

**TITLE 13.
PUBLIC SERVICES**

CHAPTER 13.04 WATER SERVICE SYSTEM

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13.04.010. Definitions.

A. The following terms shall be defined through this Chapter as follows:

1. “Town” shall mean the Town of Cedaredge.
2. “Board” shall mean the Town of Cedaredge Board of Trustees.
3. “In Town” shall mean service within the municipal boundaries of the Town of Cedaredge.
4. “Out of Town” shall mean service outside the municipal boundaries of the Town of Cedaredge.
5. “Town Official” shall mean the Town Administrator, Town Public Works Director, the Town Building Inspector or their designee.
6. “Town Board of Health” shall mean the Town Board.
7. “Consecutive System” shall mean an independent water system which receives all of its water from the Town.
8. “Integrated System” shall mean two or more water systems, one of which receives Water from the Town.
9. “Town Water System” shall mean the Town of Cedaredge municipal water system.
10. “Secondary Suite Commercial Taps” means an existing property uses wherein one water tap is serving more than one dwelling unit, installed without prior knowledge and approval by the Town.
11. “CDPHE” shall mean the Colorado Department of Health and Environment.

13.04.020. General regulations.

A. Each developed parcel of real property within the Town shall be required to be connected to the town water system. Each user of the town wastewater services shall be subject to the terms and conditions as set out in this chapter and shall be subject to all applicable regulations of the town code and other ordinances, resolutions and

regulations of the town, as they now exist or as they may be amended in the future.

B. The owner, lessee, party in possession and/ or the party actually using water service, of any property served by the Town Water System, shall be jointly and severally liable for all fees, charges and penalties imposed by this chapter and for compliance with other requirements of this chapter, notwithstanding any agreement among themselves.

(Code 1996, § 13.04.010; Ord. 2002-8 § 1 (part), 2002; Ord. No. 2019-05, 5-16-2010)

13.04.030. Application for service.

A. Application for Town water service shall be made upon forms provided by the Town, which forms shall require information as may be necessary for the proper billing and management of the water system.

B. The Town may grant permission for the use of water service, in Town, only upon receipt of the proper application and payment of all applicable fees, charges and deposits.

C. The Board of Trustees may grant permission for the use of water service, out of Town, at their discretion. (Code 1996, § 13.04.020; Ord. 2002-8 § 1 (part), 2002; Ord. No. 2010-2, 2-18-2010)

13.04.040. Conditions and application for connection.

A. Each application shall be accompanied by:

1. All necessary fees;
2. A copy of the applicant's Deed showing the owner of record, and the legal description of the property to be served;
3. A property report from the Delta County Assessor's office for the property to be served;
4. In the event the applicant is not the owner of record, a letter of authorization from the owner of record authorizing the applicant to act on the owner's behalf;
5. A plan or narrative for the use of water at the property;
6. In the event that the property to be served does not already have a structure upon it wherein the water is to be used the applicant shall:
 - a. Provide a valid building permit issued by the Town; or
 - b. Provide a plan outlining the applicant's proposed use of the water and any construction timeframe
7. An agreement executed by the owner/applicant which contains the following conditions and other conditions consistent with this chapter:
 - a. Each service line between the Town lines or mains and the premises served shall be constructed and maintained in compliance with all Town codes, standards and specifications.
 - b. The owner/applicant agrees to comply with every provision of this chapter, as amended from time to time.

B. If the property to be served is outside the Town limits, and within the Utility Annex Control Area, utility connection shall only be considered under 13.04.030.B .

C. If the property to be served is outside Town limits and within the Utility Annex Agreement Area the applicant, in addition to providing the items listed under Section 13.04.040(A) of the Code, shall provide:

1. An agreement executed by the owner which contains the following conditions and other conditions consistent with this chapter:
2. Each service line between the Town lines or mains and the premises served shall be constructed and maintained in compliance with all Town codes, standards and specifications,
3. If and when initiated by the Town, the owner agrees to annexation, to execute a petition for annexation of the property served, and at any time that such property is eligible for annexation, and shall irrevocably appoint the town clerk as their attorney-in-fact with respect to annexation proceedings. This agreement shall be binding upon and shall run with the land for which service is provided. Any annexation costs incurred by the Town in annexing the subject property shall be reimbursed by the applicant property owner.
4. The owner/applicant agrees to comply with all provisions of this chapter, as amended from time to time;
5. Evidence of the existence of a street or road address for the property to be served;
6. Evidence that temporary electrical service has been established on the property or that a septic tank permit has been approved for the property by the Delta County health department; and
7. An agreement that owner shall, upon receiving Town water, transfer to the Town, via quit claim deed or other method of conveyance, all water rights which serve the property, including but not limited to:
 - a. Water right as represented by stock in ditch and/or reservoir company; or
 - b. The amount of water per acre feet per year as appropriated to the property
8. An owner may seek an exemption to the requirements of Section 13.04.040I(1)(f) , by requesting that the transfer water shall be subject to when an approved Town of Cedaredge wastewater tap application being granted for the property.

D. Each application for connection to the Town Water System shall be accompanied by properly executed documents granting the Town all easements reasonably necessary for water lines and facilities.

E. Application Approva. Applications for In Town connections must be reviewed and approved by the Town Administrator and Public Works Director or their designees.

1. Applications for connections in the Utility Annex Agreement Area shall be approved by the Board contingent that the Public Works Director has reviewed and approved.
2. In the event the Town main or line extension is required, the connection shall not be approved unless the terms of the extension have been approved by the Town Board.
3. An application shall be denied if the Town's capacity or infrastructure is not available to service the applicant's property.

F. The Town by and through its Board may declare a moratorium on new connections at any time due to

limitations on system capacity or other circumstances, which require such action in its sole discretion.

G. Separate buildings or residences shall require separate taps. However, a garage regularly used to house vehicles accessory only to a residence may have plumbing and plumbing fixtures served off of the residence's tap, if not intended to change the existing use. Separate system improvement and other fees shall be due for each tap onto a Town, company, district, or privately owned main, regardless of building ownership. Individually owned properties in a recreational vehicle park or mobile home park shall require separate water taps to Town-owned water laterals or mains. The purchaser may purchase more than one tap to serve any building or commercial unit. Each parcel designated as common ground, open space, private park or other similar designation shall require a separate water tap if the owner or owners intend to irrigate the parcel with Town water.

H. Secondary Suite Commercial Taps shall be recognized in a recorded document listing the present owner, legal description and address of the properties utilizing these taps. No future Secondary Suite Commercial Taps shall be issued by the Town. Should any of the affected properties be subdivided in the future, the owner of said property shall be required to purchase a separate water tap for the divided parcel. Each dwelling unit receiving water as a Secondary Suite Commercial Tap shall be charged a separate monthly capital improvements fee and debt retirement fee as those fees may be set from time to time by the Board. The tap shall also be billed at the regular commercial rate for water service.

I. When the property of any water consumer, either In Town or Out of Town is subdivided, each dwelling unit shall establish and install a separate tap.

J. No application for the connection to the Town's mains of any private line, private water company, or feeder district shall be approved. However, this shall not preclude a Town Official or the Board of Trustees from approving connection for water service to a mobile home park, travel home park, or apartment building through a master water meter. Existing water companies or other private lines served by the Town shall submit an application for connection for any additional customers, dwelling units, buildings, or taps to be serviced by such companies accompanied by fees as set out in Section 13.04.050, on the same basis as if the connection was to be directly to a Town main.

K. Taps shall be used to serve only that property for which the tap was purchased and approved to serve, and are not transferable. Taps must be installed within two years of the date of purchase. If not installed within that time period, the tap owner shall petition to the Board for an extension of time to put the tap to use. Failing to do so shall cause the right to install said tap to terminate and the tap shall revert to the Town. Upon written request of the owner of such a terminated tap, the fee paid for the purchase of said tap shall be refunded. Such request for refund must be made within thirty (30) days from the date of reversion of the tap to the Town. The Town shall not be responsible for any additional charges and no fees charged under Section 13.04.060(C) to said tap shall be refunded.

L. The Town reserves the right at any time to attach water meters to all service pipes and all premises where the water is used and to charge the quantity of water used at metered rates; provided, however, that the charge for such places shall not be less than the minimum rate.

(Ord. 2009-1 (part), 2009: Ord. 2007-9, 2007; Ord. 2004-9 (part), 2004: Ord. 2002-8 § 1 (part), 2002)
(Code 1996, § 13.04.030; Ord. No. 2009-01, 1-15-2009; Ord. No. 2010-2, 11-18-2010)

13.04.050 Water system improvement fees.

A. General Provisions Applicable to Water Fees.

1. Fees imposed by this section shall be due when any customer presently served by water extends their facilities or changes their use, if the expansion or change in use necessitates a larger connection or increases the number of units, or when a new connection to the system is required, except a connection solely for the purposes of repair of an existing adequately sized connection, in which case only actual

costs of town material and labor will be charged. Such charges shall be paid prior to any expansion or connection or issuance of any permit therefor.

2. No connection to the Town or existing private system shall be allowed which is smaller than reasonably necessary to serve the proposed use, as provided in Town codes, standards, specifications and regulations in the Public Works Manual. No customer may make any changes or additions to property served which would substantially increase the amount of water used without obtaining an enlarged tap sufficient to accommodate such use.
3. If an existing connection is not of reasonably adequate size, a credit shall be allowed toward the fees imposed by this chapter for an amount equivalent to the charge which would be imposed by this chapter for a connection the same size as the one to be replaced by a new connection and taken out of service. Such credit may be applied only toward charges imposed by this chapter. However, in all cases the applicant shall be charged at least for actual costs of material and labor expended by the Town.
4. Private water systems shall be charged the charges imposed by this chapter both for the connection of the private line to the Town system and for each customer, building or dwelling unit served by such line, prior to connecting such customers. Private companies or systems shall also remit unit charges for each additional unit added to a multi-unit facility as specified in subsection B of this section.

B. Water System Improvement Fees and Unit Charges.

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

a. Basic System Improvement Fee (Water).

Size of Tap	BSIF - In-Town
¾"	\$ 9,000.00
1"	\$10,000.00
1½"	\$12,000.00
2"	\$17,000.00
Size of Tap	BSIF - Outside Town
¾"	\$11,000.00
1"	\$12,500.00
1½"	\$19,500.00
2"	\$23,000.00

- b. Additional installation fees. The BSIF fees include Town installation fees. In the event the Town Official determines that the installation of a tap shall be extraordinary, the Town reserve the right to charge additional installation fees. Prior to any property owner or tap applicant incurring additional installation fees, the Town Official shall make the property owner aware of such additional costs.

c. System Improvement Fee (Water)—Unit Charges.

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

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

- ii. No water tap larger than two inches shall be approved, except solely for a fire line, unless the town determines that adequate capacity is available to serve the use without adverse effects, or unless the applicant pays for the cost of installing necessary system capacity.

The cost of such water tap shall be established by action of the Town Board

(Code 1996, § 13.04.040; Ord. 2004-7, 2004; Ord. 2002-8 § 1 (part), 2002)

13.04.060 Installation and maintenance responsibilities.

A. The Town shall make and maintain all connections to the Town Water System, from corporation stop to the meter pit assembly, including, but not limited to tapping saddle, corporation stop, service line, curb stop, curb box, meter pit and meter yoke, except as otherwise provided by contract for existing private companies or pursuant to town subdivision regulations. The property owner shall purchase from the Town all water meters along with other materials necessary to provide water service, and the location and type of meter shall be determined by the public works director. The property owner shall be required to expose the water main proper to any connections being made and shall install and maintain all other water lines and facilities to serve the owners property and shall keep the water meter free from obstruction and conveniently accessible. The location of all meters must be approved by the town prior to installation. No occupancy permit shall be issued by the Town for any building requiring water service until a meter has been installed, inspected and approved in accordance with these provisions. The Town will own and maintain all water meters after proper installation.

B. If any portion of the water lines or other facilities for which the customer is responsible is in need of repair and the customer fails to make such repairs following notice from the Town, the town may either terminate water service or make repairs and bill them to the customer. Such charges shall become a lien upon the property and may be collected as other charges imposed by this chapter.

(Code 1996, § 13.04.050; Ord. 2003-1 § 4, 2003; Ord. 2002-8 § 1 (part), 2002)

13.04.070 Cross-connection control.

A. Purpose. The purpose of this program is:

1. To protect the public potable water supply served by the Town from the possibility of contamination or pollution by isolating within its customers' internal distribution system such contaminants or pollutants which could backflow or back-siphon into the public water system;
2. To promote the elimination or control of existing cross-connections, actual or potential, between its customers' on-site potable water systems and nonpotable systems;
3. To provide for the maintenance of a program of cross-connection control that will effectively prevent the contamination or pollution of potable water systems by cross-connection;
4. Backflow prevention devices within structures, building and appurtenant plumbing shall be regulated by the current edition of the adopted CDPHE .

B. Authority. The town, as the water purveyor, has the primary responsibility for preventing water from unapproved sources, or any other substances, from entering the public potable water system. Authority to implement and maintain this program on cross-connection is contained in the following legislative actions:

1. The Federal Safe Drinking Water Act of 1974;

2. Sections 25-2-207, 25-2-108 and 25-1-114, C.R.S.;
3. Section 39 of 5 CCR 1002-11, Colorado Primary Drinking Water Regulations;
4. Cross-Connection Control Manual, current edition, the CDPHE.

C. Responsibility. The Public Works Director or its designee shall administer the program to protect the public potable water distribution system from contamination or pollution due to the backflow or back-siphonage of contaminants or pollutants through the water service connection. If the Public Works Director determines that an approved backflow device is required at the town's water service connection to any customer's premises, the Public Works Director shall give notice in writing to said customer to install an approved backflow prevention device at each service connection to his or her premises. The customer shall install the approved device or devices at his or her own expense within ninety (90) days of the receipt of the notice or the customer's water service will be discontinued until the proper device or devices are installed.

D. Administration.

1. The Town will operate a "Cross-connection Control Program," which includes the required recordkeeping related to initial inspection, hazard level, initial device testing, yearly device testing and device replacement, etc.
2. The owner shall allow his or her property to be inspected for possible cross-connections and shall follow the provisions of the town's program if a cross-connection is permitted.

E. General Requirements. Guideline for backflow prevention assemblies, required on identified hazardous cross-connections:

1. Commercial, industrial and institutional buildings shall have an approved reduced pressure zone assembly to isolate all building fixtures and taps from the Town distribution system.
2. Backflow prevention assemblies are to be installed in an accessible location to facilitate maintenance, testing and repair. Drawings must show various installations.
3. All backflow prevention assemblies shall be installed on the customer side, immediately following the water meter.
4. In no case will it be permissible to have connections or tees between the meter and service line backflow prevention assembly.
5. The valves associated with the backflow prevention device shall not be used as the inlet or outlet valve of the water meter. Test cocks shall not be used as supply connections.
6. In order to ensure that backflow prevention assemblies continue to operate satisfactorily, they shall be tested at the time of installation and on an annual schedule thereafter. Such test shall be conducted in accordance with American Society of Sanitary Engineering (A.S.S.E.) and/or University of Southern California, Foundation of Cross-Connection Control and Hydraulic Research (U.S.C. F.C.C.C. and H.R.) performance standards and field test procedures as directed by the Colorado Department of Public Health and Environment.
7. All costs for design, installation, maintenance, repair and testing shall be borne by the customer.
8. All fire sprinkler systems shall conform to the applicable sections in the current edition of the Uniform Plumbing Code.

9. All identified hazardous cross-connections to the Town Water System shall conform or be brought into conformance with the requirements of this chapter within one year of adoption of this chapter.

F. Standards for Backflow Prevention Assemblies.

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

G. Installations.

1. Backflow prevention assemblies shall be installed in accordance with Uniform Plumbing Code specifications.
2. Backflow prevention assembly installations shall be approved for use by the Public Works department.
3. Each backflow assembly shall be installed in the horizontal position. Vertical installation shall be acceptable when approved by A.S.S.E. and/or U.S.C. F.C.C.C. and H.R. specifications. A variance may be granted by the Town.
4. The single check valve is not considered to be a backflow prevention assembly.
5. Reduced pressure backflow prevention devices shall be installed above ground. The unit shall be placed at least twelve (12) inches above finish grade to allow clearance for the repair work. A concrete slab at finish grade is recommended. Proper drainage shall be provided for the relief valve and may be piped away from the location, provided that it is readily visible from above grade and provided that the relief valve is separated from the drain line by a minimum of double the diameter of the supply line. A modified underground vault installation may be used if constructed with ample side clearances. Above ground installations are not allowed without prior written approval from Town Official.

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

1. At least once per year, it is the duty of the customer/user at any premises where backflow prevention assemblies are installed to have a certified test made of those assemblies. In those specific instances where the Public Works department deems the hazard to be great enough, certified inspections and testing at more frequent intervals may be required. These tests shall be at the expense of the water user and shall be performed by a certified technician approved by the Colorado Department of Public Health and Environment and the Public Works department. An inspection of the assembly may be performed at any time complying with the right of entry portion of this code.
2. As necessary, the assembly shall be repaired or replaced at the expense of the customer/user whenever the assembly is found to be defective. Records of all such tests, repairs or replacements shall be kept for three years by the customer/user and be made available to the public works department for review upon request.
3. Existing assemblies shall be tagged by the technician performing the test at the completion of the test, showing the names of the technician and date of test.

4. All testing equipment used in the testing of backflow prevention assemblies shall be checked for accuracy yearly, or more often, and the proof of compliance shall be submitted to the public works department upon request.

5. The Public Works department retains the right to test or otherwise check the installation and operation of any containment assembly at any time to assure proper operation.

(Code 1996, § 13.04.055; Ord. 2008-3 (part), 2008; Ord. No. 2016-01, 1-21-2016)

13.04.080 Backflow Prevention and Cross-Connection Control Program.

A. Applicability

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

B. General Requirements

1. In instances where a reduced pressure principle backflow preventer cannot be installed, the owner must install approved backflow prevention devices or methods at all cross-connections within the owner's plumbing system.

2. Provisions shall be made to provide adequate drainage from the discharge of water from reduced pressure principle backflow prevention assemblies. Such discharge shall be conveyed in a mater which does not impact waters of the state.

3. Where a backflow prevention assembly or method is installed on a water supply system using storage water heating equipment such that thermal expansion causes an increase in pressure, a device for controlling pressure shall be installed.

4. No grandfather clauses exist except for fire sprinkler systems where the installation of a backflow prevention assembly or method will compromise the integrity of the fire sprinkler system.

5. For new buildings, all building plans must be submitted to Town Official and approved prior to the issuance of water service. Building plans must show:

a. Water service type, size, and location;

b. Meter size and location;

c. Backflow prevention assembly size, type, and location;

d. Fire sprinkler system(s) service line, size, and type of backflow assembly;

i. Each fire sprinkling line shall have minimum protection of an approved double check valve assembly for containment of the system.

ii. Each glycol (ethylene or propylene), or antifreeze system shall have an approved reduced pressure principle backflow preventer for containment.

iii. Dry fire systems shall have an approved double check valve assembly installed upstream of the air pressure valve.

1. In cases where the installation of a backflow prevention assembly or method will comprise the integrity of the fire sprinkler system the Town of Cedaredge will not require the backflow protection. The Town will measure and perform periodic bacteriological testing at the site. If the Town suspects water quality issues the Town will evaluate the practicability of requiring that the fire sprinkler system be flushed periodically.

C. Inspection, Testing and Repair:

1. Any backflow prevention devices or methods that are non-testable shall be inspected at least once annually by a certified cross-connection control technician. The inspections shall be made at the expense of the customer.
2. Copies of records of test reports, repairs and retests shall be submitted to Town Official by mail or e-mail by the testing company or testing technician.
3. Information on test reports shall include, but may not be limited to:
 - a. Assembly or method type
 - b. Assembly or method location
 - c. Assembly make, model and serial number
 - d. Assembly size
 - e. Test date
 - f. Test results including all results that would justify a pass or fail outcome
 - g. Certified cross-connection control technician certification agency
 - h. Technician's certification number
 - i. Technician's certification expiration date
 - j. Test kit manufacturer, model and serial number
 - k. Test kit calibration date
(Ord. No. 2016-01, 1-21-2016)

13.04.090 Water use charges—General provisions.

- A. Rates, charges, credits, and waivers for water fund service shall be set by the Town Board by resolution and shall be payable, assessed and billed at periodic intervals specified by resolution of the Town Board.
- B. Base fees or monthly water charges shall commence when service is first utilized, but no later than sixty (60) days from the date of approval of the water tap, whether or not the tap has been activated.
- C. Bills shall be due by twelve midnight (12:00 am) the first business day following the twenty-fifth day of

each month of the billing date. Bills not paid by the due date shall be assessed a penalty of five percent of the unpaid balance due as a late payment penalty.

D. All charges and fees imposed by this chapter shall become a lien on the property.

1. Served as of the date they are billed or due.
2. When account charged equals \$200 or more and \$200 or more is 90 days past due and the account owner has not requested a payment plan, application of 13.04.070C is applicable.

E. Out of Town Water Service

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

the excavation, backfill, etc., is performed by the Town, the work will be done at cost plus an overhead charge of twenty (20) percent and shall be paid for by the Consecutive or Integrated System.

6. Charges and Billing to Consecutive Systems or Integrated Systems. Water service shall be billed by the town on a periodic cycle established by resolution based on usage as reflected by regular meter readings. The amount due shall be determined by Method "A" or "B" below:
 - a. Method "A." If the Consecutive System or Integrated System desires that the Town deliver water and bill the company only for the quantity delivered to the Master Meter, the town shall charge one flat rate and a rate per 1,000 gallons metered.
 - b. Method "B." If the Consecutive System or Integrated System desires that the Town deliver water, read and bill each water tap user within that Consecutive System or Integrated System, the Town, at its option, may agree to do so, and may determine the conditions under which it will do so, and will charge for that service as follows:
 - i. Minimum Bill. Charged to the individual tap user the base fee provided by resolution for out-of-Town users; plus
 - ii. Metered Rate Charge. This charge, as specified by resolution for out-of-Town users, shall be billed to the individual as follows:
 - 1) Per Gallon Charge. Charged to tap owner or agent designated in writing the amounts specified by resolution for out-of-Town water users.
 - 2) Consecutive System or Integrated System Excess. At the same time or just prior to the individual meters being read, the Town may read the master meter(s) of the pipeline company. In the event there is a difference between the usage indicated by the master meter(s) and the sum of usage for all activated taps beyond the master meter(s) (master meter(s) usage minus sum of individually metered usages), that amount shall be charged at an overage rate specified by resolution. The reason for the discrepancy (i.e., a leak or individual meter(s) reading too low) shall be determined by the Consecutive System or Integrated System and cured. If the System excess has not been paid and a cure is not being sought, the town may terminate service to the Consecutive System or Integrated Systems, and apply other remedies provided by law.
 - iii. Billing and Meter Reading Service. Adopted by resolution of the Board from time to time is an annual service fee to cover the labor and administrative costs associated with reading the individual's meter and billing them.
 - iv. In the event the Town believes that the Consecutive System or the Integrated System is losing up to five percent of the water delivered, the Town may investigate such loss. In the event it is determined that the Consecutive System or the Integrated System is losing ten percent or more of the water delivered, the Town may require the affected system to repair the leak or loss of water.

F. Special Consumer Fees for Service Outside of Town Limits

1. The Board of Trustees has the authority to adopt reasonable surcharges and/or higher water use rate fees for out-of-town customers. Revenue from these types of fees is general revenue to the Town WaterFund.
2. A flat rate billed to Consecutive Systems or Integrated Systems that have selected billing Method A as

provided in Code subsection 13.04.060.H hereinabove can include a system fee reduction.

3. Waterline Replacement fees for current and future expenses associated with waterline replacement including but not limited to fund generation associated with grant/loan applications, planning, engineering, easement and right-of-way acquisition, construction, land reclamation and service hook ups shall be allocated among out-of-town water customers located in geographic areas to be served by waterlines identified for possible future replacement.

(Code 1996, § 13.04.060; Ord. 2007-14, 2007; Ord. 2004-9 (part), 2004; Ord. 2002-8 § 1 (part), 2002; Ord. No. 2010-13, 5-20-2010; Ord. No. 2010-29, 9-16-2010; Ord. No. 2011-6, 6-16-2011; Ord. No. 2012-1, 5-17-2012; Ord. No. 2017-07, 6-15-2017)

13.04.100 Remedies for non-payment.

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

- A. The Town may foreclose the lien imposed by this chapter in accordance with law.
- B. The Town may maintain an action for the amount of charges, plus costs of collection and attorney's fees, due in a court of competent jurisdiction including interest as allowed by law.
- C. The Town may certify the amount of any charge due to the Delta County Treasurer to become an assessment upon such property served to be collected as taxes upon such property are collected.
- D. The Town may shut off water to any premises for which the bill is not paid in accordance with the procedures set forth in Section 13.04.110 of this chapter.

(Code 1996, § 13.04.070; Ord. 2002-8 § 1 (part), 2002)

13.04.110 Specifications and standards.

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

(Code 1996, § 13.04.080; Ord. 2002-8 § 1 (part), 2002)

13.04.120 Water extensions.

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

(Code 1996, § 13.04.090; Ord. 2002-8 § 1 (part), 2002)

13.04.130 Right of entry.

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

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

(Code 1996, § 13.04.100; Ord. 2008-3 (part), 2008; Ord. 2002-8 § 1 (part), 2002)

13.04.140 Shut off and resumption of water service.

A. In case any person fails or refuses to pay any charges or penalties for town water service or shall fail to comply with the provisions of this chapter or other regulations applicable to town water service, the town may shut off the water to the premises.

B. Prior to shutting off the water, the town shall send a notice to the address of the customer concerned, as shown on town records, stating the reason for the shut off, and the date upon which service may be shut off unless the charges are paid or other specified violation is corrected, and contact information to Town Hall Utilities Department. Such date shall be at least ten days after the deposit of the letter giving notice of the shut off in the U.S. mail, postage prepaid.

C. In the event the Town shuts off water service pursuant to this chapter, service will not be restored until all overdue charges, penalties, other applicable charges have been paid, and a turn-on fee, as established by resolution of the Town Board of Trustees, has been paid to the Town.

D. The owner of real property as recorded at the Delta County Clerk & Recorder's by deed are permitted to request water shut off and resumption by the Town, at the meter, in writing to the town for any reason to manage their property with the required shut off fee submitted or billed. Before services can be resumed, the customer will be required to remit all past due billing amounts and the required turn-on fee.

(Code 1996, § 13.04.110; Ord. 2002-8 § 1 (part), 2002; Ord. No. 2013-3, 6-20-2013)

13.04.150 Restriction of water uses.

A. The Town Board may by resolution limit the use of town water to specific times, days and uses.

B. It shall be unlawful for any person to sell or give water away to be used on premises other than those for which service is authorized.

C. It shall be unlawful to open or close any fire hydrant, stop or curb valve, or to turn on or turn off the water service to any property without lawful authority to do so.

D. It shall be unlawful to cause or allow any pollutant to be introduced in the town water system or to cross connect it with any irrigation water system.

(Code 1996, § 13.04.120; Ord. 2002-8 § 1 (part), 2002)

13.04.160 Use of fire hydrants.

A. When it is necessary to use water temporarily at a place where the water supply is inadequate, application may be made to the town for a permit to use water from a fire hydrant. It shall be unlawful to use water from, or connect any apparatus to, a fire hydrant without first obtaining a permit.

B. Each permit shall specify the terms and conditions of use and the fire hydrant or hydrants authorized to be used. No person shall attach to the operating stem or cap of a fire hydrant any wrench or tool that is not approved by the Town for use on fire hydrants. In addition to any other remedy available to the town, any wrench, connection apparatus, valve, hose, or other item attached to a fire hydrant in violation of this chapter shall be subject to removal and confiscation by the town.

(Code 1996, § 13.04.130; Ord. 2002-8 § 1 (part), 2002)

13.04.170 Tampering with and unauthorized use of utilities and services.

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

(Code 1996, § 13.04.140; Ord. 2002-8 § 1 (part), 2002)

13.04.180 Permit required.

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

(Code 1996, § 13.04.150; Ord. 2002-8 § 1 (part), 2002)

13.04.190 Violations.

A. Failure of the customer to cooperate in the installation, maintenance, testing or inspection of backflow prevention assemblies required by these standards shall be grounds for the discontinuance of water service to the premises or the requirement of installation of an air-gap separation from the public potable water system.

B. Service of water to any premises may be discontinued by the authority of the Public Works Director if unprotected cross-connections exist on the premises. When any defect is found in an installed backflow prevention assembly, or if a backflow prevention assembly has been removed or bypassed, the service may be discontinued. Service shall not be restored until such conditions or defects are corrected.

C. Discontinuance of service may be immediate and without written notice whenever, in the judgment of the Public Works Director, such action is necessary to protect the purity of the public potable water supply or the safety of the water system.

D. Any person who tampers with any meter, valve, or water line or who violates any other provisions of this chapter shall be deemed guilty of a criminal offence punishable by fine of up to one thousand dollars (\$1,000.00), a jail sentence of up to one year, or both. Any person who violates the terms and conditions of this chapter or of any rules or regulations adopted by the Town Board shall be deemed guilty of a misdemeanor and subject to a fine. Each day of violation of the ordinance codified in this chapter shall be deemed a separate offence.

(Code 1996, § 13.04.160; Ord. 2008-3 (part), 2008; Ord. 2002-8 § 1 (part), 2002)

CHAPTER 13.08 WASTEWATER SERVICE SYSTEM

Sections:

13.08.010 Definitions

13.08.020 General regulations.

13.08.030 Application for service.

13.08.040 Conditions and application for connection.

- 13.08.050 Wastewater system improvement fees.**
- 13.08.060 Installation and maintenance responsibilities.**
- 13.08.070 Wastewater use charges—General provisions.**
- 13.08.080 Remedies for non-payment.**
- 13.08.090 Specifications and standards.**
- 13.08.100 Wastewater extensions.**
- 13.08.110 Right of entry.**
- 13.08.120 Shut off and resumption of wastewater service.**
- 13.08.130 Tampering with and unauthorized use of utilities and services.**
- 13.08.140 Permit required.**
- 13.08.150 Violations—Penalty.**

13.08.010 Definitions

A. The following terms shall be defined through this Chapter as follows:

1. “Town” shall mean the Town of Cedaredge.
2. “Board” shall mean the Town of Cedaredge Board of Trustees.
3. “In Town” shall mean service within the municipal boundaries of the Town of Cedaredge.
4. “Out of Town” shall mean service outside the municipal boundaries of the Town of Cedaredge.
5. “Town Official” shall mean the Town Administrator, Town Public Works Director, the Town Building Inspector or their designee.
6. “Town Board of Health” shall mean the Town Board.
7. “CDPHE” shall mean the Colorado Department of Health and the Environment.
8. “Town Wastewater System” shall mean the public sewer system and treatment plant for the Town of Cedaredge.
9. “Wastewater Services” shall mean the collection and treatment of wastewater.

13.08.020 General regulations.

A. Each developed parcel of real property within the Town shall be required to be connected to the Town Wastewater System. Each user of the Town Wastewater Services shall be subject to the terms and conditions as set out in this chapter and shall be subject to all applicable regulations of the Town Code and other ordinances, resolutions and regulations of the Town, as they now exist or as they may be amended in the future.

B. The owner, lessee, party in possession and party actually using Wastewater Service, of any property served by Town Wastewater Service, shall be jointly and severally liable for all fees, charges and penalties imposed by this chapter and for compliance with other requirements of this chapter, notwithstanding any agreement among themselves.

(Code 1996, § 13.08.010; Ord. 2003-1 § 3, 2003; Ord. 2002-8 § 1 (part), 2002)

13.08.030 Application for service.

A. Application for Town wastewater service shall be made upon forms provided by the Town, which forms shall require information as may be necessary for the proper billing and management of the Town Wastewater

System.

B. The Town may grant permission for the use of Wastewater Service in Town only upon receipt of the proper application and payment of all applicable fees, charges and deposits.
(Code 1996, § 13.08.020; Ord. 2002-8 § 1 (part), 2002; Ord. No. 2010-3, 2-18-2010)

13.08.040 Conditions and application for connection.

A. Applications for connection to the Town Wastewater System shall be accompanied by the system improvement and other fees imposed by this chapter, a plan of the property to be served, and the evidence of title to, and legal description of, the property to be served, and a copy of the Delta County Assessor Report for the property.

B. If the property to be served is inside the Town limits, the application shall be accompanied by:

1. A copy of the applicant's deed and a copy of the Delta County Assessor Report for the property and the legal description of the property to be served; and
2. An agreement executed by the owner/applicant which contains the following conditions and other conditions consistent with this chapter:
 - a. Each service line between the Town lines or mains and the building served shall be constructed and maintained in compliance with all Town codes, standards and specifications.
 - b. The owner/applicant agrees to comply with all provisions of this chapter, as amended from time to time.

C. If the property to be served is outside the Town limits and within the Utility Annex Control Area, utility connection shall only be considered under 13.08.030.B.

D. Whenever a town wastewater main is installed within four hundred (400) feet of a premises served by Town water, the occupant or owner will, upon request of the Town, connect to such wastewater line and pay all system improvement and other fees, therefore, in accordance with town ordinances and regulations, as they may be amended from time to time. All buildings requiring sewage disposal shall connect to the Town Wastewater System.

E. Applications for connection to the Town Wastewater System shall be accompanied by properly executed documents granting the Town all easements reasonably necessary for wastewater lines and facilities.

F. Applications for all connections must be reviewed and approved by the Town Administrator and Public Works Director. If any Town main or line extension is required, the connection shall not be approved unless the terms of the extension have been approved by the Town. The application shall be denied if capacity is not available for utility related reasons.

G. The Town Board may declare a moratorium on new connections at any time due to limitations on system capacity or other circumstances, which require such action in their sole discretion.

H. Separate buildings or residences shall require separate taps to a Town wastewater main, or in the case of service provided through a wastewater company, district or privately owned main, separate taps to the company, district or privately owned main. Provided, however, a garage regularly used to house vehicles accessory only to a residence within the Town may have plumbing and plumbing fixtures served off of the residence's tap, if not intended to change the existing use. Separate system improvement and other fees shall be due for each tap onto a Town, company, district, or privately owned main, regardless of building ownership. Individually-owned properties in a recreational vehicle park or mobile home park shall require separate wastewater taps to Town-owned

wastewater laterals or mains. The purchaser may purchase more than one tap to serve any building or dwelling unit.

I. When the property of any wastewater user, either in or out of the Town, is subdivided each dwelling unit shall establish and install a separate tap.

J. No application for the connection to the town's mains of any private line, private, company, or feeder district shall be approved. Provided, however, this shall not preclude approving connection for Wastewater Service to a mobile home park, travel home park, or apartment building. Existing wastewater companies or other private lines served by the Town shall submit an application for connection for any additional customers, dwelling units, buildings, or taps to be serviced by such companies accompanied by fees as set out in Section 13.08.040, on the same basis as if the connection was to be directly to a Town main.

K. Taps shall be used to serve only that property for which the tap was purchased and approved to serve, and are non transferable.

L. Users of the Town Wastewater System will not discharge non-acceptable wastes into the Town Wastewater System whether directly or indirectly prohibited. Where investigation reveals the presence in the system of non-acceptable wastes emanating from any lot, land, building or premises, the owner, lessor, renter or occupant of such lot, land, building, or premises shall be required, at their own expense, to treat, neutralize or in other ways prepare the noxious substance therein in order to convert the same into acceptable wastes.

M. Grease, oil and sand interceptors shall be provided when necessary for the proper handling of any liquid waste containing grease in excessive amounts or any flammable waste, sand, or other harmful ingredients; except that such interceptor shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Town Building Inspector, and shall be located as to be readily and easily accessible for cleaning and inspection.

N. When required by the Town Building Inspector or Public Works Director, the owner of any property served by a building wastewater carrying industrial waste shall install a suitable control manhole in the building wastewater to facilitate observation and sampling of the waste. Such manholes, when required, shall be accessible and safely located and shall be constructed in accordance with the plans approved by the Building Inspector. The manholes shall be installed by the owner at their expense and shall be maintained by them so as to be safe and accessible at all times.

O. No person shall discharge into any natural outlet within the town, or any area within the jurisdiction of the town, any sanitary wastewater industrial waste or other polluted waste, except where suitable treatment has been provided, in accordance with CDPHE guidelines.

P. For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed them by this section:

1. "Non-acceptable wastes" include the following wastes:
 - a. Any liquor or vapor having a temperature higher than one hundred sixty-two degrees (162) Fahrenheit, as it enters the collection line;
 - b. Any water or waste having more than one thousand (1,000) parts per million by weight of five day biological oxygen demand;
 - c. Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas;
 - d. Any garbage that has not been properly shredded;

- e. Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, grit, brick, cement, onyx, carbide or any other solid or viscous substance capable of obstruction of the flow of the wastewater or other interference with the proper operation of the sewage works, including, without limitation, organic compounds which will react with the wastewater pipe material;
- f. Any water or waste having pH lower than five and one-half (5.5) or higher than nine (9) or having any other corrosive property capable of causing damage or hazard to structures, equipment or personnel of the wastewater works;
- g. Any water or waste containing a toxic or poisonous substance in sufficient quantities to injure or interfere with sewage process, constituting a hazard to humans or animals or creating any hazard in the receiving waters of the wastewater treatment plant;
- h. Any waters or wastes containing suspended solids of such character or quantity that unusual attention or expense is required to handle such materials at the wastewater treatment plant;
- i. Any noxious or malodorous gas or substance capable of creating a public nuisance.
- j. Any ground water collected by sump pumps, French drains or other collection methods.
- k. Any stormwater collected by patio drains, rain gutters or other storm drains.

2. "Sanitary Sewage" means the waste from water closets, urinals, lavatories, sinks, bathtubs, showers, household laundries, cellar floor drains, bars, soda fountains, refrigeration drips, drinking fountains and any other waterborne waste not constituting a non-acceptable waste as defined in this section.

(Code 1996, § 13.08.030; Ord. 2007-10, 2007; Ord. 2002-8 § 1 (part), 2002)
 (Ord. No. 2009-01, 1-15-2009; Ord. No. 2020-2, 2-18-2010)

13.08.050 Wastewater System improvement fees.

A. General provisions applicable to wastewater fees.

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

4. Private Wastewater Systems shall be charged the charges imposed by this chapter both for the connection of the private line to the town system and for each customer, building or dwelling unit served by such line, prior to connecting such customers. Private companies or systems shall also remit unit charges for each additional unit added to a multi-unit facility as specified in subsections (B) and (C) below.

B. Wastewater System improvement fees and unit charges:

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

(Code 1996, § 13.08.040; Ord. 2002-8 § 1 (part), 2002)

13.08.060 Installation and maintenance responsibilities.

A. The property owner shall be responsible for the connection, installation and maintenance of all wastewater lines and facilities, including the entire length of wastewater lateral between the Town-owned main and the customer's premises and for plumbing facilities serving his property up to and including the tap. All such work shall be inspected by the Town prior to approval and backfilling.

B. If any portion of the wastewater lines or other facilities for which the customer is responsible is in need of repair and the customer fails to make such repairs following notice from the town, the town may either terminate water and wastewater service or make repairs and bill them to the customer. Such charges shall become a lien upon the property and may be collected as other charges imposed by this chapter. (~~Ord. 2002-8 § 1 (part), 2002~~)

13.08.070 Wastewater use charges—General provisions.

A. Rates for wastewater Service shall be set by the Town Board by resolution and shall be payable, assessed and billed at periodic intervals specified by resolution of the Town Board.

B. Monthly wastewater charges shall commence when service is first utilized, but no later than sixty (60) days from the date of approval of the wastewater tap, whether or not the tap has been activated.

C. Bills shall be due by twelve midnight (12:00 am) the first business day following the twenty-fifth day of each month of the billing date. Bills not paid by the due date shall be assessed a penalty of five percent of the unpaid balance due as a late payment penalty.

D. All charges and fees imposed by this chapter shall become a lien on the property served as of the date they are billed or due.

E. Special consumer rates. The Town also reserves the right to fix special rates for consumers not covered by this chapter, set for by resolution by the Board of Trustees from time to time.
(Code 1996, § 13.087.060; Ord. 2002-8 § 1 (part), 2002; Ord. No. 2012-2, 5-17-2012)

13.08.080 Remedies for non-payment.

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

A. The Town may foreclose the lien imposed by this chapter in accordance with law.

B. The Town may maintain an action for the amount of charges, plus costs of collection and attorney's fees, due in a court of competent jurisdiction including interest as allowed by law.

C. The Town may certify the amount of any charge due to the Delta County Treasurer to become an assessment upon such property served to be collected as taxes upon such property are collected.

D. It shall be unlawful to fail to pay the charges imposed by this chapter.

E. The Town may shut off water to any premises for which the wastewater bill is not paid in accordance with the procedures set forth in Section 13.08.110 of this chapter.

F. All charges and fees imposed by this chapter shall become a lien on the property

1. Served as of the date they are billed or due.

2. When account charged equals \$100 or more and \$100 or more is 90 days past due and the account owner has not requested a payment plan, application of 13.08.070C is applicable.

(Code 1996, § 13.08.070; Ord. 2002-8 § 1 (part), 2002; Ord. No. 2010-33, 11-18-2010)

13.08.090 Specifications and standards.

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

(Code 1996, § 13.08.080; Ord. 2002-8 § 1 (part), 2002)

13.08.100 Wastewater extensions.

- A. No wastewater main of the Town may be extended without the approval of the Town.
- B. The Town may, at its own expense, extend its wastewater mains and lines as deemed feasible or necessary. The Town may provide for such extensions in accordance with its subdivision regulations or by contract with any person desiring such extensions or by improvement district. Any such contract shall be on terms approved by the Town and may provide for the size of the mains or lines to be extended, the apportionment of the costs of the extensions, reimbursement provisions for subsequent taps onto such extension, or such other provisions as the Town Board deems in the public interest.
- C. All such mains, lines and facilities connected to the Town system shall be conveyed and dedicated to the Town, and the appurtenance easements shall be conveyed to the Town, free and clear of all liens and encumbrances.
(Code 1996, § 13.08.090; Ord. 2002-8 § 1 (part), 2002)

13.08.110 Right of entry.

- A. Whenever necessary to make an inspection or investigation to perform any duty, or to enforce any of the provisions of this chapter, any authorized Town Representative may enter upon any building or premises served by Town Wastewater Service at any reasonable time for such purposes. If the building is occupied, the Town Representative shall present proper credentials and request entry. If such building is unoccupied, the Town Representative shall make reasonable efforts to locate the owners or persons in possession of the premises and request entry. If entry is refused, the Town Representative shall have recourse to all remedies provided by law to secure entry, including issuance of an inspection warrant by the municipal court. 13.08.100.
- B. The right of entry shall apply but not be limited to the following functions: to determine the location and conditions of all lines, connections, pipes, fixtures, to make repairs, to perform dye and smoke tests, and to investigate violations of this chapter.
(Code 1996, § 13.08.100; Ord. 2002-8 § 1 (part), 2002)

13.08.120 Shut off and resumption of Wastewater Service.

- A. In case any person fails or refuses to pay any charges or penalties for Town Wastewater Service or shall fail to comply with the provisions of this chapter or other regulations applicable to Town Wastewater Service, the Town may shut off the water to the premises and/or take such other steps as are reasonably necessary to curtail Wastewater Service to the premises.
- B. Prior to shutting off the water or taking other allowed actions, the Town shall send a notice to the address of the customer concerned, as shown on Town records, stating the reason for the shut off or other action, and the date upon which the Town Wastewater Service may be shut off unless the charges are paid or other specified violation is corrected, and contact information for Town Hall Utilities Department. Such date shall be at least ten (10) days after the deposit of the letter giving notice of the shut off or other action in the U.S. mail, postage prepaid.
- C. If the Town shuts off water service or takes other action pursuant to this chapter, service will not be restored until all overdue charges, penalties, other applicable charges which have been billed, and a turn-on fee, as established by resolution of the Town Board, have been paid to the Town.
(Code 1996, § 13.08.110; Ord. 2003-5 § 1, 2003; Ord. 2003-1 § 2, 2003; Ord. 2002-8 § 1 (part), 2002; Ord. No. 2010-33, 11-18-2010)

13.08.130 Tampering with and unauthorized use of utilities and services.

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

lawful authority.
(Code 1996, § 13.08.120; Ord. 2002-8 § 1 (part), 2002)

13.08.140 Permit required.

It is unlawful to excavate, construct, repair or make taps within any easement, right-of-way or property owned by the Town without first obtaining an excavation permit for such work from the Town, in accordance with Chapter 15.10 of this code.
(Code 1996, § 13.08.130; Ord. 2002-8 § 1 (part), 2002) 13.08.130

13.08.150 Violations—Penalty.

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

Any person who violates the terms and conditions of this chapter or of any rules and regulations adopted by the Town Board shall be deemed guilty of a misdemeanor and subject to a fine. Each day of violation of the ordinance codified in this chapter shall be deemed a separate offense.
(Code 1996, § 13.08.140; Ord. 2002-8 § 1 (part), 2002)

CHAPTER 13.12 SEPTIC TANKS AND On-Site Wastewater Treatment Systems

Sections:

13.12.010 Definitions.

13.12.020 Prohibition of Sewage Disposal Systems

13.12.030 Adequate sewage disposal facilities required.

13.12.040 Cesspools prohibited—Septic tank specification conformity required

13.12.050 Violation—Penalty.

13.12.010 Definitions.

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

1. The "Board of Health" means the Town Board of Trustees.
2. "Cesspool" means an underground pit into which raw household sewage or other untreated liquid waste is discharged and from which the liquid seeps into the surrounding soil or is otherwise removed.
3. "Effluent" means liquid waste discharged from a septic tank or any other type of treatment system, containing finely divided organic matter in suspension.
4. "Health officer" shall be the duly authorized Health Officer of the town or any qualified person appointed by the Town Board of Trustees to act in the capacity of the enforcement of the ordinance codified in this chapter.

5. "Sewage" means any combination of liquid waste discharging from any building. Sewage may nor may not include human excreta.
6. "Sewage Disposal System" means a system for disposing of sewage, industrial waste or any other waste, and which includes sewage systems and treatment works.
7. "Soil Absorption System" means a system constructed underground which allows the effluent to be absorbed into the surrounding soil.
8. "Town Department of Public Health" shall be the Town Board of Trustees, the health officer or the authorized representative.

(Code 1996, § 13.12.010; Ord. 1-1971 § 1, 1971)

13.12.020 Prohibition of Sewage Disposal Systems.

It is unlawful for any person or persons to construct, alter or repair any Sewage Sisposal System within the Town, where access to the Town Wastewater System is available. Any application for a Town wastewater tap shall require the owner/ applicant to remidate or remove any sewage disposal system. with the exception of any municipal, corporate or sanitary districts which are duly organized under the statutes of the state and situated within the town, unless such person holds a valid permit issued by the Town Board or the duly appointed agent for the specific construction, alteration or repair of any system as proposed at the location described in the permit.

13.12.030 Adequate sewage disposal facilities required.

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

(Code 1996, § 13.12.040; Ord. 1-1971 § 4, 1971)

13.12.040 Cesspools prohibited—Septic tank specification conformity required.

It is unlawful to install, construct or operate a cesspool in the Town.

13.12.050 Violation—Penalty.

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

(Code 1996, § 13.12.080; Ord. 1-1971 § 8, 1971)

SECTION 2: EFFECTIVE DATE.

The provisions of this Ordinance shall become effective thirty days following publication of the notice pursuant to Cedaredge Home Rule Charter, Section 1-8.

SECTION 3: SEVERABILITY.

If any clause, sentence, paragraph, or part of this ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.