

## CHAPTER 13

### Municipal Utilities

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## ARTICLE 1

### Utility Regulations

#### *Division 1 Administration*

##### **Sec. 13-1-10. Definition of water user.**

A *water user* or *water consumer* shall be the same as a *tapholder* and defined as any individual, partnership, corporation or other association or entity which owns a water tap connected to the municipal water system, whether or not said person utilizes or consumes water from said system. The tapholder shall be responsible for the tap and tap fees regardless of whether the tapholder rents the premises to others, or whether the tapholder owns premises. (Ord. 459 §7, 1990)

##### **Sec. 13-1-20. Ownership of water system.**

The Town shall own each and every part of the water supply and distribution system and sewer system at all times and shall service lines from the main to the meter pit or tap. Individual users shall be responsible for the maintenance of their water and sewer lines from the cutoff, tap or meter pit and shall be solely liable for any damage caused by the failure to maintain the same. Individual users shall install their own water and sewer line from the cutoff, tap or meter pit to their own premises at their own expense. (Ord. 459 §14, 1990; Ord. 634 §1, 2010)

##### **Sec. 13-1-30. Power of Board of Trustees.**

(a) The Board of Trustees is hereby vested with the power and authority to acquire, keep and make absolute any and all water rights presently owned by the Town and to acquire, keep and protect other water rights deemed necessary to provide adequate service for the inhabitants of the Town for the future increase in its municipal, domestic, irrigation and industrial needs.

(b) The Board of Trustees is hereby vested with the full and complete power and authority to maintain, add to, provide for, furnish and deliver water to all inhabitants in and about the Town as determined advisable by the Board of Trustees.

(c) The Board of Trustees is hereby vested with the power and authority to establish and provide for fees, charges and penalties determined reasonable for furnishing said water services and for the maintenance, upkeep and addition to the Town's water supply and water system, and to establish rules, regulations and resolutions determined necessary to carry out and fulfill the Board of Trustees' power and authority hereunder.

(d) The Board of Trustees is further vested with such incidental or collateral powers, as deemed necessary, to assist it in carrying out said obligations, and shall have all other incidental powers as enumerated by state law. (Ord. 459 §5, 1990)

##### **Sec. 13-1-40. Rates to be set by resolution.**

The Board of Trustees may set the fees for water and sewer taps and monthly rates, as appropriate, by resolution. (Ord. 459 §4, 1990; Ord. 519 §3, 2002; Ord. 634 §1, 2010)

**Sec. 13-1-50. Water service outside Town limits.**

No services for water or sewer will be provided outside the Town limits unless a preannexation agreement is entered into between the party seeking the service and the Town. (Ord. 519 §4, 2002)

*Division 2*  
*Taps*

**Sec. 13-1-110. New water taps.**

A three-fourths-inch tap shall consist of a three-fourths-inch water line from the main to the property line not to exceed fifty (50) feet from the main. The installation fee shall include all materials and labor to make the tap and to install the meter in conformance with the above. Special water taps greater than three-fourths (¾) inch may be negotiated with the Board of Trustees on an individual basis, but in no event may the tap fee be less than eight hundred fifty dollars (\$850.00). Water taps will be issued for a specific street address and may not be transferred or assigned. (Ord. 459 §6, 1990)

**Sec. 13-1-120. Tap fees; water connections.**

A tap fee is hereby levied and assessed for any water connection made to any of the water lines or mains owned by the Town, to be paid prior to making any connection, in the following amounts:

<i>Meter Size</i>	<i>Tap Fee Plus Installation</i>
¾"	\$ 3,000 plus installation and parts
1"	5,000 plus installation and parts
1½"	8,000 plus installation and parts
2"	12,000 plus installation and parts
Over 2"	Negotiated

All users located outside the Town limits shall be charged double the above rates. Commercial users classified as a hotel/motel, restaurant or other potential high user shall be required to purchase a minimum of a one-and-one-half-inch tap. (Ord. 459 §1, 1990; Ord. 469(A) §1, 1992; Ord. 473 §1, 1995; Ord. 519 §1, 2002; Ord. 634 §1, 2010)

**Sec. 13-1-130. Tap fees; sewer connections.**

A tap fee is hereby levied, assessed and charged for any sewer connection made to any of the sewer lines owned by the Town, to be paid, prior to making such connection, in the following amounts:

<i>Hook-Up</i>	<i>Line Size</i>	<i>Tap Fee</i>
¾"	4"	\$ 3,000
1"	6"	5,000

1½"	6"	8,000
2"	6"	12,000
Over 2"	6"	Negotiated

(Ord. 459 §2, 1990; Ord. 469(A) §2, 1992; Ord. 473 §2, 1995; Ord. 519 §2, 2002; Ord. 634 §1, 2010)

**Sec. 13-1-140. Separate connections required.**

(a) Each tapholder shall have a separate line and tap running from the premises served, if any, to a meter vault on the edge of the property line and then to the water main.

(b) In the event a physical or economic hardship has been found by prior action of the Board of Trustees in situations where one (1) water tap is "piggybacked" in such a fashion that it serves two (2) or more separate businesses, residences or dwellings with one (1) tap and water meter, the Board of Trustees may grant an exemption to the owner of the tap, which exemption shall be subject to the following conditions:

- (1) A separate monthly minimum shall be charged for each piggybacked connection.
- (2) This exemption only applies to situations in existence at the time of the enactment of the initial ordinance codified herein.
- (3) The total volume of water used in any given month as registered on the tap meter shall be charged at rates in accordance with the then-in-effect ordinance or resolution of the Town.
- (4) A separate sewer charge shall be charged for each piggybacked water connection.
- (5) The owner of the tap shall be liable for all fees and charges assessed against said tap. In the event the piggybacked water user fails to pay the necessary monthly fees and charges, the Town shall terminate water service to the tap in accordance with the rules and regulations provided by this Chapter.
- (6) In addition to any and all other remedies the Town may have under this Chapter, the Town levies a lien against the owner of said water tap for all other services incurred by any piggybacked water connections as though assessed against said water tap.
- (7) This exception shall only apply to existing three-fourths-inch meter taps for residential and business use. The exemption does not apply to large ERU through one-inch and one-and-one-half-inch taps, and no house, business, residence, dwelling, industrial or commercial establishment may be situated or constructed in the future without a separate tap and meter for each entity.
- (8) All notices for the delinquency of rates and charges concerning the piggyback connection or the tap user's connection shall be made directly to the tapholder in accordance with this Chapter. The Town may or may not elect to provide additional notice to the piggyback tap user.
- (9) The lien rights and notice of shut-off rights granted to the Town under this Section shall be enforced as provided in this Chapter by the Town.

(10) Utility (water and sewer) billable units defined:

a. Each building that is serviced by the Town's potable water system shall be charged one (1) minimum water utility charge plus applicable overage charges per month.

b. Each building that is serviced by the Town's sanitary sewer system shall be charged one (1) minimum sanitary sewer utility charge plus applicable overage charges per month.

c. Each building that is serviced by the Town's potable water system and houses one (1) or more nondwelling units that are not commonly rented on a per-night basis shall be charged one (1) minimum water utility charge per dwelling unit equal to one (1) less than the total number of dwelling units.

d. Each building that is serviced by the Town's sanitary sewer system and contains one (1) or more dwelling units that are not commonly rented on a per-night basis shall be charged one (1) minimum sanitary sewer utility charge per dwelling unit equal to one (1) less than the total number of dwelling units.

e. Each building that is serviced by the Town's potable water system and houses one (1) or more nondwelling units which requires potable water service to fixtures other than rest rooms shall be charged one (1) minimum water utility charge per nondwelling unit equal to one (1) less than the total number of nondwelling units that require potable water service to fixtures other than rest rooms.

f. Each building that is serviced by the Town's sanitary sewer system and houses one (1) or more nondwelling units which requires sanitary sewer service to fixtures other than rest rooms shall be charged one (1) minimum sanitary sewer utility charge per nondwelling unit equal to one (1) less than the total number of nondwelling units that require sanitary sewer service to fixtures other than rest rooms.

g. The total water utility charge per month per building shall be equal to the minimum billing charge (Subparagraph a. above), plus the total of the dwelling unit charges (Subparagraph c. above), plus the total of the nondwelling unit charges (Subparagraph e. above).

h. The total sanitary sewer utility charge per month per building shall be equal to the minimum billing charge (Subparagraph b. above), plus the total of the dwelling unit charges (Subparagraph d. above), plus the total of the nondwelling unit charges (Subparagraph f. above).

i. A combined utility bill (water and sewer) shall be sent for each building to the property owner of record. It shall be the responsibility of the property owner to notify the Town of any changes in the occupied status of any unit to allow the Town to adjust the per-unit utility charge.

j. Definitions.

*Building* is defined in Section 16-2-60 of this Code.

*Dwelling unit* is defined in Section 16-2-60 of this Code.

*Nondwelling unit* means a building arranged and designed as other than a dwelling unit. (Ord. 459 §8, 1990; Ord. 475 §1, 1995; Ord. 569, 2007; Ord. 634 §1, 2010)

**Sec. 13-1-150. Installation; refund.**

Any water tap or sewer tap purchased shall be installed within one (1) calendar year of the date of purchase. If it has not been installed, the Town shall refund the amount paid for the water or sewer tap, less a reasonable amount, to pay for the Town's administrative costs in the Town's voiding of the transfer. (Ord. 519 §5, 2002)

**Sec. 13-1-160. Service and repair of taps.**

The Town shall be responsible for the service and repair of any existing water line to the meter pit or property line or fifty (50) feet, whichever distance is shorter. Maintenance of sewer lines will be the tapholder's responsibility from the premises to the tap or saddle. Any repair that is deemed to be outside the sewer main and tap will be at the cost of the property owner or tapholder. The Town shall bill materials at actual cost and labor at the local rate plus ten dollars (\$10.00) per hour for any repairs or damages to the main or tap. Labor cost shall be determined by the Town Clerk from at least three (3) verbal bids for like repairs. (Ord. 459 §10, 1990; Ord. 634 §1, 2010)

*Division 3  
Billing and Fees*

**Sec. 13-1-210. User charges; monthly fees.**

(a) There is levied for water and sewer use furnished by the Town to the users thereof the following monthly charges and rates:

<i>User Category</i>	<i>Rate</i>	
	<i>Water</i>	<i>Sewer</i>
<b>In-Town</b>		
Residential	\$23.72	\$35.28
Commercial	25.22	35.28
Churches, schools and government	24.22	35.28
Base gallons allowed	10,000	10,000
<b>Out-of-Town</b>		
All users	Double in-Town rate	Double in-Town rate
Base gallons allowed	10,000	10,000

(b) The cost per increment of one thousand (1,000) gallons beyond the initial ten-thousand-gallon minimum shall be one dollar and seventy-five cents (\$1.75) per one thousand (1,000) gallons.

(c) Summer irrigation.

(1) The amount of metered water that is used for summer irrigation, based on the best available information, will be excluded from the utility bill.

(2) This derived information will be used as a basis to form a cap on sewer charges for that respective amount for the entire year.

(3) The cap will be determined by monitoring the excess water usage during the months of November through February when there is no use of irrigation water.

(4) This cap will be reflected over a twelve-month billing cycle and will be reviewed yearly. (Ord. 459 §3, 1990; Ord. 486 §1, 1997; Ord. 490 §1, 1997; Ord. 568, 2005; Ord. 610, 2008; Ord. 634 §1, 2010)

**Sec. 13-1-220. Meter readings; billing procedures; nonpayment; hearing.**

(a) Meters shall be read monthly and bills rendered monthly, except during the months of November through March, when the same may be impractical. During this period, users will be billed minimum rates, and an adjustment shall be made when readings are continued if necessary.

(b) Utility bills are the responsibility of the property owner. Utility accounts shall be posted in the property owner's name only. For a three-dollar monthly fee, a property owner may request a courtesy billing be sent to a renter in addition to the bill sent to the owner.

(c) Bills are payable at the office of the Town Clerk, and bills will become delinquent sixty (60) days after billing.

(d) A late fee of ten dollars (\$10.00) per account shall be assessed on any bill which is not paid by the due date. Any bill which is carried for more than two (2) consecutive billing cycles is subject to possible shut-off and a turn-off/turn-on penalty of twenty dollars (\$20.00) in addition to any late fees and past due amounts, all which shall be paid prior to reestablishment of service.

(e) In the event that a tapholder refuses to pay assessments for any reason, the minimum fee will be carried on the books for twenty-four (24) months. At any time during this period, the tapholder may pay all assessments and reconnect charges due and resume service. No interest will be charged if the tapholder requests a disconnect during this time period; however, all past-due charges and minimum monthly billings must be paid.

(f) After twenty-four (24) months of nonpayment, the tap may be declared in default by the Town after proper notification to the owner by certified mail, return receipt requested, stating a time and place where the Board of Trustees will hold a hearing to determine whether a default exists. The tapholder shall have an opportunity to be heard at such hearing. After said hearing, the Board of Trustees shall determine whether the tap of the holder shall be forfeited for the payment and satisfaction of the delinquent charges. In the event of default and forfeiture, a new tap fee shall be

imposed before further water service will be furnished at the forfeited location. (Ord. 459 §9, 1990; Ord. 486 §§1.1—1.3, 1997; Ord. 490 §1, 1997; Ord. 634 §1, 2010)

**Sec. 13-1-230. Unpaid water assessments a lien.**

(a) All water assessments and rents, including the minimum monthly charge, shall be a lien against the premises to which said water was delivered, from the date the same becomes delinquent until paid, whether or not the tapholder is the owner, and the owner of every building, premises, lot or house shall be liable for all water delivered to or taken and used upon such premises. Said lien shall be in addition to any other statutory or equitable lien to which the Town may be entitled.

(b) A lien attached to said premises may be enforced by the Town in an action at law or in equity, and the Town may foreclose such premises and sell the same to satisfy said lien. Tenants in possession shall not relieve the owner/ tapholder of liability. The Town shall not be required to look to any person other than the owner/tapholder for the payment of these charges. (Ord. 459 §11, 1990; Ord. 634 §1, 2010)

**Sec. 13-1-240. Hardship clause.**

Any tapholder who suffers extreme economic hardship by the imposition of this Article may petition the Board of Trustees for temporary abatement or adjustment of his water rates. The tapholder must show the Board of Trustees, in detail, the reasons for such relief, and the Board of Trustees shall have the sole discretion in the implementation of hardship relief. Any relief granted shall be reviewed on a quarterly basis by the Town Clerk to determine continuing need. (Ord. 459 §12, 1990; Ord. 634 §1, 2010)

**Sec. 13-1-250. Attorneys' fees for bill collection.**

In the event legal action must be brought for the enforcement of this Article or the foreclosure of any lien or action, the Town shall be entitled to reasonable attorneys' fees and the cost of collection or litigation. (Ord. 459 §13, 1990; Ord. 634 §1, 2010)

*Division 4  
Enforcement*

**Sec. 13-1-310. Unlawful acts.**

(a) It is unlawful for any person to tamper with any meter or to install or use any bypass or other device whereby water may be drawn from the service pipe without being registered by the meter. It is also unlawful for anyone other than a Town employee to remove or open any meter vault lid, or to lock or seal any meter shutoff or meter vault lid. It is unlawful to service more than one (1) dwelling, premise or building with one (1) meter, unless permitted by the Board of Trustees.

(b) All meters shall be furnished, set, placed and kept in repair by the Town and shall remain the property of the Town and under its control.

(c) It is unlawful for any person to tamper with, climb upon or commit any form of trespass upon any structure or facility of the Town waterworks, including the diversion tunnel, chlorination

structure and water tanks, or commit any act that would disrupt or contaminate the municipal water supply.

(d) It is unlawful for any person to drive motor vehicles upon any section of water line right-of-way from the intake to the supply tank when the same is posted against such use.

(e) It is unlawful for any person to place, dump, throw, discharge or deposit any material which will in any manner pollute or contaminate the Mancos River above the intake of the Town water system, or to allow any polluting or contaminating substance to remain in such position that such substance may be carried by natural causes into the Mancos River or fail to comply with any regulations placed in effect by the United States Forest Service for the protection of its municipal watershed.

(f) It is unlawful for any person to waste water at any hydrant or faucet, to permit water to be wasted through the same, or leave or permit water to be left running through the same to prevent freezing or any other purpose, except under the direction and permission of the Town; make use of any form of water closet which necessitates the constant running of water; or in any manner waste water or permit the waste thereof from any pipes or fixtures or appliances under his control. All property owners and tapholders shall grant the Town the right to inspect for both waste of water and proper use of water, in accordance with this Article. (Ord. 459 §15, 1990)

**Sec. 13-1-320. Violation; penalty.**

(a) It is unlawful for any person to violate, disobey, omit, neglect, refuse or fail to comply with or resist enforcement of any section of this Chapter, and violations of any provision or section of this Chapter shall be punished in accordance with the provisions set forth in Section 1-4-20 of this Code. Unless otherwise indicated, each day or portion thereof in violation of this Chapter shall constitute a separate offense.

(b) The Town may, in its discretion, also proceed against any violation of this Chapter by any person in a civil action for abatement, injunction, damages, specific performance or by lien foreclosure or through other equitable remedies, and these remedies shall be in addition to the criminal penalties provided in this Section. (Ord. 459 §16, 1990; Ord. 595 §10, 2007; Ord. 634 §1, 2010)

**Sec. 13-1-330. Water restrictions; violations.**

(a) If it is determined that the municipal water system is being drawn down to a level that would constitute a fire safety or other threat to the Town, the Board of Trustees may, at its discretion, in a regular or specially called meeting of the Board of Trustees, establish by resolution such emergency water regulations as to ensure the welfare and safety of the Town's citizens.

(b) In the resolution directing water restrictions to go into effect, the Board of Trustees shall state the restrictions and advise the citizens of the Town that the penalties for violating the restrictions are the same as set forth in this Chapter. Penalties shall be as set forth in this Section, except that the penalty resolution can dictate a warning as opposed to a fine on the first offense.

(c) The penalty for violating any restrictions that the Town may set on the use of water shall be established in accordance with the provisions set forth in Section 1-4-20 of this Code. (Ord. 513, 2001; Ord. 595 §10, 2007; Ord. 634 §1, 2010)

## ARTICLE 2

### Sewer Regulations

#### Sec. 13-2-10. Definitions.

As used in this Article the following terms shall be defined as follows:

*Building sewer* means the extension from the building drain to the public sewer or other place of disposal, also called the *house or building connection*.

*Floatable oil* means oil, fat or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. Wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.

*Garbage* means the animal and vegetable waste resulting from the handling, preparation, cooking and serving of foods.

*Industrial wastes* means the wastewater from industrial processes, trades or businesses as distinct from domestic or sanitary wastes.

*Properly shredded garbage* means the wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (½) inch in any dimension.

*Public sewer* means a common sewer controlled by the Town.

*Sewage* means the spent water of a community.

*Sewer* means a pipe or conduit that carries wastewater or drainage water. (Ord. 425 §1, 1987; Ord. 634 §1, 2010)

#### Sec. 13-2-20. Alternative facilities prohibited without approval.

Within the Town, it is unlawful to construct or maintain a privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of wastewater, without the approval of the Town. (Ord. 425 §3, 1987)

#### Sec. 13-2-30. Alternative facilities; connection; interceptors.

(a) Connection. Connection with an existing cesspool or privy vault within the Town shall not be made into the sanitary sewer system of the Town. A trap for the interception of grease and oil

shall be provided on a sewer connection from any hotel restaurant, club or institutional kitchen or from a public garage or automobile washing station. Such trap installed shall be approved and found satisfactory by the Town prior to its installation and shall be of a design as to conform to the specifications and characteristics established by the Town, a copy of which is on file in the Town Clerk's office, or similar device approved by the Town.

(b) Interceptors.

(1) Design and installation. Grease interceptors shall be located inside the building only when it is impractical to install an outside grease interceptor, and only when such installation is approved by the Building Inspector. All interceptors shall be so designed and installed that they will not become air-bound or permit siphonage. They shall be so located as to be readily and easily accessible for cleaning and inspection.

a. The flow rate through the interceptor shall not exceed its rated capacity and shall operate at a minimum overall efficiency of ninety percent (90%).

b. Where more than one (1) fixture discharges into an interceptor, each fixture shall be trapped and vented.

c. Grease interceptors shall be constructed of impervious materials capable of withstanding shock from hot and cold water and be watertight.

d. Interceptors shall be provided with easily removable covers which, when bolted or attached to the interceptor, shall make a watertight fit.

e. Water-jacketed interceptors or interceptors of similar type, which require connection to the potable water supply system, shall not be used.

f. Special conditions shall be submitted for approval.

(2) Sand interceptors. Sand traps shall be installed for all garages or other establishments equipped with wash racks and shall be of a design recommended by the Colorado Department of Public Health and Environment. All floor drains in such establishments shall discharge into the sand trap. All drains on the inlet side of the sand traps shall be area-type drains or similar without trap. A design sketch, on file in the Town Clerk's office, is a part of this regulation and is incorporated herein by reference.

(c) Backwater valves.

(1) Backwater valves shall be installed in drainage lines wherever plumbing fixtures are subjected to backflow or back pressure. Such backwater valves shall be so located as to be readily accessible for inspection and cleaning.

(2) Backwater valves shall have all bearing parts of corrosion-resistant material and be so constructed as to ensure a mechanical seal against backflow.

(3) Backwater valves, when fully opened, shall have a capacity not less than the pipe in which they are installed. (Ord. 425 §4, 1987; Ord. 634 §1, 2010)

**Sec. 13-2-40. Detrimental waste to be improved.**

Where the character of sewage or industrial waste from any manufacturing or industrial plant, building or premises is detrimental to the sewage system or sewage treatment plant, the Town shall compel such sewage system users to otherwise dispose of such waste and prevent it from entering the system, or to improve its character as not to be detrimental to the system or plant. (Ord. 425 §5, 1987)

**Sec. 13-2-50. Pretreatment required.**

In cases where the character of the sewage or industrial waste from any manufacturing or industrial plant, building or premises is such that it imposes an unreasonable burden upon the sewage collection, pumping or treatment works greater than that imposed by the average sewage entering the sewer system, the Town may, if it deems it advisable, compel such manufacturing or industrial plant, building or premises to pretreat such sewage in such a manner as the Town specifies before discharging it into the sewage system. (Ord. 425 §6, 1987)

**Sec. 13-2-60. Building drain connections; approval required.**

No person shall make connection of roofs, downspouts, foundation drains, areaway drains or other sources of surface runoff or groundwater to a building sewer drain or building drain which in turn is connected directly or indirectly to a public sanitary sewer, unless such connection is approved by the Town. (Ord. 425 §7, 1987; Ord. 634 §1, 2010)

**Sec. 13-2-70. Prohibited discharges.**

No person shall discharge or cause to be discharged, either directly or indirectly, into the sewage system any of the following described substances, materials or wastes:

- (1) Any liquid or vapor having a temperature higher than one hundred fifty (150) degrees Fahrenheit.
- (2) Any gasoline, benzine, naphtha, fuel oil, mineral oil or other volatile flammable or explosive liquid, solid or gas.
- (3) Any water containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to contaminate the sludge of any municipal system, damage or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance or create any hazard in or have an adverse effect on the waters receiving any discharge from the treatment works.
- (4) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers or other interference with the proper operation of the wastewater facilities, such as but not limited to ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage or manure, either whole or ground.
- (5) Wastewater containing more than twenty-five (25) milligrams per liter of petroleum oil, nonbiodegradable cutting oils or product of mineral oil origin.

(6) Wastewater from industrial plants containing floatable oils, fat or grease.

(7) Any garbage that has not been properly shredded. (Ord. 425 §8, 1987; Ord. 634 §1, 2010)

**Sec. 13-2-80. Powers and authorities of Town.**

The duly authorized employees of the Town shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing pertinent to the discharge into the community system in accordance with the provisions of this Chapter, provided that such authorized employees bear proper credentials for identification or written directives from the Board of Trustees. While performing the necessary work on private properties, the duly authorized employees of the Town shall observe all safety rules applicable to the private premises, and inspection shall be during regular business hours. (Ord. 425 §9, 1987)

**Sec. 13-2-90. Penalties.**

(a) Any person found to be in violation of any provision of this Article shall be served with a written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violation.

(b) Any person who continues any violation beyond the time limit stated above shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished in accordance with the provisions set forth in Section 1-4-20 of this Code.

(c) Any person violating any of the provisions of this Article shall become liable to the Town for any expense, loss or damage occasioned by the Town by reason of such violation. (Ord. 425 §11, 1987; Ord. 595 §10, 2007; Ord. 634 §1, 2010)

**ARTICLE 3**

**Cross-Connection Control**

**Sec. 13-3-10. General policy.**

This policy addresses Article 12 of the Colorado Primary Drinking Water Regulations that states a public water system shall have no uncontrolled cross-connections to a pipe, fixture or supply, any of which contain water not meeting provisions of the drinking water regulations. A cross-connection is any point in a water distribution system where chemical, biological or radiological contaminants may come into contact with potable water. During a backflow event, these contaminants can be drawn or pushed back into the potable water system. A backflow prevention device installed at every point of cross-connection prevents contaminated water from entering the potable water distribution system. Any hazardous cross-connection discovered to be uncontrolled will be corrected within ten (10) days, or the water service will be shut off. The Colorado Department of Public Health and Environment will be informed of the hazardous cross-connection and corrective action being taken. (Ord. 572 §I, 2006; Ord. 634 §1, 2010)

**Sec. 13-3-20. Public education.**

(a) The Town will educate system users about the potential health risk that cross-connections pose, with an emphasis on cross-connections at or within homes and other residences.

(b) A copy of the Colorado Cross-Connection Control Manual will be available for review during normal businesses hours at the Town Hall. (Ord. 572 §I, 2006)

**Sec. 13-3-30. Purpose.**

The purpose of this Article is to:

(1) Protect the public potable water supply from contamination or pollution by containing, within the consumer's internal distribution system or private water system, contaminants or pollutants which could backflow through the service connection into the public potable water supply system.

(2) Promote the elimination, containment, isolation or control of existing cross-connections, actual or potential, between the public or consumer's potable water system and nonpotable water systems, plumbing fixtures and industrial process systems.

(3) Provide for the maintenance of a continuing program of cross-connection control which will systematically and effectively prevent the contamination or pollution of all potable water systems. (Ord. 572 §I, 2006; Ord. 634 §I, 2010)

**Sec. 13-3-40. Application.**

This Article shall apply to all premises served by the public potable water system of the Town. No grandfather clause exists. All laws and regulations apply regardless of the age of the facility. (Ord. 572 §I, 2006)

**Sec. 13-3-50. Interpretation.**

(a) The water purveyor will reasonably interpret this Article. It is the water purveyor's intent to recognize the varying degrees of hazard and to apply the principle that the degree of protection shall be commensurate with the degree of hazard.

(b) The water purveyor shall be primarily responsible for protection of the public potable water distribution system from contamination or pollution due to backflow of contaminants or pollutants through the water service connection. The cooperation of all consumers is required to implement and maintain the program to control cross-connections. The water purveyor and consumer are jointly responsible for preventing contamination of the water system.

(c) If, in the judgment of the water purveyor or his authorized representative, cross-connection protection is required through either piping modification or installation of an approved backflow prevention device, due notice shall be given to the consumer. The consumer shall immediately comply by providing the required protection at his own expense, and failure, refusal or inability on the part of the consumer to provide such protection shall constitute grounds for discontinuing water service to the premises until such protection has been provided. (Ord. 572 §I, 2006)

### **Sec. 13-3-60. Definitions.**

The definitions listed below shall apply in the interpretation and enforcement of this Article.

*Air gap separation* means the unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture or other device and the overflow level rim of the receptacle, and shall be at least double the diameter of the supply pipe measured vertically above the flood level rim of the vessel, but in no case less than one (1) inch.

*Auxiliary water supply* means any water source or system, other than the public water supply, that may be available to the building or premises.

*Backflow* means the flow, other than the intended direction of flow, of any foreign liquids, gases or substances into the distribution system of a public water supply.

*Backflow prevention assembly* means any double-check valve or reduced-pressure principal backflow preventer having resilient-seated shut-off valves on both the upstream and downstream ends and the necessary test cocks as integral parts of the assembly.

*Consumer* means the owner or person in control of any premises supplied by or in any manner connected to a public water system.

*Containment* means protection of the public water supply by installing a backflow prevention assembly or air gap separation on the main service line to a facility.

*Contamination* means an impairment of the quality of the water by sewage, process fluids or other wastes to a degree that could create an actual hazard to the public health through poisoning or through spread of disease by exposure.

*Cross-connection* means any physical link between a potable water supply and any other substance, fluid or source which makes possible contamination of the potable water supply due to the reversal of flow of the water in the piping or distribution system.

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

*Hazard, health* means any condition, device or practice in the water supply system and its operation which could create a danger to the health and well-being of the water consumer.

*Hazard, plumbing* means a plumbing-type cross-connection in a consumer's potable water system that has not been properly protected by a vacuum breaker, air gap separation or backflow prevention assembly.

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

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

*Industrial process system* means any system containing a fluid or solution, which may be chemically, biologically or otherwise contaminated or polluted in a form or concentration such as would constitute a health, system, pollutional or plumbing hazard if introduced into a potable water supply.

*Isolation* means protection of a facility's internal plumbing system by installing a backflow prevention assembly, air gap separation or other backflow prevention device on an individual fixture, appurtenance or system.

*Pollution* means the presence of any foreign substance (organic, inorganic or biological) in water which tends to degrade its quality so as to constitute a hazard or impair the usefulness of the water to a degree which does not create an actual hazard to the public health but which does adversely and unreasonably affect such water for domestic use.

*Public potable water system* means any publicly or privately owned water system supplying water to the general public, which is satisfactory for drinking, culinary and domestic purposes and meets the requirements of the Colorado Department of Public Health and Environment.

*Service connection* means the terminal end of a service line from the public water system. If a meter is installed at the end of the service, then the *service connection* means the downstream end of the meter.

*Water purveyor* means the owner, operator or individual in responsible charge of a public water system. (Ord. 572 §II, Appx. A, 2006; Ord. 634 §1, 2010)

### **Sec. 13-3-70. Cross-connections prohibited.**

(a) No water service connection shall be installed or maintained on any premises where actual or potential cross-connections to the public potable or consumer's water system may exist, unless such actual or potential cross-connections are abated or controlled to the satisfaction of the water purveyor, and as required by the laws and regulations of the Colorado Department of Public Health and Environment.

(b) No connection shall be installed or maintained whereby an auxiliary water supply may enter a public potable or consumer's water system, unless the water purveyor and the Colorado Department of Public Health and Environment have approved such auxiliary water supply and the method of connection and use of such supply.

(c) No water service connection shall be installed or maintained on any premises in which the plumbing system, facilities and fixtures have not been constructed and installed using acceptable plumbing practices considered by the water purveyor as necessary for the protection of health and safety. (Ord. 572 §III, 2006; Ord. 634 §1, 2010)

**Sec. 13-3-80. Survey, investigations and right of entry.**

(a) A representative of the Town will carry proper credentials of his office. By previously arranged appointment and upon presentation of proper credentials, the representative shall have the right of entry to inspect any and all buildings and premises for cross-connections relative to possible hazards. This right of entry shall be a condition of water service in order to protect the health, safety and welfare of the customers throughout the Town's distribution system. Where building security is required, the backflow assembly should be located in an area not subject to security. Questions regarding proper credentials should be directed to the Department of Public Works.

(b) The Department of Public Works may request an administrative search warrant for the purposes of inspecting buildings and premises for cross-connections relative to possible hazards. Application shall be made to the Municipal Court, which, upon proper showing, may grant a search warrant to the Department of Public Works for the purposes of inspection.

(c) On request by the water purveyor or his authorized representative, the consumer shall furnish information on water use practices within his premises.

(d) It shall be the responsibility of the water consumer to conduct periodic surveys of water use practices on his premises to determine whether there are actual or potential cross-connections to his water system through which contaminants or pollutants could backflow into his or the public potable water system. (Ord. 572 §IV, 2006)

**Sec. 13-3-90. Type of protection required.**

The type of protection required by this Article shall depend on the degree of hazard which exists, as follows:

(1) An approved air gap separation shall be installed where the public potable water system may be contaminated with substances that could cause a severe health hazard.

(2) An approved air gap separation or an approved reduced-pressure principal backflow prevention assembly shall be installed where the public potable water system may be contaminated with a substance that could cause a system or health hazard.

(3) An approved air gap separation or an approved reduced-pressure principal backflow prevention assembly or an approved double-check valve assembly shall be installed where the public potable water system may be polluted with substances that could cause a pollution hazard that is not dangerous to health. (Ord. 572 §V, 2006; Ord. 634 §1, 2010)

**Sec. 13-3-100. Where protection required.**

(a) An approved backflow prevention assembly shall be installed on each service line to a consumer's water system serving premises where, in the judgment of the water purveyor or the Colorado Department of Public Health and Environment, actual or potential hazards to the public potable water system exist. The type and degree of protection required shall be commensurate with the degree of hazard.

(b) An approved air gap separation or reduced-pressure principal backflow prevention assembly shall be installed at the service connection or within any premises where, in the judgment of the water purveyor or the Colorado Department of Public Health and Environment, the nature and extent of activities on the premises, or the materials used in connection with the activities or materials stored on the premises, would present an immediate and dangerous hazard to health should a cross-connection occur, even though such cross-connection may not exist at the time the backflow prevention device is required to be installed. This includes, but is not limited to, the following situations:

(1) Premises having an auxiliary water supply, unless the quality of the auxiliary supply is acceptable to the water purveyor and the Colorado Department of Public Health and Environment.

(2) Premises having internal cross-connections that are not correctable or intricate plumbing arrangements which make it impractical to ascertain whether or not cross-connections exist.

(3) Premises where entry is restricted so that inspections for cross-connections cannot be made with sufficient frequency or at sufficiently short notice to assure that the cross-connections do not exist.

(4) Premises having a repeated history of cross-connections being established or reestablished.

(5) Premises which, due to the nature of the enterprise therein, are subject to recurring modification or expansion.

(6) Premises on which any substance is handled under pressure so as to permit entry into the public water supply or where a cross-connection could reasonably be expected to occur. This shall include the handling of process waters and cooling waters.

(7) Premises where materials of a toxic or hazardous nature are handled such that, if back siphonage or backpressure should occur, a serious health hazard may result.

(c) The types of facilities listed in Section 13-3-120 below fall into one (1) or more of the categories of premises where an approved air gap separation or reduced-pressure principal backflow prevention assembly is required by the water purveyor and the Colorado Department of Public Health and Environment to protect the public water supply and must be installed at these facilities, unless all hazardous or potentially hazardous conditions have been eliminated or corrected by other methods to the satisfaction of the water purveyor and the Colorado Department of Public Health and Environment. (Ord. 572 §VI, 2006; Ord. 634 §1, 2010)

**Sec. 13-3-110. Backflow prevention assemblies.**

(a) Any cross-connection or backflow prevention assembly required to protect the facilities listed in Section 13-3-120 below or other facilities recognized and designated by the inspecting official shall be of a model or construction approved by the water purveyor and the Colorado Department of Public Health and Environment.

(1) Air gap separation to be approved shall be at least twice the diameter of the supply pipe, measured vertically above the top rim of the vessel, but in no case less than one (1) inch.

(2) A double-check valve assembly or a reduced-pressure principal backflow prevention assembly shall be approved by the water purveyor and shall appear on the current list of approved backflow prevention assemblies established by the Colorado Department of Public Health and Environment. The Colorado Department of Public Health and Environment accepts the use of backflow prevention devices that have received approval by either the University of Southern California Foundation of Cross-Connection Control and Hydraulic Research or the American Society of Sanitary Engineers.

(b) Existing backflow prevention assemblies approved by the water purveyor at the time of installation and properly maintained shall, except for inspection and maintenance requirements, be excluded from the requirements of this Article so long as the water purveyor is assured that they will satisfactorily protect the water system. Whenever the existing assembly is moved from its present location or requires more than minimum maintenance, or when the water purveyor finds that the maintenance constitutes a hazard to health, the unit shall be replaced by a backflow prevention assembly meeting the requirements of this Article. (Ord. 572 §VII, 2006; Ord. 634 §1, 2010)

**Sec. 13-3-120. Facilities representing cross-connection hazards.**

The following are types of facilities which represent cross-connection hazards:

(1) Automotive repair businesses, including those plants which repair motorcycles, automobiles, trucks, recreational vehicles and construction and agricultural equipment.

(2) Potable water-dispensing stations which are served by a public water system.

(3) Portable tanks for transporting water taken from a public water system.

(4) Beverage bottling plants, including dairies and breweries.

(5) Canneries, packing houses and plants.

(6) Car washes.

(7) Chemical, biological and radiological laboratories, including those in high schools, trade schools, colleges, universities and research institutions.

(8) Hospitals, clinics, medical buildings, autopsy facilities, morgues, mortuaries and other medical facilities.

(9) Metal or plastic manufacturing, fabrication, cleaning, plating or processing facilities.

(10) Plants manufacturing wood, paper and paper products.

(11) Plants manufacturing, refining, compounding or processing fertilizer, film, herbicides, natural or synthetic rubber, pesticides, petroleum or petroleum products, pharmaceuticals, radiological materials or any chemical which would be a contaminant to the public water system.

(12) Commercial facilities that use herbicides, pesticides, fertilizers or any chemical which would be a contaminant to the public water system.

- (13) Commercial laundries.
- (14) Sewage, stormwater and industrial waste treatment plants and pumping stations.
- (15) Industrial facilities which recycle water.
- (16) Restricted or classified facilities or other facilities closed to the supplier of water or the Department.
- (17) Fire sprinkler systems using any chemical additives.
- (18) Auxiliary water systems, including any type of irrigation system.
- (19) Any hose spigot or bib not protected by a self-contained manufactured vacuum breaker.
- (20) Irrigation systems with facilities for injection of pesticides, herbicides or other chemicals or with provisions for creating backpressure.
- (21) Facilities which have pumped or repressurized cooling or heating systems that are served by a public water system, including all boiler systems. (Ord. 572, Appx. B, 2006; Ord. 634 §1, 2010)

**Sec. 13-3-130. Installation.**

(a) Backflow prevention assemblies required by this Article shall be installed at a location and in a manner approved by the water purveyor and shall be installed at the expense of the water consumer.

(b) Backflow prevention assemblies installed on the service line to the consumer's water system shall be located on the consumer's side of the water meter, as close to the meter as is reasonably practical, and shall be installed prior to any other connection.

(c) Backflow prevention assemblies shall be located so as to be readily accessible for maintenance and testing, protected from freezing. No reduced-pressure principal backflow prevention assembly shall be located where it will be submerged or subject to flooding by any fluid. (Ord. 572 §VIII, 2006; Ord. 634 §1, 2010)

**Sec. 13-3-140. Inspection and maintenance.**

(a) It shall be the duty of the consumer at any premises on which backflow prevention assemblies required by this Article are installed to have inspection, tests and overhauls made in accordance with the following schedule, or more often where inspections indicate a need.

(1) Air gap separations shall be inspected at the time of installation and at least every twelve (12) months thereafter.

(2) Double-check valve assemblies shall be inspected and tested for tightness at the time of installation and at least every twelve (12) months thereafter.

(3) Reduced-pressure principal backflow prevention assemblies shall be inspected and tested for tightness at the time of installation and at least every twelve (12) months thereafter.

(b) Inspections, tests and overhauls of backflow prevention assemblies shall be made at the expense of the water consumer and shall be performed by a state-certified backflow prevention assembly tester.

(c) Whenever backflow prevention assemblies required by this Article are found to be defective, they shall be repaired or replaced at the expense of the consumer without delay.

(d) The water consumer and water purveyor must maintain a complete record of each backflow prevention assembly for a period of three (3) years. This shall include a comprehensive listing of all tests, inspections and repairs. Records of inspections, tests, repairs and overhauls shall be made available to the water purveyor upon request.

(e) Backflow prevention assemblies shall not be bypassed, made inoperative, removed or otherwise made ineffective. (Ord. 572 §IX, 2006; Ord. 634 §1, 2010)

**Sec. 13-3-150. Violations.**

(a) The water purveyor shall deny or discontinue, after reasonable notice to the occupants thereof, the water service to any premises wherein any backflow prevention assembly required by this Article is not installed, tested and maintained in a manner acceptable to the water purveyor, or if it is found that the backflow prevention assembly has been removed or bypassed or if an unprotected cross-connection exists on the premises.

(b) Water service to such premises shall not be restored until the consumer has corrected or eliminated such conditions or defects in conformance with this Article to the satisfaction of the water purveyor. (Ord. 572 §X, 2006)