

## **CHAPTER 13 Municipal Utilities**

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### **ARTICLE 1 Water Service**

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### **Sec. 13-1-10. Creation of Utilities Department.**

There is hereby created and established a Utilities Department of the Town for the purpose of the management, maintenance, care and operation of the water works of the Town.

(Ord. 74-1 §1; Ord. 2011-18 §1)

### **Sec. 13-1-20. Public Works Director; powers.**

The Mayor shall act as Public Works Director until the Board of Trustees authorizes the Mayor to appoint another qualified person to fill this position. He or she shall have the immediate control and management of all things pertaining to the Town's water works system, and he or she shall perform all acts that may be deemed necessary for the prudent, efficient and economical management and protection of said water works, subject to the approval of the Board of Trustees. The Board of Trustees shall have power by motion to prescribe such other and further rules and regulations governing the powers and duties of the Public Works Director and such other rates, rules and regulations as are not herein contained.

(Ord. 74-1 §2; Ord. 2011-18 §1)

### **Sec. 13-1-30. Receipts and deposits.**

The Town Clerk shall keep a correct account of all receipts and materials furnished to consumers, collect the same and deposit the proceeds so collected with the Town Treasurer to the credit of the Water Works Fund of the Town and in accordance with the directions of the Board of Trustees.

(Ord. 74-1 §3; Ord. 2011-18 §1)

### **Sec. 13-1-40. Inspections.**

Whenever, in the judgment of the Public Works Director, he or she deems it necessary, he or she may inspect the premises or buildings of any water consumer for the purpose of examining the condition of all pipes, motors, meters and water fixtures, or the manner in which the water is used. He or she shall be vigilant to protect and remedy all abuses, whether from waste or other improper use of water.

(Ord. 74-1 §4; Ord. 2011-18 §1)

**Sec. 13-1-50. Application for water.**

Application for the use of water shall be made to the Public Works Director through the office of the Town Clerk on forms to be provided by the Town Clerk. In the furnishing of water for any purpose other than domestic purposes, the Town shall not be responsible for the quality or quantity of the water furnished.

(Ord. 74-1 §5; Ord. 2011-18 §1)

**Sec. 13-1-60. Tapping charges.**

No water services shall be furnished to the consumer until all tap fees and special fees as hereinafter provided have been paid to the Town Clerk. The consumer shall pay, prior to the acceptance of his or her application for water by the Utilities Board, to the Town Clerk for each new water tap a fee which shall be the total sum of the following charges: The actual cost of the corporation cock, expansion joint, curb box, tapping saddle and all other materials furnished by the Town to make such tap and all other labor and expense incurred by the Town to make such tap, plus the sum as set forth in the Annual Fee Resolution adopted by the Board of Trustees for each single-family residential connection to the Town's water system. The Town will establish tap fees for commercial, industrial and multi-family uses on an individual basis, depending upon the nature, size and use to be made by reason of such connection. For those uses regarding which the Town has established single-family equivalents (SFEs) for purposes of monthly service charges, the tap fee shall be as set forth in the Annual Fee Resolution adopted by the Board of Trustees multiplied by the number of SFEs attributed to that use, but in no event less than one (1) SFE.

(Ord. 74-1 §6; Ord. 1979-4 §1; Ord. 1986-4 §1; Ord. 1993-2 §1; Ord. 1997-2 §4; Ord. 2011-18 §1)

**Sec. 13-1-70. Outside users.**

The Town does not assume any responsibility for furnishing water service to any nonresident of the Town even though such service has been furnished in the past, although it shall be the policy of the Town to furnish such service whenever practical and subject to the paramount rights of users within the corporate limits. Water taps outside the corporate limits of the Town shall only be allowed pursuant to the contractual arrangements entered into by the Town and persons requesting such service, which shall be submitted to and approved by the Board of Trustees, and at such charges and rates as established by this Article.

(Ord. 74-1 §7; Ord. 2011-18 §1)

**Sec. 13-1-80. Special fees.**

All necessary pipes, fittings, meters, valves, shut-off, trenching, backfilling and installation of the tap and service line must be at the expense of the consumer and under the supervision of the Public Works Director. It shall be the responsibility of the consumer to contract the services of a qualified individual to perform the work hereunder. All materials employed and the installation of the same shall be according to the specifications of the State and the Town. Before any consumer or contractor commences the installation of any service line, the Public Works Director shall be notified. No work shall be performed on public property except under the immediate supervision of the Public Works Director.

(Ord. 74-1 §8; Ord. 1993-2 §2; Ord. 2011-18 §1)

**Sec. 13-1-90. Size of service tap.**

No service tap shall be more than three-fourths ( $\frac{3}{4}$ ) inch in diameter, unless special permission is given for a larger tap, and all plumbing through which water is used shall be installed to meet Town specifications.

(Ord. 74-1 §9; Ord. 2011-18 §1)

**Sec. 13-1-100. Additional service or fixtures.**

Should the owner or occupant of the premises desire additional service or fixtures or to apply the water for a purpose not stated at the time of the original application, permission must be obtained therefor. When additional fixtures are added and not reported, the same shall be charged at double rate for such time as such fixtures are in use, in addition to a five-dollar penalty for such violation, to be added on and collected with the water bill.

(Ord. 74-1 §11; Ord. 1974-4 §1; Ord. 1993-2 §3; Ord. 2011-18 §1)

**Sec. 13-1-110. Discontinuance of service.**

Any person who desires to discontinue the use of water shall file written notice with the Public Works Director and pay all current and back charges for water used. A ten-dollar fee shall be charged for each service of turning water on or off.

(Ord. 74-1 §12; Ord. 2011-18 §1)

**Sec. 13-1-120. Separate connections required.**

Two (2) or more premises cannot be supplied from one (1) and the same connection unless provided with separate shut-off cocks located at the public street right-of-way line.

(Ord. 74-1 §13; Ord. 2011-18 §1)

**Sec. 13-1-130. Service line regulations.**

- (a) No consumer shall be permitted to conduct water lines across lots or buildings to adjoining premises without the permission of the Public Works Director. Water service to a portion of developed property shall not be permitted. Service must include all improvements on the property with no cross-connection with any other water supply, except that two (2) or more premises can be supplied from the same connection with the approval of the Public Works Director as long as they have separate water meters and shut-off cocks located at the public street right-of-way line, or at such other place as may be designated by the Public Works Director, and except that multiple-dwelling premises which do not bill occupants separately for water service, including but not limited to apartment buildings, condominiums, trailer parks and the like, may, subject to the approval of the Public Works Director, be provided with a single service line for all or a portion of such multiple dwelling and shall pay a basic charge for the water consumed equal to the number of SFEs determined by the Public Works Director times the basic charge. All service lines shall be constructed to the specifications of the State and the Town. All construction shall be inspected and approved by the Public Works Director before the water is turned on. The property owner shall own and maintain the service line from the main tapping saddle to the premises served. All property owners, at their own expense, must keep service pipes from the MAIN TAP to the premises served and all their apparatus in good working order and properly protected from

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frost and other disturbances. No claim shall be made against the Town on account of the breaking of service lines or fixtures which may be frozen.

- (b) It shall be unlawful for any person to use mechanical or electrical equipment to thaw a frozen service line without first obtaining a permit therefor from the Public Works Director, or to leave such equipment operating unattended. The Public Works Director shall issue such permits without charge upon his or her approval of the methods and equipment to be used, and upon his or her receipt of written proof of general liability insurance in the amount of at least twenty-five thousand dollars (\$25,000.00) covering the operator of the equipment for damages that might be suffered by the Town or its residents or other third parties due to the negligence of the operator.

(Ord. 74-1 §14; Ord. 1992-1; Ord. 1993-2 §4; Ord. 2011-18 §1; Ord. No. 2012-02, § 1)

### **Sec. 13-1-140. Waste of water prohibited.**

Consumers shall prevent unnecessary waste of water and keep all water outlets closed when not in actual use. Hydrants, urinals, water closets, bathtubs and other openings must not be left running for any purpose other than the use for which they were intended. In addition to the penalty provided herein for violations of this Code, the water supply may be turned off where any such waste occurs, and in such case a penalty from ten dollars (\$10.00) to fifty dollars (\$50.00) must be paid before the water is turned on again.

(Ord. 74-1 §15; Ord. 2011-18 §1)

### **Sec. 13-1-150. Pollution and interference.**

It shall be unlawful for any person to pollute or interfere in any manner with the reservoirs, streams, trenches, pipes and drains used in and necessary for the construction, maintenance and operation of the water system of the Town and over any stream or source from which water is taken by the Town for five (5) miles above the point from which said water is taken.

(Ord. 74-1 §16; Ord. 2011-18 §1)

### **Sec. 13-1-160. Supplying water to others.**

No occupant or owner of any building into which water is introduced will be allowed to supply water to other persons or families. The Utilities Department agrees to furnish water for a certain specified sum. If, therefore, consumers furnish other people or supply water for other purposes, or permit it to be taken without the knowledge or consent of the Utilities Department, it is a violation of the contract, and consumers so offending will be required to pay double the price of water so used, and the Town reserves the right to shut off the supply for abuses of water privileges. When the water has been turned off for violation hereof, the water will not be turned on again until all water rents and penalties have been paid, including the further maximum sum of three hundred dollars (\$300.00) for turning the water off.

(Ord. 74-1 §17; Ord. 2011-18 §1)

### **Sec. 13-1-170. No use during fire alarm.**

During all alarms of fire, the use of all outlets where a constant flow of water is maintained is positively forbidden.

(Ord. 74-1 §18; Ord. 2011-18 §1)

**Sec. 13-1-180. Use outside corporate limits.**

Use of water outside the corporate limits shall be subject to the paramount rights of users within the corporate limits, and in case there shall be insufficient water to provide for users both within and without the corporate limits, the Board of Trustees may reduce, curtail or shut off the users outside the corporate limits during such period of water shortage or scarcity.

(Ord. 74-1 §19; Ord. 2011-18 §1)

**Sec. 13-1-190. Repair and extension of mains.**

The Town reserves the right, upon reasonable notice, to shut off its mains for the purpose of making repairs or extensions or for any other purpose, and no claim shall be made against the Town by reason of the breakage of any service pipe or service cock or from any other damage that may result from shutting off water for repairing and relaying mains, hydrants or other connections.

(Ord. 74-1 §20; Ord. 2011-18 §1)

**Sec. 13-1-200. Water bills; payments; penalty.**

All charges for water as provided in this Section shall be billed by the Town Clerk at the end of each month and paid monthly at the office of the Town Clerk on the last day of each subsequent month. If such charges are not paid by the end of the subsequent month, they shall become delinquent and the water may be turned off after the giving of at least ten (10) days' notice to the owner of the delinquency and of the right to turn off the water service. Such notice shall be deemed complete upon the date of the mailing. Should any owner or occupant of the premises turn on the water or cause it to be turned off at the curb cock, it will be turned off at the main and a maximum charge of three hundred dollars (\$300.00), plus the cost of labor and materials as determined by the Town, for turning the water off or on, shall be added to the water bill and collected as a part thereof.

(Ord. 74-1 §21; Ord. 1983-2; Ord. 2011-18 §1)

**Sec. 13-1-210. Delinquent water rents; service turned off.**

If for any cause water service shall be turned off, in no case shall it be turned on to the same property until all delinquent water rents and charges have been paid in full. Change of ownership or occupancy shall not affect the application of this Section. This Section shall include water users within or without the corporate limits of the Town. Delinquent water charges shall earn interest at the rate of one and one-half percent (1½%) per month until paid.

(Ord. 74-1 §22; Ord. 1983-2; Ord. 2011-18 §1)

**Sec. 13-1-220. Water account in name of owner.**

All accounts for water shall be kept in the name of the owner of the property and not in the name of any tenant, and the owner only, or his or her legally authorized agent, shall be held responsible for water rents, provided that persons holding under a lease may be supplied on their account where it is impracticable to keep the account in the name of the owner. In such case, the Town may require a deposit of at least one (1) estimated annual water rental, which deposit may be forfeited to the Town at any time when the water rental becomes delinquent, and a new deposit shall be required before further service is rendered.

(Ord. 74-1 §23; Ord. 2011-18 §1)

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

All water rents shall be charged against the owner of the property served and shall be a lien upon the respective lots or parcels of land where said water is used from the time when due and shall be a perpetual charge against said lots or parcels of land until paid. In the event said rents are not paid when due for water service to the property within the corporate limits, the Town Clerk, pursuant to statute, shall certify such delinquent rents to the County Treasurer, and said rent shall be collected in the same manner as though they were part of the taxes.

(Ord. 74-1 §24; Ord. 2011-18 §1)

**Sec. 13-1-240. Unlawful acts.**

It is unlawful for any person to use or take water from the Town water works without a permit therefor, to make any fraudulent representation for the purpose of obtaining water, to take or use water from the water works for a different purpose or purposes than provided in the customer's permit, to willfully and unreasonably waste water, to knowingly tamper with any water meter, or to violate any of the regulations set forth in this Article. Each and every such unlawful act shall constitute a violation of this Article and shall be punishable as herein provided.

(Ord. 74-1 §25; Ord. 1993-2 §5; Ord. 2011-18 §1)

**Sec. 13-1-250. Regulations part of contract.**

All regulations contained in this Section shall be considered a part of the contract of every person taking water from the water works of the Town, and every person taking water shall be considered as having expressly consented to be bound thereby.

(Ord. 74-1 §26; Ord. 2011-18 §1)

**Sec. 13-1-260. Schedule of water rates.**

- (a) All rates and charges for water shall be on a monthly basis. There shall be no reduction in rates or charges or any rebates thereof for use for less than the monthly period, except for rates charged to consumers making new connections to the Town's water system, which rates shall be prorated on the basis of the number of days remaining in the month in which the new connection is made. Rates and charges shall be set out in the Annual Fee Resolution adopted by the Board of Trustees.
- (b) Annual water charges to consumers for water used outside the corporate limits of the Town shall be payable monthly in advance at the rate of one hundred fifty percent (150%) of the rate charged to users inside the Town.

(Ord. 74-1 §27; Ord. 1979-4 §1; Ord. 1983-2; Ord. 1986-4 §§2—4; Ord. 1993-2 §6; Ord. 1994-6 §1; Ord. 1994-8 §1; Ord. 1997-2 §1; Ord. 2011-18 §1)

**Sec. 13-1-270. Extension policies.**

All extensions of water mains shall be built to the specifications of the Town. Water mains shall be installed by the builder-developer according to plans and specifications submitted to and approved by the

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Board of Trustees. In all cases, the work must be performed by qualified individuals and must receive the final approval of the Public Works Director before water service will be provided.

- (1) The builder-developer must pay for the entire project cost, including labor, material, engineering, construction and job inspection by the Town.
- (2) The line size shall be the same as the presently existing mains; except, where additional sized mains are desired or may be required because of possible future extension of the same, the Utilities Department will pay for the extra cost of the oversize. Lines up to four (4) inches will not be considered oversized.
- (3) The Town shall assume full ownership of and responsibility for the water main after final inspection and acceptance by the Town and dedication to the Town of appropriate rights-of-way in fee for the maintenance of the water mains thereunder.
- (4) When a property is connected to the system, the property owner will pay to the Town the applicable tap fee.
- (5) After the property served by an extended main line paid for by a builder-developer is occupied by a paying consumer, the Town will reimburse the builder-developer fifty percent (50%) of the rate income from each said tap until the original cost of the subject extension project has been paid in full.

(Ord. 74-1 §28; Ord. 2011-18 §1)

### **Sec. 13-1-280. Water users; protests.**

All protests by water users concerning the amount or the rate at which they are charged hereunder must be filed in writing with the Town Clerk within sixty (60) days of the date of billing. Such water users shall be notified in writing as to the time and place at which their respective protest will be considered by the Board of Trustees, and such water users shall at that time have the opportunity to show cause why the amount or the rate at which they were charged is in error.

(Ord. 74-1 §29; Ord. 2011-18 §1)

### **Sec. 13-1-290. Special uses.**

No water shall be used for special or unusual uses, such as swimming pools, except by special contract with the Town, which contract shall specify the charges for such water use.

(Ord. 74-1 §30; Ord. 2011-18 §1)

### **Sec. 13-1-300. Water conservation.**

- (a) Outside watering of lawns and gardens shall be limited to two (2) days per week, to occur before 7:00 a.m. or after 7:00 p.m. on the designated days. All addresses ending in an even number shall be permitted to water on Monday and Thursday. All addresses ending in an odd number shall be permitted to water on Tuesday and Saturday. Hand-watering of trees, shrubs, vegetable and flower gardens is allowed at any time.
- (b) Except for watering permitted pursuant to Subsection (a) above, no outside use of water is allowed; i.e., washing of vehicles, buildings, watering of streets, sidewalks, etc.
- (c) All outside watering for any purpose shall be terminated upon order of the Mayor.

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- (d) No water provided by the water system shall be transported by any means beyond the Town limits without express, written authorization of the Board of Trustees.
- (e) The Board of Trustees hereby emphasizes its request to all of its citizens for voluntary conservation of their in-house domestic uses and commercial uses.
- (f) Any violation of the mandatory water conservation measures set forth herein shall be punishable by a fine of not more than one thousand dollars (\$1,000.00).

(Ord. 2002-5; Ord. 2011-18 §1)

### **Sec. 13-1-310. Water emergencies.**

- (a) In the event of a water emergency, as declared by the Town Administrator, the Town Administrator shall have the authority to promulgate rules and regulations governing water usage by all customers of the Town water system.
- (b) Rules and regulations promulgated by the Town Administrator pursuant to the authority of this Section shall include but not be limited to:
  - (1) Limiting lawn watering to certain times of the day, days of the week or times of the month;
  - (2) Prohibiting the waste of water;
  - (3) Prohibiting or limiting the times of day or days per week for washing of cars and other vehicles at residential properties;
  - (4) Prohibiting the use of water for the washing of sidewalks, driveways, patios or similar impervious surfaces;
  - (5) Prohibiting power-washing of housing, fences, windows, decks or other similar impervious surfaces;
  - (6) Prohibiting new lawns from being planted or installed;
  - (7) Rationing the amount of water that can be used by each customer, household and/or business;
  - (8) Prohibiting or limiting any outside irrigation use of water;
  - (9) Prohibiting serving water at restaurants prior to a request for the service of water;
  - (10) Prohibiting the transportation of water from the Town water system beyond the boundaries of the Town without Town permission;
  - (11) Implementing a major public education program on the need to conserve water; and
  - (12) Other similar restrictions designed to conserve water and reduce excess water usage within the boundaries of the Town.
- (c) Upon the promulgation of such rules and regulations pursuant to this Section, the Town Administrator shall publish, post or otherwise make available copies of the rules and regulations in the manner determined by the Town Administrator as best calculated to reach the largest number of water consumers.
- (d) Any person violating any provision of this Section, or of the rules and regulations promulgated by the Town Administrator pursuant to this Section, shall, upon conviction, be punished by a fine not exceeding one thousand dollars (\$1,000.00) for each violation. The assessment of fines for violations of this Article or the rules and regulations promulgated hereunder will be through the Town utility bill for the responsible party's billing account. The responsible party shall be defined as the owner, manager, supervisor or person who receives the water utility bill, or person in charge of the property, facility or operation during the period of time the violation is observed. All fines must be paid within the normal payment period allowed by the Town utility billing system. The Town Administrator may, as part of the rules and regulations promulgated pursuant to this Section, establish a progressive

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schedule of warnings and/or fines subject to approval of such schedule by the Board of Trustees by resolution or motion.

(Ord. 2011-17 §§1—4; Ord. 2011-18 §1)

### **Sec. 13-1-320. Penalty.**

Any person who willfully violates any of the provisions of this Section 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.

(Ord. 74-1 §31; Ord. 2011-18 §1)

## **ARTICLE 2 Sewer Service**

Division 1 - General Provisions

Division 2 - Public Sewer System

Division 3 - Fees and Charges

Division 4 - Inclusion of Property

Division 5 - Technical Specifications

Division 6 - Miscellaneous Provisions

Division 7 - Enforcement

### **Division 1 General Provisions**

[Sec. 13-2-10. Authority.](#)

[Sec. 13-2-20. Scope.](#)

[Sec. 13-2-30. Policy and purpose.](#)

[Sec. 13-2-40. Definitions.](#)

[Sec. 13-2-50. Ownership.](#)

[Sec. 13-2-60. Appointment of officers.](#)

[Sec. 13-2-70. Powers and authority of Public Works Director.](#)

### **Sec. 13-2-10. Authority.**

There is hereby created and established a Sewer Department of the Town for the purpose of the management, maintenance, care and operation of the wastewater and sewer facilities of the Town.

(Ord. 1979-1 §1; 1979-3 §1; Ord. 2011-18 §1)

**Sec. 13-2-20. Scope.**

These regulations are to be treated as comprehensive, governing the activities of the Sewer Department.

(Ord. 1979-1 §1; Ord. 1979-3 §1; Ord. 2011-18 §1)

**Sec. 13-2-30. Policy and purpose.**

These regulations are hereby declared to serve a public purpose and are necessary to protect the public health, safety and welfare.

(Ord. 1979-1 §1; Ord. 1979-3 §1; Ord. 2011-18 §1)

**Sec. 13-2-40. Definitions.**

Unless the context clearly requires otherwise, the meanings of terms used herein shall be as follows:

Board of Trustees means the Board of Trustees of the Town of Alma, which Board shall exercise all of the powers of the Department.

Contractor means any person, firm or corporation licensed by the County to perform work and to furnish materials therefor within the Department.

Customer means any person, company, corporation or governmental authority or agency authorized to use water or connect to a sewer main under a permit issued by the Board of Trustees.

Department means the Sewer Department established in Section 13-2-10 of this Article.

May is permissive.

Permit means written permission of the Board of Trustees to connect to a sewer main of the Town pursuant to the rules and regulations of the Department.

Person means any individual, firm, company, association, society, corporation or group.

Public Works Director means the person, or his or her designee, duly authorized by the Town to enforce these rules and regulations.

Service line means the pipe, line or conduit from the sewer main to an individual house or other structure.

Sewer main means any sewer pipe, line or portion thereof owned by the Town.

Sewer tap means the act of connecting a service line to a sewer main.

Shall is mandatory.

Tap or connection means the connecting of the service line to the structure which it is to serve.

Town means the Town of Alma, Colorado, acting by and through its Board of Trustees.

User means any person to whom sewer service is served, be it renter, record owner, corporation, company, individual, etc.

(Ord. 1979-1 §1; Ord. 1979-3 §1; Ord. 2011-18 §1)

**Sec. 13-2-50. Ownership.**

The Town shall own all of the wastewater and sewer facilities located within the Town limits, including sewer mains and all incidental equipment.

(Ord. 1979-1 §1; Ord. 1979-3 §1; Ord. 2011-18 §1)

**Sec. 13-2-60. Appointment of officers.**

The Board of Trustees may employ such staff as it deems necessary in order to conduct the normal business of the Department, including a Public Works Director. The Board of Trustees may appoint one (1) or more of its number to such positions, to serve therein with or without compensation, as the Board of Trustees may provide.

(Ord. 1979-1 §1; Ord. 1979-3 §1; Ord. 2011-18 §1)

**Sec. 13-2-70. Powers and authority of Public Works Director.**

The Public Works Director shall be permitted to enter upon all properties for the purpose of inspection, observation, measurement, sampling and testing, in accordance with the provisions of these regulations.

(Ord. 1979-1 §1; Ord. 1979-3 §1; Ord. 2011-18 §1)

**Division 2 Public Sewer System**

[Sec. 13-2-110. Mandatory connection; permit required; exemptions.](#)

[Sec. 13-2-120. Independent connections.](#)

[Sec. 13-2-130. Disconnection.](#)

[Sec. 13-2-140. Service line maintenance.](#)

[Sec. 13-2-150. Inspection of property.](#)

[Sec. 13-2-160. Cancellation of application and refund of fees.](#)

[Sec. 13-2-170. Denial of application.](#)

[Sec. 13-2-180. Change in customer's equipment or service.](#)

[Sec. 13-2-190. Unauthorized connections.](#)

[Sec. 13-2-200. Separate trenches and inspection.](#)

[Sec. 13-2-210. Termination of service.](#)

**Sec. 13-2-110. Mandatory connection; permit required; exemptions.**

- (a) All properties receiving water from the Town's water system or from domestic wells must be connected to the central sewer system of the Town, and all provisions of these rules and regulations, including the payment of tap fees, shall apply to such properties. The use of any sewage disposal system by such properties other than the central sewage system of the Town is hereby prohibited.

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- (b) All new construction of any nature within the boundaries of the Town must be connected to the central sewer system of the Town prior to occupancy or use.
- (c) Before any connection is made to the public sewer system, a permit shall be obtained from the Board of Trustees, and the required charges and fees therefor shall be paid. Application for such permit shall be made to the Board of Trustees at least seven (7) days prior to the next Board meeting on forms approved by the Board of Trustees.
- (d) Upon application to the Board of Trustees, the Board of Trustees alone may grant an exemption from the requirements of this Section, upon a finding by the Board of Trustees that all of the following conditions have been met:
  - (1) The use or contemplated use of the property is either a single-family or duplex (two-family) residence;
  - (2) The structure proposed to be exempted is located a minimum of four hundred (400) feet from the nearest existing sewer main;
  - (3) The structure proposed to be exempted is situate on a parcel of land in common ownership of not less than one (1) acre; and
  - (4) The site is adequate to accommodate a leach field installation in compliance with all applicable regulations of the County and the State.
- (e) All properties which are required to connect to the central sewer system of the Town by terms of Paragraph (d)(1) above, and which properties have not been connected to the central sewer system, shall be deemed in violation of these rules and regulations and, in addition to the penalties provided in Division 7 of this Article, shall be assessed a penalty of two hundred dollars (\$200.00), and a per diem penalty of five dollars (\$5.00) shall be assessed against the property. Such amounts, if not paid, shall become a lien upon the property.

(Ord. 1979-1 §1; Ord. 1979-3 §1; Ord. 1980-4 §1; Ord. 1981-5 §1; Ord. 2011-18 §1)

### **Sec. 13-2-120. Independent connections.**

- (a) Each parcel of land in separate ownership shall have independent connection to the facilities of the Town and shall not be interconnected with any other sewer system unless specifically authorized by the Board of Trustees.
- (b) Where a parcel of land has more than one (1) separate building thereon, each separate building shall be independently served, except that, where one (1) separate residential building stands in the rear of another separate residential building, a service line from the front separate residential building may be extended only upon such terms and conditions as shall be approved by the Board of Trustees.
- (c) Where a parcel of land has more than one (1) separate building thereon, under conditions of a unified development and under one (1) ownership, application may be made to the Board of Trustees for a single service line to be permitted and upon what conditions, and the property owner may then enter into an agreement with the Town setting forth such conditions. Such agreement shall run with the land and shall be recorded in the records of the County Clerk and Recorder.

(Ord. 1979-1 §1; Ord. 1979-3 §1; Ord. 2011-18 §1)

### **Sec. 13-2-130. Disconnection.**

No service line connected to the public sewer system shall be disconnected therefrom without the issuance of a permit from the Board of Trustees, which permit shall specify how the disconnection shall be conducted and sealed to prevent leakage or contamination of the system. All disconnections must be made at that point where the service line actually physically connects to the public sewer system.

(Ord. 1979-1 §1; Ord. 1979-3 §1; Ord. 2011-18 §1)

**Sec. 13-2-140. Service line maintenance.**

It shall be the responsibility of the property owner to maintain the sewer service lines in good repair at all times and to preserve the proper connection of the service lines to the sewer system of the Town. If the property owner fails to properly maintain his or her service lines, the Town shall maintain them, after written notice to the property owner, for a specified charge.

(Ord. 1979-1 §1; Ord. 1979-3 §1; Ord. 2011-18 §1)

**Sec. 13-2-150. Inspection of property.**

The Public Works Director shall have the right to enter upon any premises being served by the public sewer system of the Town at any time for probable cause.

(Ord. 1979-1 §1; Ord. 1979-3 §1; Ord. 2011-18 §1)

**Sec. 13-2-160. Cancellation of application and refund of fees.**

The Town reserves the right to revoke any application previously granted before services have been provided.

(Ord. 1979-1 §1; Ord. 1979-3 §1; Ord. 2011-18 §1)

**Sec. 13-2-170. Denial of application.**

The Town reserves the right to deny application for service on the following grounds:

- (1) That the service applied for would create an excessive seasonal or other demand upon the facilities and/or financial position of the Town.
- (2) Failure of the applicant to comply with these regulations.

(Ord. 1979-1 §1; Ord. 1979-3 §1; Ord. 2011-18 §1)

**Sec. 13-2-180. Change in customer's equipment or service.**

Prior to making any change in sewer service, a customer shall file an amended application with the Town at least one (1) week prior to the next Board of Trustees meeting. No change in the customer's equipment or service shall be made without the prior approval of the Town being first obtained.

(Ord. 1979-1 §1; Ord. 1979-3 §1; Ord. 2011-18 §1)

**Sec. 13-2-190. Unauthorized connections.**

Any and all connections made to a public sewer line without first obtaining a permit and the approval and consent of the Public Works Director, or if any person violates the connection and repair of the connection lines, then in either of such events, such connections to the public sewer system shall be summarily disconnected by the Public Works Director at the cost of the person making such unauthorized

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connection. All costs of disconnection, until paid, shall constitute a perpetual lien against such property. In the event that the licensed contractor is also guilty of making an unauthorized connection, he or she shall be fined and, at the discretion of the Board of Trustees, be prohibited from doing any work within the Town.

(Ord. 1979-1 §1; Ord. 1979-3 §1; Ord. 2011-18 §1)

### **Sec. 13-2-200. Separate trenches and inspection.**

No water service line shall be laid under any sewer main line or leaching fields. Water and sewer main lines shall be horizontally separated from each other by a minimum of ten (10) feet unless suitably encased and protected from danger of contamination of water lines, and water lines shall be separated from septic systems or leaching fields by such minimum as may be prescribed by appropriate regulatory authority in any given case. All water or sewer service lines must be approved by the Public Works Director before the trench is filled. Any trench filled before such approval is obtained may be required to be fully reopened at the expense of the contractor for proper inspection.

(Ord. 1979-1 §1; Ord. 1979-3 §1; Ord. 2011-18 §1)

### **Sec. 13-2-210. Termination of service.**

The Town reserves the right to cancel any contract entered into with any person upon giving written notice to such person of the Town's intention to do so. No person shall obtain, claim or assert any perpetual easement in any right to sewer services or mains or connections under any contract, and such person shall be bound by all rules and regulations adopted by the Town.

(Ord. 1979-1 §1; Ord. 1979-3 §1; Ord. 2011-18 §1)

## **Division 3 Fees and Charges**

[Sec. 13-2-310. General provisions.](#)

[Sec. 13-2-320. Single-family residential tap fees.](#)

[Sec. 13-2-330. Commercial, industrial and multi-family tap fees.](#)

[Sec. 13-2-340. Sanitary sewer service charges.](#)

[Sec. 13-2-350. Connection fee.](#)

[Sec. 13-2-360. Dumping charges.](#)

[Sec. 13-2-370. Fees and service charges for sewer.](#)

### **Sec. 13-2-310. General provisions.**

Tap fees and permits are not transferable and may be used only on the property to which assigned or to any property if such two (2) properties are under common ownership. Tap fees sold after the adoption of these rules and regulations are not transferable.

(Ord. 1979-1 §1; Ord. 1979-3 §1; Ord. 2011-18 §1)

**Sec. 13-2-320. Single-family residential tap fees.**

The fee for a single-family sewer tap shall be as set forth in the Annual Fee Resolution adopted by the Board of Trustees. Application must be made with the Utilities Board for any such tap by all owners of single-family residences within the Town, which is being or will be occupied for residential purposes and is being or will be supplied with water from the Town's water system. The Utilities Board may establish, by separate ordinance or resolution, the sewer tap fee for any non-single-family residential unit.

(Ord. 1979-1 §1; Ord. 1979-3 §1; Ord. 1997-2 §2; Ord. 2011-18 §1)

**Sec. 13-2-330. Commercial, industrial and multi-family tap fees.**

The Town will establish fees for commercial, industrial and multi-family uses on an individual basis, depending upon the nature, size and use to be made by reason of such connection. For those uses regarding which the Town has established single-family equivalents (SFEs) for purposes of monthly service charges, the tap fee shall be as set forth in the Annual Fee Resolution adopted by the Board of Trustees, multiplied by the number of SFEs attributed to that use, but in no event less than one (1) SFE.

(Ord. 1979-1 §1; Ord. 1979-3 §1; Ord. 1986-6; Ord. 2011-18 §1)

**Sec. 13-2-340. Sanitary sewer service charges.**

The sanitary sewer service charge for users is set forth in the Annual Fee Resolution adopted by the Board of Trustees.

(Ord. 1997-2 §3; Ord. 2011-18 §1)

**Sec. 13-2-350. Connection fee.**

Whenever, under these rules and regulations, a special permit is required for a connection, before issuance of such a permit, the Board of Trustees shall prescribe whatever terms, restrictions, conditions, charges and costs as are considered necessary by the Board of Trustees.

(Ord. 1979-1 §1; Ord. 1979-3 §1; Ord. 2011-18 §1)

**Sec. 13-2-360. Dumping charges.**

- (a) The charges for dumping of septic tank truck loads or recreational vehicle sanitary facilities tanks shall be as set forth in the Annual Fee Resolution adopted by the Board of Trustees.
- (b) Such dumping shall be permitted only at times and places permitted by the Town.

(Ord. 1979-1 §1; Ord. 1979-3 §1; Ord. 2011-18 §1)

**Sec. 13-2-370. Fees and service charges for sewer.**

All fees, charges, rates and tolls to be established shall be as set forth in the Annual Fee Resolution adopted by the Board of Trustees.

(Ord. 1979-1 §1; Ord. 1979-3 §1; Ord. 2011-18 §1)

**Division 4 Inclusion of Property**

[Sec. 13-2-410. Application for sewer system extension.](#)

[Sec. 13-2-420. Bids for construction.](#)

[Sec. 13-2-430. Engineering and supervision of construction.](#)

[Sec. 13-2-440. Contract.](#)

[Sec. 13-2-450. Cost of construction.](#)

[Sec. 13-2-460. Construction of service lines.](#)

**Sec. 13-2-410. Application for sewer system extension.**

An application upon a form prescribed by the Town for a system extension for new service within the Town shall be submitted to the Town for its consideration at a regular meeting of the Board of Trustees. Attached to the application shall be a check in an amount prescribed by the Board of Trustees as a preliminary deposit for engineering services related to the extension. The application shall contain a description of the property for which service is requested. Where necessary, a commitment of right-of-way or easements shall be provided to the Town without charge. All system extensions shall become the property of the Town.

(Ord. 1979-1 §1; Ord. 1979-3 §1; Ord. 2011-18 §1)

**Sec. 13-2-420. Bids for construction.**

At the option of the applicant, the Town shall solicit bids for the work, or the applicant may negotiate his or her own contract for construction, subject to Town supervision and approval of form.

(Ord. 1979-1 §1; Ord. 1979-3 §1; Ord. 2011-18 §1)

**Sec. 13-2-430. Engineering and supervision of construction.**

All sewer system extensions shall be planned and designed, with material and workmanship specified by the Board of Trustees.

(Ord. 1979-1 §1; Ord. 1979-3 §1; Ord. 2011-18 §1)

**Sec. 13-2-440. Contract.**

Construction of the proposed extension shall be commenced only after the Town has been provided with an authenticated copy of all guarantees required by the Town, a certificate of public liability and property damage insurance and a certificate showing compliance with the Workers' Compensation Act of the State.

(Ord. 1979-1 §1; Ord. 1979-3 §1; Ord. 2011-18 §1)

**Sec. 13-2-450. Cost of construction.**

- (a) The applicant shall pay all costs for the construction of any lines extended, including engineering fees; costs of deposits, if any, of preliminary studies; and any costs or expense of acquiring easements or rights-of-way as required by such lines extended.
- (b) From September through May, inclusive, frost conditions will prevent new connections to the sewer main. Such connections may be made only with the express permission of the Board of Trustees.

(Ord. 1979-1 §1; Ord. 1979-3 §1; Ord. 2011-18 §1)

**Sec. 13-2-460. Construction of service lines.**

Construction of all service lines shall be done by contractors licensed and bonded by the County. For the purposes of these rules and regulations, contractors shall be deemed to include plumbers and drain layers licensed by the Town.

(Ord. 1979-1 §1; Ord. 1979-3 §1; Ord. 2011-18 §1)

**Division 5 Technical Specifications**

[Sec. 13-2-510. Sewer service lines.](#)

[Sec. 13-2-520. Inspection.](#)

[Sec. 13-2-530. Installation.](#)

[Sec. 13-2-540. Maintenance.](#)

[Sec. 13-2-550. Responsibilities of customer.](#)

**Sec. 13-2-510. Sewer service lines.**

Service lines shall meet those specifications as set forth by the Colorado Department of Public Health and Environment, the County and Town building codes and all regulations imposed by any governmental authority relating to sewer line construction and, in addition, such further and additional restrictions as may from time to time be imposed by the Board of Trustees.

(Ord. 1979-1 §1; Ord. 1979-3 §1; Ord. 2011-18 §1)

**Sec. 13-2-520. Inspection.**

Inspections shall be made on all connections and service lines prior to commencement of service. Ditches shall not be filled until such inspections are made and approval obtained.

(Ord. 1979-1 §1; Ord. 1979-3 §1; Ord. 2011-18 §1)

**Sec. 13-2-530. Installation.**

The laying, trenching and standards of care relating to the installation of sewer lines shall be at least equal to those imposed from time to time by the Colorado Department of Public Health and Environment,

the County and Town building codes. No permit will be issued until all plans and specification for such lines are approved by the Board of Trustees, and no inspections will be approved or accepted unless approved by the Public Works Director.

(Ord. 1979-1 §1; Ord. 1979-3 §1; Ord. 2011-18 §1)

**Sec. 13-2-540. Maintenance.**

The Town shall assume no responsibility or liability for the operation or the maintenance of any service line.

(Ord. 1979-1 §1; Ord. 1979-3 §1; Ord. 2011-18 §1)

**Sec. 13-2-550. Responsibilities of customer.**

Each customer shall be responsible for maintaining the entire length of his or her sewer service line. Leaks or breaks in the service lines shall be repaired by a contractor employed by the property owner. The Town shall shut off the service until the leak or break has been repaired.

(Ord. 1979-1 §1; Ord. 1979-3 §1; Ord. 2011-18 §1)

**Division 6 Miscellaneous Provisions**

[Sec. 13-2-610. Title to lines and facilities.](#)

[Sec. 13-2-620. Revocation of contractor's license.](#)

[Sec. 13-2-630. Sealing of individual systems.](#)

[Sec. 13-2-640. Interpretation.](#)

[Sec. 13-2-650. Severability.](#)

[Sec. 13-2-660. Reservation of right to change regulations.](#)

[Sec. 13-2-670. Limitation.](#)

**Sec. 13-2-610. Title to lines and facilities.**

All sewerage facilities of the Town, whether laid in a public street, road, right-of-way or easement, other than those lines commonly denoted as service lines, shall, upon completion and acceptance by the Town, become and are the property of the Town, whether such lines were laid by any person or by the Town, and no person shall have any right, title and interest in such lines. Any recovery-back contract, if granted by the Town, shall only bestow a contractual right in the contracting parties to receive money in accordance with the terms thereof and never indirectly or by inference be deemed or interpreted by the parties to convey any right, title or interest in said lines by any person other than the Town. An individual sewage disposal system constitutes a sewer main.

(Ord. 1979-1 §1; Ord. 1979-3 §1; Ord. 2011-18 §1)

**Sec. 13-2-620. Revocation of contractor's license.**

The violation of any of these rules and regulations, or the Town's installation specifications, shall constitute sufficient grounds for revocation of the license. Whenever it appears that a violation has been committed, the contractor shall be sent a written notice stating the date at which the Board of Trustees intends to enter an order preventing further work for good cause shown.

(Ord. 1979-1 §1; Ord. 1979-3 §1; Ord. 2011-18 §1)

**Sec. 13-2-630. Sealing of individual systems.**

The Board of Trustees may require any user of the sewer service provided by the Town to seal off and/or fill with earth his or her preexisting individual septic or sewage treatment system, upon a finding that such system presents a hazard to the public health or safety.

(Ord. 1979-1 §1; Ord. 1979-3 §1; Ord. 1980-4 §3; Ord. 2011-18 §1)

**Sec. 13-2-640. Interpretation.**

Any dispute as to the interpretation of these rules and regulations, or as to their application in any given case, shall be submitted to the Board of Trustees. Its decision thereon shall be final and conclusive.

(Ord. 1979-1 §1; Ord. 1979-3 §1; Ord. 2011-18 §1)

**Sec. 13-2-650. Severability.**

If any provisions of these rules and regulations are held invalid, for whatever reason, by a court of competent jurisdiction, as part of a judgment, judicial decree or court order, or otherwise, such adjudication shall not affect in any manner or particular any of the other provisions contained in these rules and regulations, and the remainder thereof shall remain in full force and effect.

(Ord. 1979-1 §1; Ord. 1979-3 §1; Ord. 2011-18 §1)

**Sec. 13-2-660. Reservation of right to change regulations.**

The Board of Trustees reserves the right and authority to change the rules and regulations set forth in this Article at any time in the manner provided by law.

(Ord. 1979-1 §1; Ord. 1979-3 §1; Ord. 2011-18 §1)

**Sec. 13-2-670. Limitation.**

These rules and regulations are an implementation, on the part of the Board of Trustees, of some of the powers conferred upon the Board of Trustees by statute. These rules and regulations are in no way to be construed as a limitation upon the powers of the Board of Trustees, nor as an expression of the Board of Trustees on only so much of its powers as it intends to use.

(Ord. 1979-1 §1; Ord. 1979-3 §1; Ord. 2011-18 §1)

**Division 7 Enforcement**

[Sec. 13-2-710. Enforcement.](#)

[Sec. 13-2-720. Notice of violation.](#)

[Sec. 13-2-730. Penalties.](#)

[Sec. 13-2-740. Liability.](#)

[Sec. 13-2-750. Protection from damage.](#)

[Sec. 13-2-760. Unpaid sewer charges a lien.](#)

[Sec. 13-2-770. Disconnection of service.](#)

**Sec. 13-2-710. Enforcement.**

It is hereby made the duty of the Public Works Director to enforce these rules and regulations, to investigate all reports of violations and to report the same promptly to the Town for remedial action.

(Ord. 1979-1 §1; Ord. 1979-3 §1; Ord. 2011-18 §1)

**Sec. 13-2-720. Notice of violation.**

Any person found to be violating any of the provisions of these rules and regulations shall be served with written notice stating the nature of the violation and providing a reasonable time limit for satisfactory correction thereof.

(Ord. 1979-1 §1; Ord. 1979-3 §1; Ord. 2011-18 §1)

**Sec. 13-2-730. Penalties.**

Any person who continues any violation beyond the time limit provided above shall be charged with a misdemeanor and, upon conviction thereof, shall be fined in an amount as established by the courts for each violation. In addition, the Town may disconnect service to such violator without warning or notice, in which case, he or she shall be subject to all fees and charges also provided herein.

(Ord. 1979-1 §1; Ord. 1979-3 §1; Ord. 2011-18 §1)

**Sec. 13-2-740. Liability.**

Any person violating any of the provisions of the rules and regulations set forth in this Article shall become liable to the Board of Trustees for any expense, loss or damage occasioned by reason of such violation.

(Ord. 1979-1 §1; Ord. 1979-3 §1; Ord. 2011-18 §1)

**Sec. 13-2-750. Protection from damage.**

No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the sewer facilities. Any person violating this provision shall be subject to immediate arrest under charge and prosecuted according to law. Persons responsible for water loss for any reason shall be charged at the discretion of the Board of Trustees for such loss.

(Ord. 1979-1 §1; Ord. 1979-3 §1; Ord. 2011-18 §1)

**Sec. 13-2-760. Unpaid sewer charges a lien.**

All sewer charges shall be charged against the owner of the property served, shall be a lien upon the respective lots or parcels of land where such sewer service is used or provided from the time when due and shall be a perpetual charge against such lots or parcels of land until paid. In the event such charges are not paid when due for sewer service to property within the corporate limits of the Town, the Town Clerk shall certify such delinquent charges to the County Treasurer, and such charges shall be collected in the same manner as though they were part of the taxes.

(Ord. 1979-1 §1; Ord. 1979-3 §1; Ord. 1983-1; Ord. 2011-18 §1)

**Sec. 13-2-770. Disconnection of service.**

The Town will deliver by hand or mail to the user a shut-off notice. Said shut-off notice will require the bill to be paid within ten (10) days of the time of service of the notice. If neither the sewer user nor the occupant can be located for personal service, it shall be lawful to attach said notice to the front door.

(Ord. 1979-1 §1; Ord. 1979-3 §1; Ord. 2011-18 §1)

**ARTICLE 3 Cross-Connection Control and Backflow Prevention**

[Sec. 13-3-10. Purpose.](#)

[Sec. 13-3-20. Authority.](#)

[Sec. 13-3-30. Reference manuals.](#)

[Sec. 13-3-40. Responsibility.](#)

[Sec. 13-3-50. Definitions.](#)

[Sec. 13-3-60. Requirements.](#)

[Sec. 13-3-70. Violations and penalties.](#)

**Sec. 13-3-10. Purpose.**

The purpose of this Article is to protect the Town water system from contamination or pollution by backflow from a customer's internal distribution system or private water system, and to provide for the maintenance of a continuing program of cross-connection control which will systematically prevent the contamination or pollution of the Town water system.

(Ord. 2004-1 §2; Ord. 2011-18 §1)

**Sec. 13-3-20. Authority.**

The authority to implement and maintain a program on cross-connection control is contained in the following legislative actions:

- (1) Colorado Department of Public Health and Environment Law Sections 25-1-114 and 25-1-114.1, C.R.S.
- (2) Colorado Primary Drinking Water Regulations, Article 12, Section 11.1.2 (Hazardous Cross-Connections).
- (3) Colorado Cross-Connection Control Manual, Colorado Department of Public Health and Environment, latest edition.
- (4) Occupational Safety and Health Administration, 29 C.F.R. § 1910.141.
- (5) The plumbing code as adopted in Chapter 18 of this Code.

(Ord. 2004-1 §3; Ord. 2011-18 §1)

**Sec. 13-3-30. Reference manuals.**

The following reference manuals are adopted as guidelines on cross-connection control:

- (1) Manual of Cross-Connection Control, Foundation for Cross-Connection Control and Hydraulic Research, University of Southern California.
- (2) Recommended Practice for Backflow Prevention and Cross-Connection Control, AWWA Manual M14.
- (3) Colorado Cross-Connection Control Manual, Colorado Department of Public Health and Environment.

(Ord. 2004-1 §4; Ord. 2011-18 §1)

**Sec. 13-3-40. Responsibility.**

- (a) The Public Works Director shall be responsible for the protection of the public potable water distribution system from contamination or pollution due to backflow of contaminants or pollutants through the water service connection. If, in the judgment of the Public Works Director, an approved backflow prevention assembly is required at the Town water service connection to any customer's premises for the protection of the Town water system, the Public Works Director shall give notice in writing to the customer to install an approved backflow prevention assembly at each service connection to the premises. The customer shall install an approved assembly at the customer's own expense, and failure, refusal or inability on the part of the customer to install, have tested and maintained said assembly within the time period specified by the Public Works Director shall constitute grounds for discontinuing water service to the premises until such requirements have been satisfactorily met.
- (b) No provision of this Article exempts the owner from the cross-connection control provisions for internal water distribution systems as contained in the plumbing code, adopted by reference in Chapter 18 of this Code.

(Ord. 2004-1 §5; Ord. 2011-18 §1)

**Sec. 13-3-50. Definitions.**

As used in this Article, the following words or phrases are defined as follows:

Approved means accepted by the Town as meeting the applicable specification stated or cited in this Article or as suitable for the proposed use.

Auxiliary water supply means any water supply on or available to the premises other than the Town's approved public potable water supply. These auxiliary waters may include water from another purveyor's public potable water supply or any natural source, such as a well, spring, river, stream, pond, lake, etc., or used waters or industrial fluids. These waters may be polluted or contaminated or may be objectionable and constitute an unacceptable water source over which the Town does not have sanitary control.

Backflow means the undesirable reversal of the direction of flow of the water or mixtures of water and other liquid, gases or other substances into the distribution pipes of the potable water supply from any source or sources caused by backpressure and/or backsiphonage.

Backflow preventer means an assembly or means designed to prevent backflow created by backpressure and/or backsiphonage.

- a. Air gap means the unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture or other device and the flood level rim of said vessel. An approved air gap shall be at least double the diameter of the supply pipe, measured vertically above the top of the rim of the vessel, and in no case less than one (1) inch. When an air gap is used at the service connection to prevent the contamination or pollution of the public potable water system, an emergency bypass shall be installed around the air gap system and an approved reduced pressure principal device shall be installed in the bypass system.
- b. Double check valve assembly means an assembly of two (2) independently acting, approved check valves between two (2) tightly closing resilient-seated shut-off valves and fitted with four (4) properly located resilient-seated test cocks for the testing of each check valve. This assembly shall only be used to protect against a non-health hazard (i.e., pollutant).
- c. Reduced pressure principal assembly means an assembly containing two (2) independently acting, approved check valves together with a hydraulically operating, mechanically independent pressure differential relief valve located between the check valves and at the same time below the first check valve. The unit shall include tightly closing resilient-seated shut-off valves at each end of the assembly, plus (4) properly located resilient-seated test cocks for the testing of the check and relief valves. This assembly is designed to protect against a non-health hazard (i.e., pollutant) or a health hazard (i.e., contaminant).
- d. Vacuum breaker, pressure type means a vacuum breaker designed to prevent backsiphonage only, consisting of a spring-loaded check valve, a spring-loaded air inlet opening, a tightly closing shut-off valve on each side of the assembly and two (2) appropriately located test cocks for testing the check valve. The assembly shall not be subjected to backpressure.

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

Backsiphonage means the flow of water or other liquids, mixtures, gases or substances into the distribution pipes of a potable water supply system caused by negative or sub-atmospheric pressure in the potable water supply system.

Certified tester means a person who has passed a state-approved testing and inspection course and who is listed by the State as a certified tester.

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Check valve means a self-closing device which is designed to permit the flow of fluids in one (1) direction and to close if there is a reversal of flow.

Colorado Department of Public Health and Environment Cross-Connection Control Manual means a manual published by the State addressing cross-connection control practices, which shall be used as a guidance document for the Town in implementing a cross-connection control program.

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

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

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

Flood-level rim means the edge of the receptacle from which liquid overflows.

Hazard, degree of means either a pollution (non-health) or contamination (health) hazard and is derived from an evaluation of conditions within a system.

- a. Hazard, health means any condition, assembly or practice in the water supply system and its operation which could create or, in the judgment of the Town, may create a danger to the health and well-being of the water consumer. An example of a health hazard is a structural defect, including cross-connections, in a water supply system, or a direct connection of a potable water supply line to a sanitary sewer.
- b. Hazard, plumbing means an internal or plumbing type cross-connection in a customer's potable water system that may be either a pollution or a contamination type hazard.
- c. 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 customer's potable water system and which would constitute a nuisance or be aesthetically objectionable or could cause damage to the system or its appurtenances, but would not be a threat to life or be dangerous to health.
- d. Hazard, system means an actual or potential threat of severe damage to the physical properties of the potable water system or the customer'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 fluid means any fluid or solution which may be chemically, biologically or otherwise contaminated or polluted in a form or concentration which would constitute a health, system, pollutional or plumbing hazard if introduced into an approved water supply. This may include, but not be limited to: polluted or contaminated used waters; all types of process waters and used waters originating from the public potable water system which may deteriorate in sanitary quality; chemicals in fluid form; plating acids and alkalis; circulated cooling waters connected to an open cooling tower and/or cooling waters that are chemically or biologically treated or stabilized with toxic substances; contaminated natural waters, such as from wells, springs, streams, rivers, lakes, dams, ponds, retention pits, irrigation canals or systems, etc.; and oils, gases, glycerine, paraffins, caustic and acid solutions and other liquid and gaseous fluids used industrially, for other processes or for firefighting purposes.

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

Vacuum means any pressure less than atmospheric pressure.

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

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

Water service connection means the terminal end of the Town's service connection from the potable water distribution system; i.e., where the Town loses jurisdiction and sanitary control of the water at its point of delivery to the customer's water system. If a water meter is installed at the end of the service connection, then the service connection shall mean the downstream end of the water meter. The term shall also include water service connection from a fire hydrant and all other temporary or emergency water service connections from the public potable water system.

Water supply system includes two (2) parts: the Town system and the customer system. The Town system shall consist of the source facilities and the distribution system and shall include all those facilities of the water system under the complete control of the Town, up to the point where the customer's system begins. The source shall include all components of the facilities utilized in the production, treatment, storage and delivery of water to the distribution system. The distribution system shall include the network of conduits used for the delivery of water from the source to the customer's system. The customer's system shall include those parts of the facilities, beyond the termination of the Town distribution system (service connection), which are utilized in conveying Town-delivered domestic water to points of use.

Water, used means any water supplied by the Town from the public potable water system to a customer's water system after it has passed through the service connection and is no longer under the control of the Town.

(Ord. 2004-1 §6; Ord. 2011-18 §1)

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

(a) Policy.

- (1) No water service connection to any premises shall be installed or maintained by the Town unless the water supply is protected as required by state statutes and regulations of the Colorado Department of Public Health and Environment and as required by this Article. Service of water to any premises may be discontinued by the Town, pursuant to Section 13-3-70 below, if a backflow prevention assembly required by this Article is not installed, tested and maintained. Furthermore, service shall be discontinued if it is found that a backflow prevention assembly has been removed or bypassed or if an unprotected cross-connection exists on the premises. Service will not be restored until such conditions or defects are corrected.
  - (2) The customer's system shall be open for inspection at all reasonable times to authorized representatives of the Director to determine whether cross-connections or other structural or sanitary hazards, including violations of these regulations, exist.
- (b) Premises requiring the installation of backflow prevention assemblies. An approved backflow prevention assembly shall be installed on each service line to a customer's water system at or near the property line or immediately inside the structure being served, but, in all cases, before the first branch line leading off the service line wherever the following conditions exist:
- (1) In the case of premises having an auxiliary water supply which is not or may not be of safe bacteriological or chemical quality and which is not acceptable as an additional source by the Director, the water system shall be protected against backflow from the premises by installing an approved backflow prevention assembly in the service line commensurate with the degree of hazard.

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- (2) In the case of premises on which any industrial fluids or any other objectionable substance is handled in such a fashion as to create an actual or potential hazard to the water system, the water system shall be protected against backflow from the premises by installing an approved backflow prevention assembly in the service line commensurate with the degree of hazard. This shall include the handling of process waters originating from the utility system which have been subject to deterioration in quality.
  - (3) In the case of premises having internal cross-connections that cannot be permanently corrected or protected against or intricate plumbing and piping arrangements, or where entry to all portions of the premises is not readily accessible for inspection purposes, making it impracticable or impossible to ascertain whether or not dangerous cross-connections exist, the water system shall be protected against backflow from the premises by installing an approved backflow prevention assembly in the service line.
- (c) Type of backflow prevention assembly required. The type of protective assembly required under Subsection (b) above shall depend upon the degree of hazard which exists, as follows:
- (1) In the case of any premises where there is an auxiliary water supply and it is not subject to any of the following rules, the water system shall be protected by an approved air gap or an approved reduced pressure principal backflow prevention assembly.
  - (2) In the case of any premises where there is water or any other substance that would be objectionable but not hazardous to health if introduced into the water system, the water system shall be protected by an approved double check valve backflow prevention assembly.
  - (3) In the case of any premises where there is any material dangerous to health which is handled in such a fashion as to create an actual or potential hazard to the water system, the water system shall be protected by an approved air gap or an approved reduced pressure principal backflow prevention assembly. Examples of premises where these conditions will exist include sewage treatment plants, sewage pumping stations, chemical manufacturing plants, hospitals, mortuaries and plating plants.
  - (4) In the case of any premises where there are unprotected cross-connections, either actual or potential, the water system shall be protected by an approved air gap or an approved reduced pressure principal backflow prevention assembly.
  - (5) In the case of any premises where, because of security requirements or other prohibitions or restrictions, it is impossible or impractical to make a complete in-plant cross-connection survey, the water system shall be protected against backflow from the premises by an approved air gap or an approved reduced pressure principal backflow prevention assembly on each service to the premises.
- (d) Standards for backflow prevention assemblies.
- (1) Any backflow prevention assembly required herein shall be a model and size approved by the Director. The term approved backflow prevention assembly shall mean an assembly that has been manufactured in full conformance with the standards established by the American Water Works Association entitled:
    - a. AWWA/ANSI C510-92 Standard for Double Check Valve Backflow Prevention Assemblies;
    - b. AWWA/ANSI C511-92 Standard for Reduced Pressure Principal Backflow Prevention Assemblies;

and have met completely the laboratory and field performance specifications of the Foundation for Cross-Connection Control and Hydraulic Research of the University of Southern California (USC FCCCHR) established in Specifications of Backflow Prevention Assemblies, Section 10, of the most current edition of the Manual of Cross-Connection Control. Said AWWA and USC FCCCHR standards and specifications have been adopted by reference as the Town's standards and specifications for backflow prevention assemblies by the Director. Final approval shall be evidenced by a "Certificate of Compliance" for the AWWA standards or "Certificate of Approval" for the USC FCCCHR Specifications, issued by an approved testing laboratory.

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- (2) The following testing laboratory has been qualified by the Director to test and approve backflow prevention assemblies:

Foundation University KAP-200 Los Angeles, California	for	Cross-Connection of University	Control and Southern Park	Hydraulic Research California MC-2531
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- (3) Testing laboratories other than the laboratory listed above will be added to an approved list as they are qualified by the Director. Backflow preventers which may be subjected to backpressure or backsiphonage that have been fully tested and have been granted a Certificate of Approval by said qualified laboratory and are listed on the laboratory's current list of approved backflow prevention assemblies may be used without further test or qualification.
- (e) Installation specifications. The following reference manuals are adopted as guidelines on the installation specifications for backflow prevention assemblies (specifications include the type of backflow prevention assembly required for specific facilities and/or fixtures and the installation of a backflow prevention assembly):
- (1) Manual of Cross-Connection Control, Foundation for Cross-Connection Control and Hydraulic Research, University of Southern California.
  - (2) Recommended Practice for Backflow Prevention and Cross-Connection Control, AWWA Manual M14.
  - (3) Colorado Cross-Connection Control Manual, Colorado Department of Public Health and Environment.
  - (4) Town of Alma Policy and Procedures for Cross-Connection Control and Backflow Prevention.
- (f) Inspections, testing and repair. It shall be the responsibility of the customer at any premises where backflow prevention assemblies are installed to have certified inspections and operational tests made upon installation and at least once per year thereafter. In those instances where the Director deems the hazard to be great enough, he or she may require certified inspections at more frequent intervals. These inspections and tests shall be at the expense of the customer and shall be performed by a state-certified cross-connection control technician backflow prevention assembly tester. Backflow prevention assemblies shall be repaired or replaced at the expense of the customer whenever they are found to be defective. Records of tests, repairs and replacements shall be kept by the customer, with a copy sent to the Director.
- (g) Existing backflow prevention assemblies. All presently installed backflow prevention assemblies which do not meet the requirements of this Section but were approved devices for the purposes described herein at the time of installation and which have been properly maintained shall, except for the testing and maintenance requirements under Subsection (f) above, be excluded from the requirements of these rules so long as the Director is assured that they will satisfactorily protect the Town water system. Whenever the existing device is moved from the present location or requires more than minimum maintenance, or when the Director finds that the maintenance constitutes a hazard to health, the unit shall be replaced by an approved backflow prevention assembly meeting the requirements of this Section.

(Ord. 2004-1 §7; Ord. 2011-18 §1)

### **Sec. 13-3-70. Violations and penalties.**

- (a) The Director shall notify the customer, or authorized agent of the customer, of the building or premises in which there is found a violation of these regulations. The notice shall set a specific time for the customer to have the violation removed or corrected. If the customer fails to correct the violation in the specified time, the Director may, if in his or her judgment an imminent health hazard exists, discontinue water service to the building or premises.

- (b) Any person who is found guilty of a violation of any of the provisions of this Article shall be punished in accordance with the provisions set forth in Section 1-4-20 of this Code. Any violation of this Article shall be a criminal offense. Each and every twenty-four-hour continuation of any violation shall constitute a distinct and separate offense.
- (c) The cost to remediate a contamination of the Town's water supply, up to and including the waterline replacement, shall be the sole responsibility of the person causing the contamination.
- (d) The liability for all damages resulting from contamination of the water supply shall be that of the person responsible for causing the contamination.

(Ord. 2004-1 §8; Ord. 2011-18 §1)

## **ARTICLE 4 [Watershed Protection District](#)**

[Sec. 13-4-10. Creation; authority.](#)

[Sec. 13-4-20. Purpose and intent.](#)

[Sec. 13-4-30. Jurisdiction and map.](#)

[Sec. 13-4-40. Definitions.](#)

[Sec. 13-4-50. Prohibited activity; permitted activity; notice of other activity.](#)

[Sec. 13-4-60. Permit and hearing procedure.](#)

[Sec. 13-4-70. Enforcement.](#)

[Sec. 13-4-80. Regulations.](#)

[Sec. 13-4-90. Activity in progress.](#)

[Sec. 13-4-100. Regulations applicable to specific activities.](#)

[Sec. 13-4-110. Violation and penalty.](#)

### **Sec. 13-4-10. Creation; authority.**

Pursuant to the authority granted to the Town by Section 31-15-707(1)(b), C.R.S., and Section 29-20-101, et seq., C.R.S., the Town of Alma Watershed Protection District, hereinafter referred to as "the District," is hereby created.

(Ord. 2012-01 §1)

### **Sec. 13-4-20. Purpose and intent.**

The District is established to exercise fully the powers of the Town in maintaining and protecting the source of water for use by the inhabitants of the Town from injury and pollution or from activities that may create a hazard to health or water quality or a danger of pollution to the water supply of the Town.

(Ord. 2012-01 §1)

**Sec. 13-4-30. Jurisdiction and map.**

The jurisdiction of the District shall extend over the territory occupied by the Town's waterworks and water sources, and all reservoirs, streams, trenches, pipes and drains used in and necessary for the construction, maintenance and operation of the same, and over Buckskin Creek and all water tributary thereto for five (5) miles above the points from which water is diverted for use by the Town. The Watershed Protection District map kept in the office of the Town Clerk is intended for general reference only. Determination of whether specific activity is within boundaries may require an engineer or surveyor. For purposes of determining the five-mile limit, three (3) points shall be used:

- (1) The site of the activity;
- (2) The point on Buckskin Creek directly down the fall line from the site of the activity; i.e., the point on Buckskin Creek at which surface water discharged from the activity would enter Buckskin Creek; and
- (3) The Town's intake.

The site of activity shall be determined to be within five (5) miles, if the sum of the distances measured in a straight line from point (1) to point (2) and from point (2) to point (3) is less than five (5) miles. The Town may at any time cause an official map of all or part of the boundaries of the District to be made by an engineer or surveyor, and thereafter the most recent map so designated shall be conclusive as to the boundaries of the District in all proceedings before the Town.

(Ord. 2012-01 §1)

**Sec. 13-4-40. Definitions.**

Whenever the following words or phrases are used in this Article, they shall have the following meanings:

Best management practice means the most effective means of preventing or reducing harmful effects of certain activities to a level compatible with Town and/or County standards.

Excavating means the digging out and removal of earth and other materials leaving any cut bank more than three (3) feet in vertical height and includes movement of material in excess of ten (10) cubic yards.

Filling means the raising of the level of earth leaving a fill earth bank more than two (2) feet in vertical height or filled earth more than two (2) feet deep or artificial addition of earth above a line sloping up at a grade of one (1) vertical to five (5) horizontal from the ground.

Foreseeable risk means the reasonable anticipation that harm or injury may result from acts or omissions.

Grading means the leveling off to a horizontal or sloping surface involving the movement of more than five (5) cubic yards of materials; movement of any earth or material affecting or creating a drainage channel; or pioneering of roads, meaning the movement of trees and shrubbery creating a roadway or driveway more than twenty-five (25) feet in length.

Person means any individual, corporation, business trust, estate, trust, partnership, association or any other legal entity.

Pollution means the man-made or man-induced alteration of the physical, chemical, biological and/or radiological integrity of water.

Removing vegetation means the artificial cutting, chemical killing or any other manner of removing any tree greater than twenty (20) feet in height, any shrubs or trees covering an area of more than one hundred (100) square feet or any grasses covering an area of more than one thousand (1,000) square feet.

Sewage disposal system means a septic tank, leach field, portable toilet, composting toilet or other facility designed and constructed for the purpose of receiving and disposing of sewage.

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Surfacing means any action resulting in the hardening or covering of the preexisting ground in an area greater than one hundred (100) square feet such that rain striking the area will accumulate or run off the surface to a greater extent than prior to the hardening or covering of said preexisting ground. Surfacing includes, but is not limited to, such things as compacting the surface of the earth, placing gravel, concrete or like substances on the surface of the earth, or the placement of structures upon the ground.

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

(Ord. 2012-01 §1)

### **Sec. 13-4-50. Prohibited activity; permitted activity; notice of other activity.**

- (a) It shall be unlawful for any person to engage in any of the following activities within the District, which activities the Board of Trustees finds pose a potential threat of injury to the Town's waterworks or pollution to the Town's water supply, unless such person shall, prior to undertaking such activity, obtain a permit for such activity under the provisions of this Article:
- (1) Constructing a sewage disposal system.
  - (2) Excavating, grading, filling or surfacing.
  - (3) Removing vegetation.
  - (4) Timber harvesting, excluding the removal of dead trees for firewood or domestic purposes.
  - (5) Drilling operations.
  - (6) Altering water drainage courses.
  - (7) Surface and subsurface mining operations.
  - (8) Spraying or using herbicides.
  - (9) Using, handling, storing, depositing or transmitting toxic or hazardous substances, including but not limited to radioactive materials, paint, petroleum products, agricultural waste (including but not limited to root balls, pots, waste dirt, plant trimmings, marijuana cultivation waste, hydroponic waste, grow cubes, clay bbs and liquid waste), human or animal waste, slash or firewood, junked or inoperable vehicles, tires, trash and debris.
  - (10) Using, handling, storing or transmitting flammable or explosive materials except for domestic purposes or within vehicular fuel storage tanks.
  - (11) Camping for more than fourteen (14) days in the same location or area.
- (b) It shall be unlawful for any person to cause injury or damage to the Town waterworks, or otherwise to violate or fail or refuse to comply with any provision of this Article.
- (c) Activities within the District which are allowed hereunder but which require written notice to the Town at least fifteen (15) days prior to undertaking such activity are:
- (1) Stock grazing.
  - (2) Road maintenance and improvement by governmental entities.
  - (3) Activities undertaken by the United States Forest Service or Bureau of Land Management on land owned by it if such activities would require either notice or application if undertaken by any other person. The Town shall not require, but may suggest, a best management practice for such activities. The Town may negotiate an intergovernmental agreement or enter into a memorandum of understanding with the United States Forest Service or the Bureau of Land Management

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regarding protection of the District, and any such agreement shall become a part of this Article upon becoming effective.

Written notice shall include the name and address of the person undertaking the activity, a description of the proposed activity, its location and such additional information as the Town may require before or after receiving the initial notice. The purpose of this notice requirement is to allow the Town an opportunity to protect the waters of the District by suggesting a best management practice for such activity prior to its undertaking.

- (d) In the event that any activity not set forth in Subsection (a) above is being conducted in such a manner that the Board of Trustees finds that a foreseeable risk of pollution to the Town's water supply exists from such activity, the person responsible for such activity shall be notified by the Town of such finding, and the Town may require that such activity cease and desist until such person obtains a permit for such activity under the provisions of this Article.

(Ord. 2012-01 §1)

### **Sec. 13-4-60. Permit and hearing procedure.**

- (a) Application and fees. An applicant for a Watershed Protection District Activity Permit ("permit") shall submit the following to the Town:
  - (1) A completed application form as prescribed by the Town. If the applicant is not the owner of the subject property, the owner shall also sign such application, and the applicant shall set forth his or her interest in the proposed activity. An application will not be deemed to be complete until, all information required by the Town has been submitted to the Town.
  - (2) A full and complete description of the proposed activity for which a permit is sought, including, if applicable, a discussion of any future activity anticipated by the applicant with respect to the subject property for which a permit may be required hereunder.
  - (3) Two (2) sets of plans and specifications, which shall contain the following information:
    - a. A vicinity sketch or other data indicating the site location and legal description of the subject property.
    - b. Boundary lines of the property for which the permit is sought, if applicable.
    - c. Location of any buildings or structures within fifty (50) feet of the proposed activity.
    - d. Accurate contours establishing the topography of the existing ground.
    - e. Elevations, dimensions, locations, extent and the slopes of all proposed excavating, grading, filling or surfacing shown by contours and/or other means.
    - f. Details of all drainage devices in connection with the proposed activity.
    - g. A statement of the amount and location of any matter proposed to be deposited in areas other than that shown on the plans.
    - h. Nature and location of existing vegetation and a statement as to the effect of the proposed activity on such vegetation.
  - (4) Identification of any activity that may present or create a foreseeable risk of pollution to the Town's water supply along with a specific description of the measures, including best management practices, that will be employed by the applicant to obviate or mitigate such risks.
  - (5) Any and all additional information that may be specifically requested by the Town, including but not limited to the following:
    - a. A map showing the drainage pattern and estimated runoff of the area of the proposed activity.
    - b. Revegetation and reclamation plans and specifications.

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- c. A soils analysis, including the nature, distribution and strength of existing soils, and recommendations for earth-moving procedures and other design criteria.
  - d. A geologic analysis of the site and adjacent areas and the impact of the proposed activity.
  - e. An operational and maintenance analysis of the proposed activity.
  - f. Water use analysis, including legal basis, source, quality, amount of consumptive use, impact on groundwater and discharge characteristics.
- (6) The applicant shall submit a permit application fee to the Town at the time of filing such application. The applicant shall be assessed a fee sufficient to cover the costs of publication, hearing, processing, administration, inspection and enforcement of such requested permit. The minimum fee hereunder shall be as set forth in the Annual Fee Resolution adopted by the Board of Trustees. In the event the fee charged by the Town at the time of application is determined to be insufficient to cover the Town's costs, the Town shall have the right to charge and collect an additional fee prior to deciding upon the issuance or denial of any permit. No permit shall be issued until all such assessed fees have been paid.
- (b) Review, analysis and risks.
- (1) Analysis. Within thirty (30) days following receipt of a completed application, the Water Superintendent, or such other person as the Board of Trustees may designate, shall review the application, inspect the site, if reasonably necessary and weather conditions permit, and prepare and submit to the Board of Trustees a written analysis of the proposed activity, including a discussion of any factor that may present or create a foreseeable risk of pollution to the water supply of the Town, along with an analysis and evaluation of the measures, including best management practices, if any, that are proposed by or available to the applicant to obviate or mitigate such risks. The Water Superintendent may require the applicant to provide such additional information in furtherance of his or her analysis as he or she may deem reasonably necessary.
  - (2) Factors considered. In undertaking the analysis of any proposed activity, the following factors, among any others that the Water Superintendent may deem relevant, shall be considered:
    - a. Nature and extent of the proposed activity.
    - b. Proximity to existing watercourses.
    - c. Drainage patterns and control measures.
    - d. Soil characteristics.
    - e. Slope steepness and stability.
    - f. Extent and effects of denudation.
    - g. Geologic hazards, including but not limited to avalanche paths, floodplains, high water tables, fault zones and similar factors.
    - h. Point-source effluent and emissions into water or air.
    - i. Ambient and non-point-source discharge or emissions into, or effect upon, water or air.
    - j. Vehicular and other motorized activity.
    - k. Fire hazard.
  - (3) Minor impact; consent calendar. The Water Superintendent may classify in writing an application as a minor impact based upon the analysis set forth above if the proposed activity clearly does not present or create a foreseeable risk of pollution to the water supply of the Town. Within twenty (20) days after any such minor impact classification, or at the next regular meeting of the Board of Trustees if none is held within twenty (20) days, the Water Superintendent shall present to the Board of Trustees a consent calendar of applications classified as minor impact. Upon such presentation, the Board of Trustees shall approve the issuance of a permit to each application on

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the consent calendar, except that if any Trustee requests a hearing to review any application, then that application shall be stricken from the consent calendar, its classification as minor impact shall be withdrawn, and it shall be set for public hearing as otherwise provided herein. The failure of the Board of Trustees to render such decision within the time limits set forth herein shall be deemed and considered affirmative action in favor of the issuance of the requested permit for any application classified as minor impact.

- (4) Hearing. Upon receipt of the analysis from the Water Superintendent, the Board of Trustees shall conduct a public hearing to review the application and analysis and shall render a decision regarding the issuance or denial of a Watershed District permit to such applicant within six (6) months, unless the activity requires approval of the permit from any agency of the County, State or federal government, and which approval or permit procedure exceeds the time requirements of this Article. In such case, the Town shall have an additional ninety (90) days following the final decision of such county, state or federal government approval or permit procedure to conduct the public hearing hereunder and render a decision regarding the issuance or denial of a permit to such applicant. The Board of Trustees may require additional information from any applicant, in which event the public hearing and decision may be delayed or continued until receipt of such additional information.
- (5) Standards for issuance of permit. A permit shall be issued when the Board of Trustees finds that the applicant has sustained its burden of proof that the proposed activity, including best management practices, if any, does not present or create a foreseeable risk of pollution to Buckskin Creek or the Town waterworks or any water sources tributary thereto for five (5) miles above any point from which water is diverted for use by the Town. A permit shall be denied when the Board of Trustees finds that the applicant has not sustained such burden of proof.
- (6) Permit conditions. The Board of Trustees, when issuing any permit, may prescribe any conditions it may deem reasonably necessary to effect the purpose and intent of this Article. Except when contrary to state or federal law, the Board of Trustees may require any applicant to post a surety bond or cash in an amount sufficient to ensure compliance with the permit, including but not limited to the cost of mitigation, best management practices, maintenance, operation, revegetation, reclamation and other requirements of proposed activities. The Board of Trustees may release to the applicant portions of any such bond or cash from time to time when no longer necessary to ensure compliance with the permit.
- (7) Duration of permit. If any proposed activity for which a permit is issued is not commenced within nine (9) months from the date of issuance of such permit, the permit shall expire and become void. The Board of Trustees may provide in any permit that it shall expire for all purposes upon a date certain or a certain time after commencement of the proposed activity. In no event shall any permit be valid after December 31 of the first full calendar year it is in effect; provided, however, that, within ninety (90) days prior to the expiration of the permit, the applicant may submit to the Town a sworn statement that the proposed activity, the mitigation (if any) and the foreseeable risk of pollution from the activity have been and will continue to be substantially the same as set forth and considered in the original application and its approval. Upon receipt of such statement, the Board of Trustees may, in its sole discretion, renew the permit for an additional calendar year without requiring further application, information, review or hearing.
- (8) Notice of hearing. Notice of any public hearing hereunder shall be published once at least ten (10) days prior to the public hearing in a newspaper of general circulation in the Town.
- (9) Additional information; extension of time. The Water Superintendent or the Board of Trustees may require the applicant to provide any additional information which reasonably may assist them in fulfilling their duties pursuant to this Article. Any applicable time limitation within which either is required to act shall be tolled from the time the request for such additional information is made until the applicant provides the information.

(Ord. 2012-01 §1)

**Sec. 13-4-70. Enforcement.**

- (a) Right of entry. Whenever necessary to make an inspection to enforce any provision of this Article, an authorized representative of the Town may go upon any land at any reasonable time to inspect the same or to perform any duty imposed hereunder, provided that he or she shall identify himself or herself and, if such land is unoccupied, that he or she shall make a reasonable effort to locate the applicant or other person having control of such land to notify him or her of such entry. Any such inspection may include the taking of photographs, water samples, soil samples, sediment samples, biologic surveys and similar activities. Filing an application for a permit hereunder shall be deemed express consent to any such entry and inspection. The Town's representatives may enter upon private property as to which no watershed permit has been issued to determine compliance with this Article with permission or upon issuance of a search warrant by the Town's Municipal Judge.
- (b) Cease and desist order. In addition to any other action or penalty provided herein, whenever any activity is being conducted in violation of the provisions of this Article or in violation of the terms of any permit issued hereunder, the Town may order the activity stopped by written notice to cease and desist served upon the applicant or any person engaged in or causing or permitting such activity to be done, and any such person shall cease such activity until authorized in writing by the Town to proceed. The Town reserves the right summarily to revoke or suspend any permit issued hereunder if the activity is not conducted in accordance therewith. A copy of any such cease and desist order shall be filed with the Town Clerk as soon as practicable after service, whereupon the Town Clerk shall place the matter on the agenda of the next regular meeting of the Board of Trustees for such review as the Board of Trustees may deem appropriate. At or before the time for such review, the person conducting the activity or the owner or lessee of the real property upon which the activity is being conducted may request a hearing thereon immediately upon the review or at a later date, and the Board of Trustees shall grant the request, except that the Board of Trustees may schedule an immediate hearing to take place at its next regular meeting for the purpose of providing notice to interested parties or obtaining their presence at the hearing.

(Ord. 2012-01 §1)

**Sec. 13-4-80. Regulations.**

The Board of Trustees may, by resolution, issue regulations providing guidelines and criteria to carry out the purposes of this Article.

(Ord. 2012-01 §1)

**Sec. 13-4-90. Activity in progress.**

The lawful use of any building, structure or land existing at the time of the enactment of the ordinance codified herein may be continued even though it does not conform to the requirements of this Article. Ordinary repairs and maintenance of any existing building, structure or land shall be allowed. Any change, expansion, alteration or enlargement of such existing lawful use shall be subject to all requirements of this Article.

(Ord. 2012-01 §1)

**Sec. 13-4-100. Regulations applicable to specific activities.**

- (a) Engineered culverts are required for all private driveways and access roads. Culvert drawings stamped by a licensed Colorado professional engineer must be submitted with the watershed permit application.

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- (b) Any mining activities in the national forest require an active permit issued by the United States Forest Service. No watershed permit for mining activities will be issued unless the applicant presents a current United States Forest Service permit in good order, and any watershed permit issued by the Town shall automatically terminate without further action by the Town should the United States Forest Service permit no longer be in full force and effect for any reason.
- (c) Any silt fencing or other drainage/erosion control required by the watershed permit shall remain on site and be maintained by the permittee at all times during construction and for one year thereafter unless otherwise directed by the Town Administrator or his or her designee.
- (d) If more than 25 gallons of any toxic or hazardous substance, paint, or petroleum product is to be stored on site a management plan shall be included with the permit application.
- (e) Camping on, or occupation of, any public or private property for 14 days or more shall require the installation of temporary sanitary facilities approved by the Town Administrator or his or her designee. Temporary sanitary facilities may include vault toilets, portable toilets and composting toilets.
- (f) Camping on, or occupation of, any public or private property for more than 14 days shall require that all human waste be either packed out or buried not less than 100 feet from any live water.
- (g) Town representatives may inspect any camping site to determine compliance with this Section. Failure to comply with the requirements of this Section shall be punishable as set forth in Section 13-4-110 below.

(Ord. 2012-01 §1)

**Sec. 13-4-110. Violation and penalty.**

- (a) **Offense.** Any person who violates any of the provisions of this Article shall be punished by a fine not to exceed three hundred dollars (\$300.00) for each offense. Any person who willfully and wantonly violates any provisions of this Article shall be punished by a fine not to exceed three hundred dollars (\$300.00) for each offense or by imprisonment not exceeding ninety (90) days, or by both such fine and imprisonment. Each day a violation continues shall be deemed a separate offense.
- (b) **Actions.** Any activity or use which is continued, operated or maintained contrary to any provision of this Article is unlawful. The Town may institute injunction, abatement or any other appropriate action to prevent, enjoin, abate or remove such violation, in which event, the Town shall be entitled to recover court costs and attorneys' fees.
- (c) **Remedies.** The remedies herein provided shall be cumulative and not exclusive and shall be in addition to any other remedies provided by law.

(Ord. 2012-01 §1)

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FOOTNOTE(S):

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**Editor's note**—Ord. No. 2012-01, § 1, adopted April 3, 2012, repealed the former Art. 4, §§ 13-4-10—13-4-100, and enacted a new Art. 4 as set out herein. The former Art. 4 pertained to similar subject matter and derived from Ord. 1988-1 §§1—10; Ord. 2011-18 §1. ([Back](#))

## **ARTICLE 5 Water Activity Enterprise**

[Sec. 13-5-10. Establishment.](#)

[Sec. 13-5-20. Statement of qualification.](#)

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### **Sec. 13-5-10. Establishment.**

A Water Activity Enterprise is hereby established and formally recognized for the purpose of performing or continuing water activities, as that term is defined in Section 37-45.1-102(3), C.R.S., including the acquisition of water rights, the provision of water and wastewater services and the construction, operation, maintenance, repair and replacement of water and wastewater facilities. The Water Activity Enterprise shall be known as the Town of Alma Water Activity Enterprise (the "Enterprise").

(Ord. 1994-9 §1; Ord. 2011-18 §1)

### **Sec. 13-5-20. Statement of qualification.**

The Town and only the Town owns the Enterprise. The Enterprise receives less than ten percent (10%) of its annual revenues in grants from all state and local governments combined, and the Enterprise is authorized to issue its own revenue bonds pursuant to Section 37-45.1-104, C.R.S. The Enterprise is exempt from the provisions of Article X, Section 20 of the Colorado Constitution.

(Ord. 1994-9 §2; Ord. 2011-18 §1)

### **Sec. 13-5-30. Governing body.**

The governing body of the Enterprise shall be the Board of Trustees acting as the Utilities Board, as constituted from time to time, and as authorized and required under Article 4 of Title 31, C.R.S., and applicable Town ordinances.

(Ord. 1994-9 §3; Ord. 2011-18 §1)

### **Sec. 13-5-40. Powers of Enterprise.**

The Enterprise has all the authority, powers, rights, obligations and duties as may be provided or permitted by Section 37-45.1-101, et seq.

(the "Act"), the Colorado Constitution and this Article and any further ordinances defining the scope of its authority. The Enterprise is authorized to receive and hold in trust certain assets of the Town, including all water and wastewater facilities of the Town, whether situated within or without the Town boundaries, including all present or future improvements, extensions, enlargements, betterments, replacements or additions thereto. Such transfers in trust shall not be deemed grants. The Enterprise is authorized to exercise the Town's authority, powers, rights and duties related to the operation and maintenance of such water and wastewater facilities and to the provision of water and wastewater services to the Town. The Enterprise has no authority to levy a tax which is subject to Article X, Section 20(4) of the Colorado Constitution, although the Town may levy a tax on its behalf.

(Ord. 1994-9 §4; Ord. 2011-18 §1)

**Sec. 13-5-50. Revenues.**

The Enterprise is authorized to prescribe, revise and collect, in advance or otherwise, fees, rates, tolls, penalties or charges, or any combination thereof, for services, programs or facilities provided to any consumer or any owner or occupant of any real property connected or to be connected to the water and wastewater facilities, or receiving service therefrom, without regulation by any other entity except the Board of Trustees. It is also authorized to receive grants, as that term is defined in Section 37-45.1-102, C.R.S., in an amount less than ten percent (10%) of the Enterprise's annual revenues.

(Ord. 1994-9 §5; Ord. 2011-18 §1)

**Sec. 13-5-60. Ratification and approval of prior actions.**

All actions heretofore taken by the Board of Trustees of the Town not inconsistent with the provisions of this Article are hereby ratified, approved and confirmed.

(Ord. 1994-9 §6; Ord. 2011-18 §1)

**ARTICLE 6 Miscellaneous Provisions**

[Sec. 13-6-10. Sewer Activity Enterprise.](#)

[Sec. 13-6-20. Water and sewer expansion.](#)

[Sec. 13-6-30. Grease discharge regulations.](#)

**Sec. 13-6-10. Sewer Activity Enterprise.**

A Sewer Activity Enterprise is hereby established and formally recognized for the purpose of performing or continuing sanitary sewer and wastewater treatment activities, including the collection and treatment of wastewater, the provision of wastewater services, and the construction, operation, maintenance, repair and replacement of wastewater facilities. The Sewer Activity Enterprise shall be known as the Town of Alma Sewer Activity Enterprise and shall be operated as an enterprise and government-owned business as defined by Article X, Section 20 of the Colorado Constitution.

(Ord. 2011-18 §1)

**Sec. 13-6-20. Water and sewer expansion.**

- (a) Applicability. The terms of this Section apply to the water and sewer systems of the Town (collectively the "Utilities").
- (b) Utilities expansion. For cases in which application has been made by an individual for sewer and/or water taps to serve one (1) single-family residence, and the Board of Trustees determines that an extension of sewer and/or water mains is required to service such residence for the purpose of facilitating property service expansion into undeveloped areas of the Town, the following requirements shall apply:
  - (1) The applicant for utility connections shall submit to the Town plans and specifications for any necessary expansion of the Town's utilities required to serve the applicant's property. The Town shall conduct an engineering study of such submittal, at the applicant's expense, and shall approve or disapprove such plans and specifications within thirty (30) days following submittal. All construction of utilities shall be at the applicant's expense and shall conform to the approved plans and specifications, as well as the Town's engineering standards.
  - (2) Upon acceptance of the utilities by the Town, the applicant shall convey the same to the Town together with any required easements or rights-of-way. The applicant shall guarantee and warrant the utilities for a period of one (1) year following acceptance by the Town. The conveyance of the utilities and the guarantee shall be in a form acceptable to the Town Attorney.
  - (3) In addition to all tap or connection charges, all costs associated with the construction of such utilities expansion, including any and all appurtenant requirements and specifications required by the Town, shall be borne by the applicant for utilities connection.
- (c) Recapture. The Town may require the applicant to construct utilities of a larger capacity than necessary to serve the applicant's property in order to avoid duplication of utility lines in the future. Should such oversizing be required, the Town shall require future users of the utility facilities constructed by the applicant to pay an additional amount prior to connection to the Town's utilities, which amount shall be determined by the Utilities Board, but shall not be less than five hundred dollars (\$500.00), and shall be applied uniformly to all persons connecting to the subject facilities. Such additional amount shall be paid to the then-current record owner of the applicant's property.
- (d) Utility connection charges. The Town shall charge the fees set forth in the Annual Fee Resolution adopted by the Board of Trustees, for connection to the Town's utilities. Such connection charges may be changed by the Utilities Board by resolution, following published notice and a public hearing on the proposed new connection charges.

(Ord. 1994-4; Ord. 2011-18 §1)

**Sec. 13-6-30. Grease discharge regulations.**

- (a) Grease trap defined. As used in this Section, grease trap means any device approved by the Public Works Director that is installed as part of a building's plumbing system and is designed to trap grease, thereby preventing its harmful discharge into the Town's wastewater system.
- (b) Grease traps required. A grease trap shall be installed in the waste line leading from sinks, drains, floor sinks and other fixtures or equipment in establishments, including but not limited to restaurants, cafes, lunch counters, cafeterias, bars and clubs, hotels, hospitals, sanitariums, factories, school kitchens or any other establishment where grease may be introduced into the drainage or wastewater system, as determined by the Public Works Director.
- (c) Specifications and procedures.

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- (1) Plans shall be submitted to and approval obtained from the Public Works Director prior to the installation of any grease trap in any establishment set forth in Subsection (b) above.
- (2) No grease trap shall be installed which has an approved rate of flow of more than fifty-five (55) gallons per minute, except when specifically approved by the Public Works Director.
- (3) No grease trap shall be installed which has an approved rate of flow of less than twenty (20) gallons per minute.
- (4) Each plumbing fixture or piece of equipment connected to a grease trap or interceptor shall be provided with an approved type of flow control or restricting device installed in a readily accessible and visible location in the tail piece or drain outlet of each such fixture. The flow control devices shall be so designed that the total flow through such device shall at no time be greater than the rated capacity of the trap. No flow control device having adjustable or removable parts shall be approved.
- (5) For the purpose of this Section, the term fixture shall mean and include each plumbing fixture, appliance, apparatus or other equipment required to be connected to or discharged into a grease trap by any provision of this Section.
- (6) Each grease trap required by this Section shall have an approved rate of flow which is not less than that given in Table II attached to the ordinance codified herein, a copy of which is on file in the office of the Town Clerk, for the total number and size of fixtures connected thereto or discharging thereto. The total capacity in gallons for fixtures discharging into the trap shall not exceed two and one-half (2½) times the flow rate of the subject trap or interceptor as set forth in said Table II.
- (7) No more than four (4) separate fixtures shall be connected to or discharged into any one (1) grease trap.
- (8) Each grease trap shall be vented as required by the plumbing code adopted by the Town in Chapter 18 of this Code, and each fixture discharging into a grease trap shall be individually trapped and vented in an approved manner, except that an approved type grease trap may be used as a fixture trap for a single fixture when the horizontal distance between the fixture outlet and the grease trap does not exceed two (2) feet.
- (9) Each grease trap shall be installed and connected so that it shall be at all times easily accessible for inspection, cleaning and removal of the intercepted grease. Grease traps shall be maintained in efficient operating conditions by periodic removal of the accumulated grease. No such collected grease shall be introduced into any drainage piping, public or private sewer, and it shall be disposed of in an environmentally safe manner. The owner of the grease trap shall be responsible for proper removal and disposal by appropriate means of disposal, which records are subject to review by the Public Works Director upon request. Any removal and hauling of the collected materials not performed by the owner or user must be performed by a currently licensed waste disposal firm. Records of maintenance and service shall be kept on file by the owner or user for a minimum of three (3) years and shall be made available to the Town upon request by the Public Works Director.
- (10) Each grease trap shall be constructed of durable material satisfactorily to the Public Works Director and shall have a full-size gas-tight cover which can be easily and readily removed.
- (11) No water-jacketed grease trap shall be approved or installed.
- (12) Each grease trap shall have an approved water seal of not less than two (2) inches in depth or the diameter of its outlet, whichever is greater.
- (13) No grease trap required by this Section shall be installed until it has been approved by the Public Works Director.
- (14) The Public Works Director may require such tests as may be necessary to determine the grease collecting efficiency of the various types and kinds of grease traps to establish the rate of flow or other rating thereof. Such testing requirements may be revised or modified from time to time as

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may be deemed necessary by the Public Works Director. A list of approved traps shall be kept on file in the office of the Town.

- (15) No grease trap shall be installed which does not comply in all respects with the Town regulations and is accepted by the Public Works Director. Whenever it comes to the attention of the Public Works Director that any grease trap does not so comply, the Public Works Director shall immediately suspend or revoke such approval.
- (d) A grease trap is not required for individual dwelling units or for any private living quarters.
- (e) The requirements of this Section shall apply to all establishments specified in Subsection (b) above which come into existence or open after October 19, 2006, the effective date of the initial ordinance codified herein, or as to which substantial new appliances or modifications to the plumbing, as determined by the Public Works Director, occur after said effective date. Existing establishments which do not come into compliance with the requirements of this Section on or before June 1, 2007, shall be charged an additional sewer usage surcharge in an amount to be established by resolution of the Board of Trustees to defray the additional costs incurred by the Town due to such noncompliance.

(Ord. 2006-6; Ord. 2011-18 §1)