

CHAPTER 13

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ARTICLE 1

Municipal Activity Enterprises

Sec. 13-1-10. Legislative declaration.

The City Council hereby finds, determines and declares that the continued use of the long-established principle of municipal activity enterprises is critical to the health and welfare of the people of the City. (Prior code §2-40)

Sec. 13-1-20. Definitions.

As used in this Article, unless the context otherwise requires:

District shall be defined as set out in Section 37-45.1-102, C.R.S., and includes the City.

Grant means the cash payment of public funds made directly to a municipal activity enterprise by the State or a local governmental entity or district, including the City, which cash payment is not required to be repaid. *Grant* does not include public funds paid or advanced to a municipal activity enterprise to provide service including the provisions of water, the capacity of project works, materials or other water activities, and including the provision of trash collection or other trash activities; nor does *grant* include refunds made in the current or next fiscal year, gifts, any payments directly or indirectly from federal funds or earnings on federal funds, collections from another government, pension contributions by employees and pension fund earnings, reserve transfers or expenditures, damage awards or property sales.

Municipal activity enterprise means a business wholly owned by the City which receives under ten percent (10%) of its annual revenues in grants from all Colorado state and local governments combined and which is authorized to issue its own revenue bonds pursuant to this Article or any other applicable law.

Trash activity includes but is not limited to the collection, hauling and disposal of municipal solid waste, commercial solid waste, household waste, industrial solid waste and yard waste, as such terms are defined in Section 7-1-10 of this Code, and also includes the acquisition of any equipment and machinery reasonably necessary to perform such activity.

Water activity, water activity enterprise and water project or facility shall be defined as set out in Section 37-45.1-102, C.R.S., and for purposes of this Article, *water activity* shall include, without limitation of the subject definition, the provision of wholesale or retail water or wastewater or stormwater services. (Prior code §2-41)

Sec. 13-1-30. Recognition and continuation of existing enterprises.

(a) The water activity enterprise, the wastewater activity enterprise, the stormwater activity enterprise and the trash activity enterprise of the City are hereby recognized as existing municipal activity enterprises and are authorized to continue to function as municipal activity enterprises within the administrative structure of the City. Every municipal activity enterprise maintained pursuant to this Article is excluded from the provisions of Section 20 of Article X of the State Constitution.

(b) Each municipal activity enterprise shall continue to be a wholly owned business of the City and shall not be combined with any municipal activity enterprise owned by another district. Each municipal activity enterprise may continue to conduct the activities and provide the services as provided for in this Code and the regulations adopted pursuant thereto. This Subsection shall not limit the authority of a municipal activity enterprise to contract with any other person or entity, including other districts or enterprises.

(c) The City Council shall be the governing body of each municipal activity enterprise maintained pursuant to this Article. The action of the governing body of the municipal activity enterprise shall be properly recorded on the permanent records of the City Council.

(d) The governing body of each municipal activity enterprise may exercise the City's legal authority relating to water activities and trash activities, but no municipal activity enterprise may levy a tax which is subject to Section 20(4) of Article X of the State Constitution. (Prior code §2-42)

Sec. 13-1-40. Enterprise revenue bonding authority.

Each municipal activity enterprise maintained pursuant to this Article, through the City Council, may issue or reissue revenue bonds, notes or other obligations in accordance with and through provisions of Section 37-45.1-104, C.R.S.; provided, however, that the powers provided in said section shall not modify, limit or affect the powers conferred by any other law either directly or indirectly. (Prior code §2-43; Ord. 774-06 §1)

Sec. 13-1-50. Other powers, privileges, benefits and limitations.

The municipal activity enterprises maintained by this Article shall have such other powers, privileges and benefits and be subject to such limitations as provided in Sections 37-45.1-105 and 106, C.R.S.; provided however, that the authority of said Article 45.1 of Title 37, C.R.S., is in addition to all other authority provided by law. (Prior code §2-44)

Sec. 13-1-60. Establishment of other municipal activity enterprises.

The City Council, by ordinance, may establish such other municipal activity enterprises as it deems necessary for the efficient and effective delivery of municipal services to the citizens of the City with the same powers as provided for in this Article. (Prior code §2-45)

ARTICLE 2

Utility Annexation Requirements

Sec. 13-2-10. Requirements for extension of services.

(a) Except for wastewater utility services, municipal utility services shall be provided or extended only to areas presently within the City or those areas which are hereafter properly annexed to the City. (Ord. 794-09)

(b) The entire cost of the construction of utilities in areas which may be hereafter annexed to the City shall be borne by the developer.

(1) Before any construction is begun on any utility in any territory which may be hereafter annexed to the City, there shall first be submitted to and approved by the City plans and specifications, prepared by a registered engineer, demonstrating compliance with the City's specifications in force at that time regarding installation, construction and materials.

(2) Upon completion of the utilities, the developer shall present to the City a registered engineer's certification certifying that the utilities were constructed in conformance with the plans and specifications previously approved by the City. The City shall furthermore be permitted a final inspection and approval of all such construction prior to any acceptance by the City.

(3) Upon completion of the utilities, acceptance of the engineer's certification and approval of the inspection, the City shall assume ownership and perpetual maintenance of such utility system or extension.

(4) The City, upon assumption of ownership, shall have exclusive right to approve or authorize any subsequent connections to the utility system. Upon the completion of any subsequent connection so approved by the City, the original developer shall, within five (5) years thereafter, be reimbursed a reasonable sum as compensation for the additional burden placed upon the system by such additional connection. The amount of such reimbursement shall be determined by the City, which determination shall be final, binding and nonappealable. (Prior code §2-18)

Sec. 13-2-20. Conveyance of water rights.

(a) No territory shall be annexed to the City unless all water and water rights attached to, appurtenant to, historically used upon or assigned to such territory, up to and including a net usable amount of three (3) acre-feet of water (approximately one million [1,000,000] gallons) per acre of land per year, are assigned, transferred and conveyed to the City prior to such annexation.

(b) In addition to the mandatory conveyance of water rights set out above, the City has the exclusive right and option to purchase such additional water or water rights which may be attached to, appurtenant to, historically used upon or assigned to such territory for the fair market value of such rights. In order to exercise this right, the City shall give notice of the exercise of such right to the owners of the territory in question within six (6) months from the effective date of the annexation of such land. In the event fair market value cannot be mutually agreed upon, an independent appraiser shall be appointed by the City to appraise the value of such water rights, and the appraiser's determination shall be final and binding upon the parties.

(c) No annexation shall take place unless one hundred percent (100%) of the landowners of the territory involved have agreed in a separate writing to the terms of this Article with respect to the transfer of water rights as set forth in this Section; provided, however, that the City Council, if it determines it to be in the best interest of the City, may waive this requirement so far as it pertains to Subsection (b) above. (Prior code §2-19)

Sec. 13-2-30. Nontributary groundwater.

From and after December 1, 1985, any and all nontributary groundwater, as defined by Section 37-90-103(10.5), C.R.S., which underlies the lands contained within the corporate limits of the City, including any lands thereafter annexed to the City, such water to include without limitation that water within the Dawson, Denver, Arapahoe, Laramie-Foxhills and Dakota aquifers, be and the same hereby is incorporated into the municipal water service plan of the City, pursuant to the authority granted in Section 37-90-137(8), C.R.S. The owners of the land which overlie any such groundwater shall be deemed to have consented to the withdrawal of that water by the municipal water supplier except as specifically exempted by statute. (Prior code §2-20)

Sec. 13-2-40. Consent upon annexation.

Whenever any land is annexed to the City, the landowners are deemed to have consented to the withdrawal of any and all nontributary groundwater identified in Section 13-2-30 above, and such water shall be incorporated into the municipal water service plan. (Prior code §2-21)

ARTICLE 3

Water and Wastewater Service Charges

Sec. 13-3-10. Policy for delivery of utility services.

Whenever the water utility service is provided to a premises, wastewater and trash collection services shall be deemed to be in effect and the charges established for each of those services shall accrue on or after the date of connection. The monthly charge for stormwater services shall continue to accrue on properties subject thereto on a month-to-month basis whether or not the property is receiving any other municipal utility services. (Prior code §2-30)

Sec. 13-3-20. Utility liens.

Pursuant to the authority granted by Section 31-20-105, C.R.S., any or all delinquent charges, assessments or taxes made or levied by the City may be certified to the County Treasurer in the same manner as taxes are authorized to be certified by Title 31, C.R.S., together with a ten-percent penalty thereon to defray the cost of collection. (Prior code §2-31)

Sec. 13-3-30. Collection of delinquent accounts.

(a) All municipal utility charges (to include without limitation water, sewer, trash and storm sewer) shall be due and payable by the tenth day of the month. If said charges are not paid within sixty (60) days after becoming due, there shall be a delinquency charge assessed to the delinquent account. If, after ninety (90) days after becoming due, all arrearages and fees have not been paid in full, the City shall have the right to discontinue water service to the affected premises, to include the rendition of any services by the Water Department. Whenever such services shall have been discontinued, there shall be no resumption thereof until all arrearages have been paid, including any delinquency charge, together with disconnection fees. For the purposes of this Section, arrearages shall include other municipal services provided to the premises which remain unpaid and delinquent.

(b) The charges assessed pursuant to this Chapter for municipal services shall be a lien upon the property served until the same is paid. In case of the owner's failure to pay the charges for municipal utility services, including delinquency charges and disconnection fees, within thirty (30) days after discontinuance of water service to the affected premises, the City Clerk shall certify the total of such delinquent charges to the County Treasurer to be placed on the tax list for the current year, to be collected in the same manner as other taxes are collected, as provided by statute.

(c) A delinquency charge assessed against a delinquent account shall not exceed the amount of fifteen dollars (\$15.00) or up to five percent (5%) per month, or fraction thereof, not to exceed a total of twenty-five percent (25%) of the amount due, whichever is greater. No more than the foregoing amount shall be collected on any amount due regardless of the period of time during which the amount due remains in default. In the event that an amount due is one (1) of a series of payments to be made toward the satisfaction of a single fee, fine, penalty or other charge assessed by the City, no more than the amount set forth above shall be collected on any one (1) of such payments regardless of the period of time during which the payment remains in default. No interest shall be assessed on a delinquency charge. Nothing in this Section shall be construed to prohibit the City from charging interest on an amount due; provided however, that in no event shall any interest charge exceed the annual percentage rate of eighteen percent (18%) or the equivalent for a longer or shorter period of time. The charging of interest shall not apply to delinquent interest imposed after a tax lien is sold at a tax lien sale pursuant to Article 11 of Title 39, C.R.S. Nothing in this Section shall be construed to prohibit the City from recovering the costs of collection, including but not limited to disconnection or reconnection fees, reinstatement charges or penalties assessed where fraud is involved.

(d) As used in this Section, unless the context otherwise requires:

Amount due means the amount of a fee, fine, penalty or other separate charge due and owing to the City.

Delinquency charge means a separate fee, fine or penalty levied as a result of the late payment of an amount due; however, a delinquency charge shall not include any fee, fine or other penalty imposed: a) in accordance with the express terms of a written contractual provision; b) as the result of a late payment of a tax; c) by a state, county, municipal or other court; d) as a result of a check, draft or order for payment of money that is not paid upon presentment; e) in connection with the unlawful stopping, standing or parking of a motor vehicle; or f) by the Liquor Licensing Authority pursuant to Article 47 of Title 12, C.R.S. (Prior code §2-32)

Sec. 13-3-40. Disconnection hearing.

Prior to discontinuance of water service, the owner of the affected premises, as well as any occupant thereof, shall be entitled to a hearing upon the issue of such discontinuance, notice of which may be given by posting upon the premises or by delivering notice thereof to any person found upon the premises over the age of eighteen (18) years. If requested by the owner or occupant of the affected premises within ten (10) days of the date of the notice, said hearing shall be held before the City Administrator within five (5) days thereafter (excluding Saturdays, Sundays and holidays). At said hearing the only issue shall be whether the municipal utility charges are in arrears. The hearing official shall be empowered at his or her discretion to postpone the discontinuance of services upon

showing of good and just cause, upon such terms and conditions as he or she may deem equitable. If no hearing by the owner or occupant of the affected premises is requested within said ten (10) days, the right to a hearing shall be deemed to have been waived and the water service shall be discontinued forthwith. (Prior code §2-33; Ord. 774-06 §1)

Sec. 13-3-50. Responsibility of property owner.

The owner of real property, for the purpose of delivery of municipal utility services, shall be considered the recipient thereof and all accounts for the payment of such municipal utility service charges shall be placed upon the books of the City solely in the name of the owner. The owner shall be held liable and responsible for the payment of any such charges and the affected real property may be subject to such liens as are provided for in this Code. (Prior code §2-34)

ARTICLE 4

Water

Division 1. In General

Sec. 13-4-10. Unauthorized supplying of water to premises prohibited.

No person shall turn water into any premises in the City, except by authority of the City Administrator. (Prior code §24-1)

Sec. 13-4-20. Authority of City to turn off water in mains.

The City may cause the water to be shut off from the street mains when the City deems it necessary for repairing the mains or the water works, for making connections or extensions to the same or for the purpose of cleaning the same. (Prior code §24-2)

Sec. 13-4-30. Use of water from fire hydrants.

City Fire and Utility Departments shall have exclusive use of water from all fire hydrants within the City. (Ord. 774-06 §1)

Sec. 13-4-40. Use of water restricted during fires.

No water consumer shall use any water for irrigation or sprinkling of lawns during any fire, or while the Fire Department is using water for fire purposes. It shall be the duty of all water consumers, when a fire alarm is sounded, to at once turn off the water from their gardens or lawns. (Prior code §24-4)

Sec. 13-4-50. Obstruction and pollution of reservoirs, trenches and pipes prohibited.

No person shall throw or cast any substance into any reservoir, well, trench, pipe or drain used in and necessary for the construction, maintenance and operation of the City waterworks, which substance shall tend to fill up such reservoir or fill up or obstruct the flow of water in any such

stream, trench, pipe or drain. No person shall throw or cast into any such place any such filthy or other substance that shall tend to pollute the water therein. (Prior code §24-5)

Sec. 13-4-60. Right of entry to premises supplied with City water.

The employees of the City, in the discharge of their duties under this Article and for any purposes concerning the administration of the water system of the City, including the reading and inspection of water meters, shall have the right and authority to enter upon any premises to which water is being supplied by the City. (Prior code §24-6)

Sec. 13-4-70. Violators liable for damages.

Any person guilty of violating any provision of this Article, in addition to the penalty provided for such violation, shall be responsible for the payment of all damages arising from such violation. (Prior code §24-7)

Division 2. Water Service

Sec. 13-4-110. Meters required.

(a) All water sold by the City to residential users shall be delivered through meters installed in a box as near as practicable to the stopcock on the service pipe outside the building or improvement as located on the premises of the user.

(b) All water sold by the City to business and industrial users shall be delivered through meters installed as designated by the City.

(c) All such meters shall be furnished by the City and paid for by the consumers and shall be under the control of and read by the City. Where more than one (1) ultimate consumer is using from the same meter, as in office buildings, apartment houses, trailer courts and other additional outlets, the City Council may, from time to time as it sees fit by resolution, establish additional charges covering such additional usage. (Prior code §24-8; Ord. 774-06 §1)

Sec. 13-4-120. Stopcock and box required near curb line.

The owner or lessee of any service pipes shall keep, or cause to be kept, as near the curb line of the property as feasible, a stopcock with box and cover in connection with such pipes and meter. Such stopcock shall be kept in good condition so that the City shall be able to shut off the water from such service pipes at any time. In case there is no sidewalk where such pipes are extended, such stopcock shall be in some conspicuous and accessible place near the premises so supplied with water and on some public street. (Prior code §24-9; Ord. 774-06 §1)

Sec. 13-4-130. Resale of City water by consumer prohibited.

No water from the City shall be resold by the purchaser thereof and a violation hereof shall entitle the City to cut off the water supply of any violator. (Prior code §24-10)

Sec. 13-4-140. Responsibility of consumer for maintenance of service pipes.

The owner or lessee of any premises to which any City water is conducted shall keep all pipes and fixtures from the street mains to his or her premises and on such premises tight so as to prevent the waste of water. Upon any such waste resulting from a breakage of such pipes or fixtures, such person shall forthwith stop such waste by repairing effectually the old work or laying new work. Upon noncompliance with this Section by such owner or lessee, the City may disconnect such service pipes from the mains and slope the orifice in the mains through which water shall have been transmitted to such service pipes. (Prior code §24-11)

Sec. 13-4-150. Taking up of service pipes; disconnection of service.

In case any person abandoning the use of water takes up his or her service pipe which had been connected with the water main, the stop ferrule and pipe between the main and the stopcock on the outside of the sidewalk shall be forfeited to the City and left in the ground and attached to the main. Any person desiring to take up his or her service pipes in any public street shall, before so doing, notify the City, which shall see that the stopcock is closed and in good repair and the public street left in good condition. (Prior code §24-12; Ord. 774-06 §1)

Sec. 13-4-160. Furnishing of water outside City.

In no case shall water connections be made outside the City without express approval of the City Council and at a connection cost to be set by the City Council. (Prior code §24-13)

Sec. 13-4-170. Connection permit required.

(a) Any person desiring to use City water on his or her premises shall apply for a permit to have the street mains forming a part of the City waterworks tapped. Such permit shall set forth the name of the person for whose benefit such permit shall be granted, the size of the stopcock for discharging the water from the mains to the service pipes, as near as may be, the point at which such tapping is to be done, the place to which the water is to be conducted, the situation of the hydrants and the contemplated use of such water thereby. The City shall keep a record of all such permits. No more water shall be used pursuant to such permit than shall be necessary at the time of placing the service pipes and their fixtures to protect the tightness of such pipes and their fixtures and the condition of such pipes and fixtures for the flow of water.

(b) Any other legitimate uses than those specified in such permit may be made of such water only upon obtaining the proper permit therefor. (Prior code §24-14; Ord. 774-06 §1)

Sec. 13-4-180. Connection charges.

All charges for water connections shall be established by resolution of the City Council. (Prior code §24-15; Ord. 774-06 §1)

Sec. 13-4-190. Completion of work; turning on of water.

All work undertaken through any permit under this Article shall be done with reasonable dispatch and water shall not be turned on until such work is completed and report thereof made to the City. (Prior code §24-16; Ord. 774-06 §1)

Sec. 13-4-200. Making of connections.

(a) The City Council shall appoint a qualified person, who shall be under the control of the City Administrator, to lay the water mains and lay the service pipe from the main to the outside line of the sidewalk. The work of tapping the main and laying such service pipes shall be done in a good and workmanlike manner.

(b) The service pipes shall be placed at least five (5) feet below the surface of the street where laid. The excavation for the same shall be an open cut or a tunnel from the main to the sidewalk, and the person doing the work, while the same is being filled up, shall turn on the water enough to cause the dirt to settle to a level of the surface of the street. A stopcock with a cover shall be placed on the service pipe at the outside line of the sidewalk.

(c) The tap, service pipe, stopcock and cover shall be furnished by the City. The service pipe shall be of such material as approved by the City and goose neck connection of lead of the quality known as "strong."

(d) Any person having a permit under this Article may do the rest of the work not done by the City by which he or she is to obtain water, at his or her own risk and by his or her own employees. Such work shall be approved by the City and such work shall be done according to the provisions of this Article and the permit. (Prior code §24-17; Ord. 774-06 §1)

Sec. 13-4-210. Rate schedule.

(a) In interpreting this Section, the following definitions shall be applicable:

One thousand (1,000) gallons means all amounts of water up to and including one thousand (1,000) gallons of water.

Residential consumer or user means the occupant of a single-family dwelling used exclusively for residential purposes who receives water from the City;

(b) All rates and charges for water delivered by the City to all consumers and users thereof within and without the City may be established and amended by resolution of the City Council from time to time. (Prior code §24-18; Ord. 774-06 §1)

Sec. 13-4-220. Billing of charges.

Rates and charges for water service shall be maintained on a monthly basis. (Prior code §24-19; Ord. 774-06 §1)

Division 3. Cross-Connection and Backflow Control.

Sec. 13-4-305. Intent.

In compliance with the Colorado Department of Public Health and Environment, Primary Drinking Water Regulations, Article 12, the City Council finds it necessary for the health, safety, and welfare of the people served by the water activity enterprise of the City to adopt cross-connection control standards which establish the requirements for the design, construction and maintenance of connections to the public water supply. (Ord. 805-10)

Sec. 13-4-310. Purpose.

- (a) The purposes of this division are:
- (b) To isolate at the service connection any actual or potential pollution or contamination within the consumer's premises; and
- (c) To provide a continuous, systematic, and effective program of cross-connection control. (Ord. 805-10)

Sec. 13-4-315. Definitions.

As used in this division, unless the context requires otherwise:

Cross connection shall mean any point in a water distribution system where chemical, biological, or radiological contaminants may come into contact with potable water.

Cross-Connection Control Manual shall mean The Colorado Cross Connection Control Manual, Colorado Department of Public Health and Environment, latest edition.

Water customer shall mean every owner of property served by the water system, and every user of water at a premises served by the water system, regardless of whether such owner or user is the customer of record.

Other Definitions: Terms and phrases, as used in this division, shall have the same meaning as given to such terms and phrases in the Colorado Cross-Connection Control Manual, latest edition. (Ord. 805-10)

Sec. 13-4-320. Operating Criteria.

- (a) The provisions of this division apply to all water customers whether they are the same or different entities, and regardless of whether the property or premises served are located within or outside of the City's municipal boundaries. Every water customer shall comply with all provisions of this division as a condition of the City providing potable water service to such water customer.
- (b) The water enterprise shall monitor its water customers to identify potential hazards and backflow prevention needs. As potential hazards are identified, the water enterprise shall investigate

on-site activities, processes, chemicals, water uses, and plumbing arrangements as necessary to determine the degree of hazard, the adequacy of existing backflow prevention and the appropriate enforcement actions to achieve appropriate cross connection control and to comply in all other ways with this division.

(c) Entry and inspection by the water enterprise are conditions of service. The City's authorized representative shall present proper credentials upon request by the water customer.

(d) The water enterprise shall schedule inspections during times of mutual convenience, whenever reasonable.

(e) The water enterprise may turn off a water service when (1) repeated efforts to arrange an inspection are ignored by the water customer, or (2) access for inspection is denied by the water customer, under the procedures set out in section 13-3-40. (Ord. 805-10)

Sec. 13-4-325. Facilities Requiring Backflow Prevention.

(a) The following is a partial list of facilities which require backflow prevention. The type of backflow device for any water service serving multiple uses shall be based on the most restrictive use. The list includes, but is not limited to:

1. Apartment houses.
2. Auto repair garages.
3. Car washes.
4. Department stores.
5. Exterminators and veterinary clinics.
6. Facilities with boilers, condenser water or chilled water systems.
7. Fire sprinkler with or without chemical additives.
8. Food processing plants.
9. Hospitals, medical clinics, dental clinics, health clinics, morgues, mortuaries, nursing homes.
10. Hotels and motels.
11. Laundries and dry cleaners.
12. Plating operations.
13. Photo developing.

14. Radiator and battery shops.
15. Restaurants.
16. Restricted, classified, or other facilities closed to inspection.
17. Sand, gravel, and concrete plants.
18. Schools with instructional laboratories.
19. Swimming pools.
20. Commercial farms. (Ord. 805-10)

Sec. 13-4-330. Approval of Backflow Prevention Devices.

Any backflow prevention assembly required herein shall be an approved type which is in compliance with the Cross-Connection Control Manual, Colorado Department of Public Health and Environment, latest edition. (Ord. 805-10)

Sec. 13-4-335. Testing.

(a) The water customer shall be responsible for the testing of the backflow prevention assembly by a certified backflow assembly technician within 10 days of installation and annually thereafter. The water customer shall furnish the City with a certificate of satisfactory testing by the anniversary date of the installation of the assembly each year.

(b) For cause, on a case by case basis, the water enterprise may require more frequent testing than annually. Examples may be past failures, unusually high potential risk, and construction on the premises served.

(c) The water enterprise shall have the right to test or have tested, at its expense, any backflow devices of its customers upon reasonable coordination with the customer. Such tests may be for the purpose of spot-checking contract testers. (Ord. 805-10)

Sec. 13-4-340. Ownership.

Backflow prevention assemblies shall be installed downstream of the water meter and shall be owned by and shall be the responsibility of the customer of the water enterprise. (Ord. 805-10)

Sec. 13-4-345. Installation and Costs.

(a) Customers of the water enterprise requiring backflow prevention assemblies shall pay all costs associated with installation and testing of the appropriate size and type of backflow preventer under private contract.

(b) For newly constructed facilities, backflow preventers shall be installed prior to the final plumbing inspection so that the device can be included as part of the inspection.

(c) Backflow prevention assemblies shall be installed in accordance with the Colorado Cross-Connection Control Manual, latest edition. (Ord. 805-10)

Sec. 13-4-350. Non-compliance and Enforcement.

(a) In emergency situations when the public potable water supply is being contaminated or is in immediate danger of contamination, the water service to the customer will be discontinued by the water enterprise.

(b) No water service connection shall be installed on the premises of any consumer unless the public water supply is protected as provided by this division.

(c) Delivery of water to any water customer may be discontinued by the water enterprise if any protective device required by this division has not been installed, or is defective, or has been removed or bypassed. Discontinued water service shall not resume until conditions at the consumer's premise have been abated or corrected to the satisfaction of the water enterprise.

(d) Upon discovery of a violation of this division, written notice shall be given to the customer. Notice is complete when hand-delivered to the customer or conspicuously posted on the premises. If violations are not corrected by the date and time as stated on the notice, the water supply shall be discontinued and the violation may be referred to the administrative authority (Colorado Department of Public Health and Environment) for action. (Ord. 805-10)

Sec. 13-4-355. Compliance Time Period.

All new construction served by the water enterprise shall be controlled by the requirements of this division. All existing consumer premises shall come into compliance with this division in accordance with the notification by the water enterprise, but no later than December 31, 2011. (Ord. 805-10)

Division 4. Water Conservation

Sec. 13-4-410. Restrictions on outside use of water.

(a) In response to existing weather conditions and water supplies the City Council may restrict the use of municipally supplied water for outside sprinkling or irrigation or other outside usage.

(b) By resolution adopted from time to time, the City Council may declare a response to existing conditions. Depending on water availability, responses may vary in terms of allowable days, times, purposes, and methods to no outside watering for any purpose.

(c) Any person who receives water service from the City at a property in or outside of the City and who violates the restrictions imposed by this Division shall be punished by a fine of not less

than fifty dollars (\$50.00), but not more than three hundred dollars (\$300.00) for each offense. Fines shall be progressive for repeat offenders with a prior conviction or convictions. (Ord. 778-07)

Sec. 13-4-420. Special exemption permit.

During restrictions, a nonrenewable special exemption permit to use municipally supplied water to sprinkle newly seeded or newly sodded grass lawns each day for twenty (20) consecutive days may be issued by the City Administrator. (Ord. 742-03 §1; 778-07)

Sec. 13-4-430. Large sites.

Publicly or privately owned building and grounds, parks, golf courses and cemeteries or other large sites shall be exempt from the watering restrictions imposed regardless of the source of water supplied by the City, provided that appropriate watering restrictions are adopted for such properties by the owners thereof. Such restrictions may be more or less restrictive and shall be approved by the City Administrator prior to watering of any such grounds. (Ord. 742-03; 778-07)

Sec. 13-4-440. Industrial and commercial customers.

Industrial and commercial customers may be subject to water use restrictions. Such restrictions shall be commensurate with the conservation levels as noted by the City Council but will clearly recognize the unique business needs of the customer. (Ord. 742-03; 778-07)

Sec. 13-4-450. Overage surcharges.

The City Council may by resolution levy a surcharge on water overages during any of the above described Stages. The resolution shall specify the amount of the surcharge and the duration for which the surcharge shall be in effect. (Ord. 742-03 §1)

Sec. 13-4-460. Warnings and citations.

Warnings to persons in violation of this Division may be issued by a law enforcement officer, community service officer or other person employed by the City. At least one (1) warning shall be issued to a specific property address before a summons is issued. A summons or a summons and complaint shall only be issued by a law enforcement officer or community service officer of the City. (Ord. 742-03 §1; Ord. 774-06 §1)

Sec. 13-4-470. Flow restrictions and discontinuance of service.

After three (3) convictions for violation of any of the provisions of this Division at a property in or outside of the City, in addition to the fines provided for in such cases, the City Administrator may order that a flow restrictor be installed on the water supply line to the property by the City at the expense of the customer, or that water service to the property be discontinued. Once service is restricted or discontinued, it shall not be fully restored except by order of the City Administrator, after payment of the actual expenses or costs for such restriction or discontinuance and resumption of service, and upon compliance with such terms and conditions as shall be necessary to assure that there will be no further cause for complaint against the offending consumer. (Ord. 742-03 §1)

ARTICLE 5

Wastewater Disposal

Division 1. In General

Sec. 13-5-10. Definitions.

For the purposes of this Article, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

Nonacceptable wastes means:

- a. Any liquid or vapor having a temperature higher than one hundred fifty (150) degrees Fahrenheit.
- b. Any water or waste having a five-day biological oxygen demand which may contain more than one thousand (1,000) parts per million by weight as averaged during any twelve-hour period.
- 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, paunch manure, 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 operations of the sewage works.
- f. Any water or waste having a pH lower than five and one-half (5.5) or higher than nine (9) 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.

Sanitary sewage, also known as *wastewater*, means the waste from water closets, urinals, lavatories, sinks, bathtubs, showers, household laundries, cellar floor drains, bars, soda fountains, cuspidors, refrigeration drips, drinking fountains and any other water-borne waste not constituting an industrial waste. (Prior code §20-1)

Sec. 13-5-20. Connection with sanitary sewer required; exception.

(a) Except where otherwise provided, no person shall maintain within the City any privy, privy vault, septic tank, cesspool or other facility intended for use for the disposal of sewage.

(b) Where a public sanitary sewer is not available within the City or in any area under the jurisdiction of the City, the building sewer shall be connected to a private sewage disposal system complying with the provisions and recommendation of the Colorado Department of Public Health. Such private sewage disposal system shall be constructed, maintained and operated at all times in a sanitary manner.

(c) At such time as a public sanitary sewer becomes available to property served by a private sewage disposal system, a direct connection shall be made to the public sanitary sewer in accordance with the provisions of this Article and any septic tank, cesspool or similar private sewage disposal facilities shall be abandoned and filled with suitable material. (Prior code §20-2)

Sec. 13-5-30. Permit required to make connections with and use sewer system.

No unauthorized person shall uncover, make any connections with, open into, use, alter or disturb any sanitary sewer or appurtenance thereof, without first obtaining a written permit therefor. (Prior code §20-3)

Sec. 13-5-40. Discharge of nonacceptable wastes into sewer prohibited; pretreatment of wastes.

The discharge of nonacceptable wastes into the City sewer system, whether directly or indirectly, is prohibited, and where investigation reveals the presence in the system of nonacceptable wastes emanating from any lot, land, building or premises, the owner, lessor, renter or occupant of such lot, land, building or premises shall be, at his or her own expense, required to treat, neutralize or

in other ways prepare the noxious substance therein to the satisfaction of the City Council, in order to convert the same into acceptable wastes. (Prior code §20-4)

Sec. 13-5-50. Use of grease, oil and sand interceptors.

Grease, oil and sand interceptors shall be provided when, in the opinion of the City Council, 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 City and shall be located as to be readily and easily accessible for cleaning and inspection. (Prior code §20-5; Ord. 774-06 §1)

Sec. 13-5-60. Control manhole required for industrial waste inspection.

When required, 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 City. The manholes shall be installed by

the owner at his or her expense and shall be maintained by him or her so as to be safe and accessible at all times. (Prior code §20-6; Ord. 774-06 §1)

Sec. 13-5-70. Abandonment of connection.

No person shall abandon any building connection without first obtaining a written permit therefor. Such building connection shall be effectively sealed with a vitrified clay stopper inserted in the bell of the sewer extending to the property line, which stopper shall be jointed as directed by the City. (Prior code §20-7; Ord. 774-06 §1)

Sec. 13-5-80. Interference with City employees prohibited; excavating streets for sewer purposes.

No person shall in any way interfere with City employees in the discharge of their duties in the tapping of any sewer pipe, main or lateral. No person shall dig up or cause to be dug up any street or alley in the City for the purpose of connecting with the City sewer system, without first obtaining a permit; and no person having a permit shall dig up any portion of any street or alley of the City for the purpose of connecting with the City sewer system and fail or neglect to place the street or alley in its original condition. (Prior code §20-8)

Sec. 13-5-90. Deposit of unsanitary wastes on property prohibited.

No person shall deposit or permit to be deposited in any unsanitary manner upon public or private property within the City or within any area within the jurisdiction of the City any human or animal excrement wastes. (Prior code §20-9)

Sec. 13-5-100. Deposit of untreated industrial waste into natural outlets prohibited.

No person shall discharge into any natural outlet within the City, or any area within the jurisdiction of the City, any sanitary sewer industrial waste or other polluted waste, except where suitable treatment has been provided. (Prior code §20-10)

Sec. 13-5-110. Damaging or tampering with sewers prohibited.

No person shall maliciously, willfully or negligently break, damage or destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the City sanitary sewer system. (Prior code §20-11)

Sec. 13-5-120. Rates and charges for use of wastewater generally.

(a) There is hereby levied and charged on each lot, parcel of land and premises served by or having sewer connection with the sanitary sewer system of the City or otherwise discharging sanitary sewage, industrial wastes, water or other liquids either directly or indirectly into the City sanitary sewer system a wastewater service charge or rental which shall be established by resolution.

(b) Over and above the rates and charges established by resolutions, there may be established, in special instances and by special agreement between the City and owner of any premises served by the City sewer system, such additional charges for commercial or industrial wastes of unusual strength or composition that are accepted by the City for treatment as may be determined to be fair

and equitable. Each such special agreement and charges established therefor shall not become effective until ratified by resolution passed by the City Council.

(c) Nothing in this Section shall be construed to prevent any special agreement or arrangement between the City and other municipalities, quasi-municipalities, sanitation districts, additions and development areas outside the City concerning sewage facilities, which shall not become effective until ratified by resolution passed by the City Council; provided that the rates established by such agreement or arrangement shall not be less than one and one-half (1½) times the rate for the same class of users within the City. (Prior code §20-12; Ord. 774-06 §1)

Sec. 13-5-130. Billing and payment of charges.

The sewer charges levied pursuant to this Article shall be payable monthly and shall be added to and made a part of the monthly water bill of the various properties in the City. Properties outside the City shall pay monthly or as provided by agreement, and if the same are not paid within ten (10) days thereafter, a penalty of ten percent (10%) of such charge shall be added to such bill. (Prior code §20-13)

Sec. 13-5-140. Discontinuance of wastewater service as enforcement.

(a) In addition to the remedies provided by this Article, the City may, with regard to users outside the municipal limits, without notice, discontinue service to said users if sanitary sewer system charges of said users are delinquent for a period of ten (10) days.

(b) The City may, without notice, discontinue the sanitary sewer service of any user outside the municipal limits if said service is discharging nonacceptable wastes into the sanitary sewer system.

(c) Nothing herein shall obligate the City to extend sewer services beyond its City limits or in any other way supplement or modify any previous policy of the City with regard to the extension of wastewater services beyond the municipal limits. (Prior code §20-16)

Sec. 13-5-150. Adoption of rules and regulations governing sewers.

The City Council shall make and enforce such rules and regulations as it may deem necessary for the safe, efficient and economical management of the City sewer system. Such rules and regulations, when not repugnant to this Code or any other ordinances of the City and laws of the State, shall have the same force and effect as ordinances of the City. (Prior code §20-17)

Sec. 13-5-160. Connection charges.

(a) Connection fees for connection to the City wastewater system shall be in accordance with the wastewater utility regulations as amended from time to time by resolution.

(b) In defining the terms in this Section, those definitions and usages contained in Chapter 18 of this Code and the Zoning Regulations shall be used, and said definitions and usages shall be construed concurrently with one another insofar as there is no conflict; if there should be a conflict, the terms of the Zoning Regulations shall control. Further, all construction terms contained in this

Section shall be guided by the usages contained in the Zoning Regulations, and shall be consistent with the spirit and intent of those Regulations.

(c) No connections shall be allowed nor permits therefor issued prior to the issuance and delivery of a building permit for the structure for which the sewer connection is sought. (Prior code §20-17A; Ord. 774-06 §1)

Division 2. Munn's Addition Water and Sanitation District

Sec. 13-5-210. Definitions.

For the purposes of this Article, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

District means Munn's Addition Water and Sanitation District.

Persons means those persons not living within the area of Munn's Addition Water and Sanitation District but outside of the City limits. (Prior code §20-18; Ord. 774-06 §1)

Sec. 13-5-220. Connection to City wastewater system.

The City grants to the District the right and privilege to connect with and use the City sewage system and treatment plant for the primary purpose of securing consolidated sewage disposal and treatment facilities for the area encompassed within the District for an indefinite term of years from the effective date of the ordinance codified herein pursuant to the agreement between the City and the District, approved by resolution of the governing body of each entity. (Prior code §20-19)

Sec. 13-5-230. Fees.

(a) Munn's Addition Water and Sanitation District shall pay to the City, as a carriage and treatment charge for care and treatment of the District's sewage monthly charges for each user connection within the District for wastewater service, a fee equal to one and one-half (1½) times that charged for users of the same class within the territorial limits of the City, as said classes are established in Sec. 13-5-120 of this Article and any amendments thereof.

(b) All future amendments to the rates charged the District may be effected hereafter by resolution passed by the City Council, and such resolution, insofar as it amends rates charged thereunder, shall be as effective for said purposes as an ordinance amending said rates. (Prior code §20-20)

Sec. 13-5-240. District responsible for collection and payment of charges.

The District shall be responsible for the collection of all sewage charges from its users within the District area and payment to the City for the privilege of connection onto and in the City sewer system. (Prior code §20-21)

Sec. 13-5-250. Fee for persons outside City limits but not within District.

Other persons living outside the City limits and not within the area of Munn's Addition Water and Sanitation District shall pay to the City double the amount charged resident users of the City as a care and treatment charge for the carrying and treatment of each person's sewage. (Prior code §20-22)

Sec. 13-5-260. District users classified separate from City users.

Nothing in this Article shall be construed as giving the District or its users and other persons living outside the City limits the right to be placed in a class as favorable as users located within the territorial limits of the City. (Prior code §20-23)

Sec. 13-5-270. Incorporation of other provisions.

The provisions of Sections 13-5-10, 13-5-40, 13-5-50, 13-5-60, 13-5-70, 13-5-130, 13-5-140 and 13-5-150 of this Chapter shall be applicable to users of the District sewage system to the same extent as to the sewer users within the territorial limits of the City. (Prior code §20-24)

Sec. 13-5-280. Connection fees.

Prior to adding any additional users to its sewage system, the District shall collect from such user and pay to the City connection fees as specified in Section 13-5-160 of this Article for users of like classes specified therein. (Prior code §20-25)

Sec. 13-5-290. Annual certification of users.

The District shall provide the City annually, no later than September 1 of each year, commencing in 1982, a certification of all users by class connected to the District sewer system. (Prior code §20-26)

Sec. 13-5-300. Sections inapplicable.

Sections 13-5-230, 13-5-280 and 13-5-290 shall not apply to the District whenever the City is operating, maintaining and billing wastewater services to and for the District and its customers under a contractual agreement for the same. The provisions of such contract shall control during the term of said contract. (Prior code §20-27)

Division 3. Stormwater Services

Sec. 13-5-410. Monthly charges.

There shall be levied and assessed a monthly charge per public street along which curb and gutter are installed, such fee to be charged for the maintenance, operation and repair of the stormwater system of the City. The City Council shall, by resolution, establish charges for stormwater service under this Article, prescribe the time and manner of payment of such charges and adopt measures designed to enforce the payment thereof as in its discretion are necessary or desirable.

Such resolution, when adopted, shall be of the same force and effect as if incorporated in this Article.
(Prior code §20-30; Ord. 774-06 §1)