has been placed over said installation.
- B. The authorized agent of the town board of health shall have free access to all property at reasonable hours for the purpose of making any inspections or for the enforcement of any violation that may occur under the sections of this chapter.

(Ord. 1-1971 § 6, 1971)

13.12.070 Validity.

Should any section, paragraph, sentence, clause or phrase of this chapter be declared to be unconstitutional or invalid, for any reason, such portion shall be deemed separate and distinct and shall not affect the validity of the remaining portions of this chapter.

(Ord. 1-1971 § 7, 1971)

13.12.080 Violation--Penalty.

Whenever in any section in this chapter, the doing of any act is required, prohibited, or declared to be unlawful, then any person, firm or corporation who shall be convicted of a violation of any such section shall, for each offense, be fined.

(Ord. 1-1971 § 8, 1971)