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## **13.04 Water**

### **13.04.010 Definitions**

- A. " Dwelling " means a building or structure designed or used as the living quarters for one or more families and shall include mobile homes and recreational vehicles but not motels, hotels, or rooming houses.
- B. " Dwelling unit " means one or more rooms providing complete living facilities for one family, including equipment and facilities for cooking and room or rooms for living, sleeping, and eating.
- C. " Family " means a single individual, or a collective body of persons living together in a domestic bond, occupying a dwelling unit.
- D. " Hotel, motel " means a building containing rooms intended or designed to be used or which are used, rented or hired out to be occupied or which are occupied for sleeping purposes by guests, and where kitchen and dining facilities, if any, are provided at a common location within the building or in an accessory building.
- E. " Non-residential unit " means each twelve hundred (1200) square feet of floor area in any building or structure used for purposes other than for a dwelling. Floor area includes all areas primary to the functioning of such use and excludes stairwells, hallways, corridors, dead storage, and space occupied by heating, air-conditioning and other utility equipment.
- F. " Plant investment fee " means a share of the capital cost of the water treatment plant and water distribution system.
- G. " Rooming house " means any dwelling in which more than three (3) persons, either individually or as family, are housed or lodged for hire, with or without meals. A boarding house or furnished room house shall be deemed a " rooming house ".
- H. " Surcharge " means a share of the costs of a water transmission line in the size necessary to serve the property to which the line is extended, levied on the basis of dwelling or nonresidential units presently or potentially to be connected to said line where it passes by or through properties of others, and collected at such time as connections are sought to said line.
- I. " Water service line " means the water line from the water transmission line to the building, structure, or use served.
- J. " Water transmission line " means the water line to which taps for service lines are made.
- K. " Potable water " means water treated and supplied to federal Environmental Protection Agency and State Department of Health Standards by the Town.
- L. " Cross connection " means any connection or potential connection between the potable water supply and a source of pollution, contamination or water not supplied by the Town.
- M. " Backflow prevention device " means one of several devices that are designed to prevent the backflow of pollution or contaminants into the potable water system and approved by the American Society of Sanitary Engineers (A.S.S.E.) and approved by the Town.
- N. " Certified inspector and/or tester " means a person certified by the State Department of Health and acceptable to the Town to inspect, test, and repair backflow prevention devices.

### **13.04.010 Organization**

There shall be within the plan of administrative organization as proposed by the Town manager and approved by the Town council provision for such departments and officers as may be deemed necessary for the proper operation of the public water utility.

### **13.04.020 Powers**

The Town council shall establish policies for the operation of the public water utility, including adoption of charges, rates, rules, and regulations, and shall hold the Town manager responsible for the prudent, efficient, and economical management of the public water utility.

#### **13.04.030 Right of entry**

Whenever in his judgment the Town manager deems it necessary, he may inspect the premises or building of any water consumer for the purpose of examining the condition of all pipes, motors, meters, backflow prevention devices, and water fixtures, or the manner in which the water is used. He shall be vigilant to protect and remedy all abuses and cross connections, whether from waste or other improper use of water.

#### **13.04.040 New water service**

Forms and fee schedules shall be available to an owner, or agent of an owner, seeking a new water service. Such forms shall show the premises to be served or benefited by the particular service. The Town manager may promulgate such rules and procedures, as he deems necessary to implement this section. Application for new water service shall be made by the owner of the property to be served, or his duly authorized agent.

#### **13.04.050 Tapping and plant investment fees**

- A. Upon an application for a new tap and service connection by any owner within the Town limits, the Town may, at the option of the Town manager, authorize such tap to be made either by the Town or by a plumbing contractor licensed by the state and retained by the owner. If the tap is to be made by the Town, the owner shall pay to the Town, upon application, a minimum tap fee established by resolution of the Town council to be applied towards the cost of labor and materials, including a meter corporation cock, tapping saddle, tubing fittings, curb box, and pipe from the main to the curb box. Should actual costs exceed such sum, the applicant shall pay said fee before the water is turned on. If the tap is to be made by a plumbing contractor licensed by the State and retained by the owner, such contractor shall obtain at cost from the town a meter and fittings. He shall submit a sketch of the service connection, and upon its approval by the town manager, he shall proceed with installation in accordance with standard specifications of the Town for water service connections and any applicable regulations, procedures, or conditions as may be established by the Town manager.
- B. Within Town limits a plant investment fee shall be paid to the Town prior to the issuance of any certificate of occupancy for new buildings or structures or expansion of existing buildings or structures. Expansion shall not only mean physical expansion of a building or structure but also conversions from one use to another and expansion of existing uses within a building. Such fee shall be calculated at a rate of seven hundred dollars (\$700) per dwelling unit or non-residential unit.
- C. Outside Town limits plant investment fees shall be paid at the time a tap is applied for, or, in cases of existing taps, when new buildings or expansion of existing structures or buildings become known to the Town manager. Failure on the part of the owner upon notification to pay such fees may result in discontinuance of water service.
- D. Tap fees and plant investment fees outside Town limits shall be twice those charged within Town limits except that in-Town fees shall apply when an owner of property to be served has submitted a petition for annexation as provided in Section 13.04.070 Services outside Town limits of this Chapter. If no such petition is submitted, the Town makes the tap, and actual costs exceed the sum of eight hundred dollars (\$800), the applicant shall pay such excess costs before the water is turned on.

#### **13.04.055 Cross connection and backflow prevention**

- A. The following shall pertain to all water services connected to the Town potable water distribution system.
1. The authority and requirement to implement a cross connection control program is contained in the following legislative actions: Safe Drinking Water Act 1986; Occupational Safety and Health Administration safety and health standards (29 CFR 191, subpart J); Colorado state laws and regulations (a) C.R.S. 25-1-114, (b) C.R.S. 25-1-109, (c) C.R.S. 25-1-112, (d) Colorado Primary Drinking Water Regulations, Article 14, Hazardous Cross Connections; Uniform Plumbing Code (1991 Edition), Section 1003 Cross Connection Control and Hot Tub Code (1985 edition); Uniform Solar Code
  2. The “Colorado Cross Connection Control Manual” (1993 or latest edition) shall serve as the regulations and guidelines for the Town cross connection control program.
- B. General requirements:
1. Plans for the construction of commercial, industrial, and residential buildings and facilities must be submitted for approval of backflow prevention devices, size, location and type.
  2. Existing buildings and facilities connected to the potable water system shall be surveyed by the Town utilities department for possible cross connection and degree of hazard determination within one year of adoption. Requirements for backflow prevention devices shall be at the discretion of the Town under the guidelines of the Colorado Cross Connection Control Manual.
  3. All costs involved for the purchase, installation, and subsequent testing shall be the responsibility of the owner of the building or facility.
  4. All backflow prevention devices must be inspected and tested immediately upon installation and annually thereafter. Written reports of inspection and tests, in approved format, shall be forwarded to the Town utilities department within five (5) days of the inspection and/or test.
  5. All inspectors and testers shall be certified as “cross connection control technician” by the Colorado Department of Health or certified by the American Society of Sanitary Engineers (A.S.S.E) and approved by the Town.
  6. All irrigation systems, residential or commercial, connected to potable water shall have approved backflow prevention devices.
  7. All boiler systems, residential or commercial connected to potable water shall have approved backflow prevention devices.
  8. All “cottage industries” in residences are subject to survey and requirements for backflow prevention devices.
  9. Owners of residences, buildings, or facilities will be given thirty (30) days in which to comply with this ordinance. Non-compliance or refusal to comply shall result in immediate discontinuance of water service.
  10. Installation of backflow prevention devices shall be in accordance with the Colorado Cross Connection Control Manual and approved by the Town.
  11. All vehicles, tank equipped, used to haul water must have an approved air gap or be equipped to fill through a reduced pressure backflow prevention device. Such vehicles are subject to inspection at least annually and may be subject to inspection at any time they are filling from a potable water source. Commercial carriers using an air gap for protection must have an air gap certification affidavit from the Town in the vehicle at all time potable water is being hauled.

#### **13.04.060 Services within Town limits**

The following terms and conditions shall apply to water service lines within Town limits:

1. No more than one building or property under separate ownership or proposed to be under separate ownership shall be permitted to utilize one water service line.
2. No water service line shall be more than one hundred fifty (150) feet in length without the prior approval of the Town council.

#### **13.04.070 Services outside Town limits**

Pursuant to section 31-35-402 C.R.S., the Town is authorized to provide municipal water service outside Town limits. The same terms and conditions shall apply to water service lines outside Town limits as within town limits, with the following exceptions and additional requirements:

1. The owner of any property to be served shall execute a standard agreement for the provision of municipal water service beyond the limits of the Town, such agreement providing, among other things, that the owner shall be bound by all rules, regulations, and provisions of this Code relating to the water utility.
2. The owner of any property to be served that satisfies statutory criteria for annexation and is located within the Town annexation area as recommended by the planning and zoning commission and approved by the Town council shall submit a petition for annexation of said property acceptable to the Town manager.
3. The owner of any property to be served that does not immediately satisfy statutory criteria for annexation but which is located within said annexation area shall execute a pre-annexation agreement acceptable to the Town manager calling for annexation at such time that said criteria are satisfied.

#### **13.04.080 Water transmission line extension authorized**

The Town council may authorize as part of a subdivision approval or as a separate project the extension of a water transmission line by an owner at his expense, such line proposed to serve his property, after consideration of the recommendations of the Town manager and the planning and zoning commission. The Town council may require, after consideration of the recommendations of said manager and said commission, an owner to extend a water transmission line if the Town council finds it would not be in the public interest to allow a water service line to be extended or installed to serve his property in a particular instance.

#### **13.04.090 Transmission line extension-Terms and conditions**

In the event an owner is authorized or required to extend a water transmission line, he shall execute with the town a Water Transmission Line Extension Agreement as approved by the Town council, such agreement to include, among other things as determined by the Town council, the following requirements:

1. Minimum size of the line shall be six (6) inches.
2. Materials and installation shall be in accordance with standard specifications approved by the Town council.
3. Line shall be run to the furthest point on the property or to a point, which will allow reasonable extension of the line in the future.
4. Payment shall be made by owner to the Town of three per cent (3%) of the costs of such line as an inspection fee.
5. Dedication by the owner shall be to the Town upon its acceptance by the Town, including any rights of way required by the Town.
6. Execution by the owner of a Standard Agreement for the Provision of Public Water Service beyond the Town limits, if applicable.

#### **13.04.100 Cost reimbursement by other owners**

At the option of the Town council, a provision may be included in the Water Transmission Line Extension Agreement for reimbursement for a period of ten (10) years, beginning with the date of preliminary acceptance of the line, to the owner of the costs of the water transmission line where the water transmission line passes through or by the properties of other owners. Such reimbursement shall be in the form of a surcharge added to the plant investment fee collected from such other owners as they connect to the line, such surcharge collected by the Town and turned over to the owner. The costs of such water transmission line shall be determined annually on or about January 1st by the Town manager, shall be incorporated in all agreements executed through December 31st of that year, and shall be based on such data as costs to the Town of similar line installations, costs of similar work performed in the area, and estimates of material and installation costs provided by the contractors. Such costs shall be divided by the total number of units that the properties of others can accommodate in accordance with densities and uses shown on the zoning map or Town plan of development. The result is the surcharge to be added to the plant investment fee collected as such properties of others develop. The total amount collected and turned over to the owner shall in no case exceed the costs of the water transmission line as contained in the agreement. Conversely, the Town does not guarantee that the total costs of such water transmission line passing through or by properties of owners shall be reimbursed to the owner.

#### **13.04.110 Meters, meter pits, and service lines**

- A. Specifications. Meters, meter pits, service lines, and any connections and fittings associated therewith shall be of make and materials and installed in accordance with specifications established by the Town. Meters shall be required on all properties to which the town furnishes potable water and shall be installed in the building or structure served; exceptions to this requirement may be permitted by the Town manager under unusual and extreme conditions associated with the water service line.
- B. Access. All users of municipal water shall allow the Town's employees or contractors designated by the Town to enter upon the premises of such user for the purpose of installing, servicing, and maintaining meters and meter pits and for reading any such meters. Refusal to allow such installation, servicing, maintenance, and reading of meters may result in discontinuance of water service.
- C. Any water meter or meter pit, regardless of location, installed in accordance with town rules and regulations and accepted by the Town, shall be the property of the Town and shall be maintained by the Town. Water service lines shall be the property of the town and maintained by the Town from the water transmission line to the curb stop or meter pit, if any, provided such curb stop or meter pit are located within a town easement or right-of-way. If such curb stop or meter pit is located on private property or there is no curb stop or meter pit, such ownership and maintenance of the water service lines shall stop at the edge of the easement or right-of-way.
- D. No person shall willfully damage or destroy a meter, meter pit, or service line owned by the Town nor shall any person tamper, meddle, or interfere with a meter, or connections and fittings associated therewith, with the intent or result of causing the meter to malfunction or fail to measure water consumption, and the costs of any repairs to or replacement of a meter, meter pit, or service line as a result of said actions shall be charged to the person responsible.

#### **13.04.120 Waste prohibited--Scarcity measures**

- A. Consumers shall not waste water, and faucets, water closets, bathtubs, and other fixtures shall not be left running for any purpose other than the use for which they were intended, except as the town manager may in particular instances expressly authorize in order to keep water lines and services from freezing. In addition to the penalty provided in this chapter for violations, the water service, following due notice to the consumer, may be turned off where waste occurs.
- B. In case of water shortage or scarcity, the Town council may by resolution place any restrictions, which it deems necessary, upon the use of water for irrigation or sprinkling purposes. In addition to the

penalty provided in this chapter for violations, the water service may, following due notice to the consumer, be turned off where such violation occurs.

- C. Moratorium. Upon a determination that the Town's water system, or legal or physical water supply, has reached capacity or is reasonably expected to reach capacity based upon existing commitments and projected demands, the board may declare a moratorium on any new water services and/or taps.

#### **13.04.130 Rates--Bills--Penalty for nonpayment**

- A. In-Town rates. All users of the municipal water system within the Town limits shall be billed a service charge of eleven dollars and fifty-one cents (\$11.51) per month for each commercial building, church, dwelling unit or other use, and two dollars and sixty-four cents (\$2.64) per month for each one thousand gallons or portion thereof metered. The service charge shall be applied to each dwelling unit, whether or not such unit or units are served by individual meters or master meters.
- B. Out-of-town rates. All users of the municipal water system outside the Town limits shall be billed a service charge of seventeen dollars and twenty-six cents (\$17.26) per month for each commercial building, church, dwelling unit or other use, and five dollars and twenty-five cents (\$5.25) per month for each one thousand (1,000) gallons or portion thereof metered except that in-town rates shall apply where an owner of property to be served has submitted a petition for annexation as provided in Section 13.04.070 Services outside Town limits of this Chapter.
- C. Bulk Rates. Each bulk tank user purchasing treated water shall be billed at the rate of five dollars and sixty cents (\$5.60) per month for each one thousand (1,000) gallons or portion thereof.
- D. Malfunctioning Meters. In case where a meter malfunctions, either failing to record water usage or doing so inaccurately as determined by the Town manager, the Town shall render an estimated water bill and shall base such estimate on the average water consumption for such property or user over a period of months, adjusted to seasonal variation. A statement of the method used to arrive at such estimated bill shall be provided at the request of the user.
- E. Billings. Bills shall be dated the first day of a month and shall be mailed as close to that date as practicable. Bills shall be due no later than the close of business of the last working day of the month and shall become delinquent if not paid by that date.
- F. Nonpayment. In the event that a bill becomes delinquent, a late charge of two per cent (2%) shall be added to the principal amount due of such delinquent bill for each full month that such bill remains unpaid. Any user whose bill becomes delinquent shall receive a notice by mail demanding payment within ten (10) calendar days. Where an owner of property is not the same as the user, such owner may request a copy of such notice to be mailed to him. Should such payment not be made or some contractual payment schedule agreeable to the Town manager not be made, the water services to that user shall be shut off.

#### **13.04.135 Unpaid water utility charges--Lien—Collection**

- A. All rates, fees, charges, and assessments provided by this chapter concerning the Town's water system from the time the same shall be due and payable shall become and remain a lien on the premises until said rates, fees, charges, and assessments have been paid to the Town. This lien on the premises may be foreclosed by an action at law or in equity in the name of the Town in any court having jurisdiction thereof. If the Town must resort to court action for collection of amounts due it under this chapter, the Town shall also be entitled to its reasonable attorney's fees and other expenses incurred in such action if the Town prevails.
- B. In the event said rates, fees, or charges and assessments are not paid when due, the Town Manager may certify the amount of the same to the County treasurer, to be placed on the tax list for the current year and collected in the same manner as other taxes are collected, with ten percent (10%) added thereto to defray the cost of collection pursuant to Section 31-20-105 C.R.S. All laws of this State for the

assessment of general taxes, including the sale of property for taxes and redemption of the same shall apply.

#### **13.04.140 Deposits**

The Town shall require as a condition of provision providing water, gas, and/or wastewater service, either singly or in any combination, a cash deposit of one hundred dollars (\$100) as security for billing rendered. For the time the deposit is with the Town and the utility connection maintained, interest will be allowed the depositor as determined by the Colorado Public Utilities Commission for customer utility deposits, or in the absence of such determination, by the Town manager and based on the average interest earnings obtained by the Town on its investments. If over any period of twenty-four (24) consecutive months a review of the customer's account shows that no more than four (4) monthly billings have been paid after the due date and that no utility service has been shut off for non-payment of a billing, the deposit with accrued interest shall be returned to the customer. In case of a shut off of a utility service for non-payment of a billing to a customer to whom a deposit has been returned, such service shall not be restored until there shall has been placed with the Town a deposit in the same amount and in the same manner as if the customer were new. Such deposit, if it has not been returned to the customer, may be credited to the customer's account in case of non-payment of utility bills or discontinuance of service.

#### **13.04.150 Resumption of service**

No water service shall be restored by the Town until all unpaid bills rendered on behalf of the water utility have been paid or some contractual payment schedule agreeable to the Town manager has been made, nor shall water service be turned on for any customer who may have unpaid bills in his name from water service at some other property within the service area of the water utility until such time as such unpaid bills are paid in full.

#### **13.04.155 Fees for reconnect and meter testing**

A reconnect fee shall be paid by the customer seeking water service whenever the meter has been removed and requires reinstallation by the Town. A reconnect fee shall also be paid by the customer before the Town restores water service when the customer has discontinued and restored such service at the same location or when such service is discontinued for non-payment of bills for water consumption, for non-payment of bills rendered on behalf of the water utility for purposes other than the consumption of water, and for tampering with a meter or backflow prevention device and associated fittings serving the customer. Said fee shall be established by resolution of the Town council for restoration of such service during regular hours of the water department and for restoration of such service after such hours. A fee shall be established by resolution of the Town council to any customer for the removal and testing of a water meter when such removal and testing is requested by the customer, and the meter is found not to be defective.

#### **13.04.160 Service discontinued by customer**

Customers who intend to move from the property served, discontinue the use of water, or in any other way terminate water service shall give the Town manager five (5) days advance notice of their intentions. Water service is not transferable from one (1) property to another or from one customer to another, and an application for water service shall be made in each case. The Town manager shall cause the meter to be read and a final bill rendered to the customer.

#### **13.04.165 Service discontinued by Town**

In addition to discontinuance for non-payment of bills for water consumption, the Town may discontinue service in accordance with regulations adopted by the Town council for the following reasons: 1. tampering with a meter or backflow prevention device and associated fittings serving the customer, 2. excessive leakage of water on the property of the customer, 3. non-payment of bills rendered on behalf of the water utility for purposes other than consumption of water, and 4. for violation of any other rules and regulations applicable to the water utility.

#### **13.04.170 Service deemed contract--Compliance required**

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

#### **13.04.180 Penalties**

It is unlawful for any person to violate any of the provisions stated or adopted in this Ordinance. Any person violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor, and such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of any of the provisions of this Ordinance is committed, continued or permitted, and upon conviction of any such violation, such person shall be punishable by a fine of not more than three hundred dollars (\$300.00) or by imprisonment for not more than ninety (90) days or by both such fine and imprisonment

#### **13.04.190 Severability**

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

## **13.08 Gas**

### **13.08.001 Definitions**

- A. “Dwelling” means a building or structure designed or used as the living quarters for one (1) or more families and shall include mobile homes and recreational vehicles but not motels, hotels, or rooming houses.
- B. “Dwelling unit” means one or more rooms providing complete living facilities for one family, including equipment and facilities for cooking and room or rooms for living, sleeping, and eating.
- C. “Family” means a single individual, or a collective body of persons living together in a domestic bond, occupying a dwelling unit.
- D. “Hotel, motel” means a building containing rooms intended or designed to be used or which are used, rented or hired out to be occupied or which are occupied for sleeping purposes by guests, and where kitchen and dining facilities, if any, are provided at a common location within the building or in an accessory building.
- E. “Non-residential unit” means each twelve hundred (1,200) square feet of floor area in any building or structure used for purposes other than for a dwelling. Floor area includes all areas primary to the functioning of such use and excludes stairwells, hallways, corridors, dead storage, and space occupied by heating, air-conditioning and other utility equipment.
- F. “Capital investment fee” means a share of the capital cost of the gas distribution system.
- G. “Rooming House” means any dwelling in which more than three (3) persons, either individually or as family, are housed or lodged for hire, with or without meals. A boarding house or furnished room house shall be deemed a “rooming house”.
- H. “Service Area” means the area within and outside the corporate limits of the town served by the gas utility system as determined by action of the town council and delineated on a map filed with the Town Manager.

### **13.08.010 Organization**

There shall be within the plan of administrative organization as proposed by the Town manager and approved by the Town council provision for such departments and officers as may be deemed necessary for the proper operation of the public gas utility.

### **13.08.020 Powers**

The Town council shall establish policies for the operation of the public gas utility, including adoption of charges, rates, rules, specifications, and regulations, and shall hold the Town manager responsible for the prudent, efficient, and economical management of the public gas utility.

### **13.08.030 Application for gas service**

Application for gas service shall be made to the town by the owner, or his duly authorized agent, of the property to be serviced, which owner or agent shall be known as the consumer. Such service is limited to the property of the applicant, and no gas shall be piped off such property or be sold or delivered to any other consumer. The Town manager may promulgate such rules and procedures, as he deems necessary to implement this section.

### **13.08.035 Unpaid gas utility charges--Lien—Collection**

- A. All rates, fees, charges, and assessments provided by this Chapter concerning the Town's gas utility system from the time the same shall be due and payable shall become and remain a lien on the premises until said rates, fees, charges, and assessments have been paid to the Town. This lien on the premises may be foreclosed by an action at law or in equity in the name of the Town in any court having jurisdiction thereof. If the Town must resort to court action for collection of amounts due it under this chapter, the Town shall also be entitled to its reasonable attorney's fees and other expenses incurred in such action if the Town prevails.
- B. In the event said rates, fees, or charges and assessments are not paid when due, the Town Manager may certify the amount of the same to the County treasurer, to be placed on the tax list for the current year and collected in the same manner as other taxes are collected, with ten percent (10%) added thereto to defray the cost of collection pursuant to Section 31-20-105 C.R.S. All laws of this State for the assessment of general taxes, including the sale of property for taxes and redemption of the same shall apply.

### **13.08.040 Deposits**

The Town shall require as a condition of provision providing water, gas, and/or wastewater service, either singly or in any combination, a cash deposit of one hundred (\$100) dollars as security for billing rendered. For the time the deposit is with the town and the utility connection maintained, interest will be allowed the depositor as determined by the Colorado Public Utilities Commission for customer utility deposits, or in the absence of such determination, by the Town manager and based on the average interest earnings obtained by the Town on its investments. If over any period of twenty-four (24) consecutive months a review of the customer's account shows that no more than four (4) monthly billings have been paid after the due date and that no utility service has been shut off for non-payment of a billing, the deposit with accrued interest shall be returned to the customer. In case of a shut off of a utility service for non-payment of a billing to a customer to whom a deposit has been returned, such service shall not be restored until there shall have been placed with the Town a deposit in the same amount and in the same manner as if the customer were new. Such deposit, if it has not been returned to the customer, may be credited to the customer's account in case of non-payment of utility bills or discontinuance of service.

### **13.08.050 Gas service installation fee**

Upon an application for a new gas service or where upgrading of an existing service is required, the Town manager shall install or upgrade such service. The applicant or consumer shall pay to the Town a gas service installation fee for such new gas service or for such upgrading of an existing service. Said fee shall be established by resolution of the Town council following a public hearing on said resolution.

### **13.08.060 Capital investment fee**

A capital investment fee shall be paid to the Town prior to the issuance of any building permit for new buildings or structures or expansion of existing buildings or structures. Expansion shall not only mean physical expansion of a building or structure but also conversions from one use to another and expansion of existing uses within a building. Such fee shall be calculated at a rate of two hundred dollars (\$200) per dwelling unit or non-residential unit.

### **13.08.070 Extensions for new consumers**

The Town shall extend at its expense gas mains within its service area to new consumers in subdivision, mobile home parks, or other developments. Such extensions may be by the gas utility department or by a qualified contractor employed by the Town. For extensions beyond the service area, the Town council may require the cost thereof to be defrayed by the owner or developer seeking such extension.

#### **13.08.080 Service piping and customer fuel piping**

Service piping from the gas main to the meter shall be installed and maintained by the Town at its expense. Customer fuel piping from the meter to and within the building or structure served shall be installed by and at the expense of the owner or agent thereof in accordance with specifications adopted by the Town council. Gas shall not be turned on until such customer fuel piping installed by the owner or agent thereof has been inspected by the Town and tested by the Town or a licensed plumber.

#### **13.08.090 Meters**

Meters shall normally be installed by the Town at or near the building or structure to which the Town provides gas. Sufficient space for the meter shall be furnished by the consumer at no cost to the town. Meters shall be the property of and maintained by the Town. No person shall damage or destroy a meter or lines, connections, and fittings associated therewith, or tamper, meddle, or interfere with such meter, lines, connections, and fittings with the intent or result of causing the meter to malfunction or fail to measure gas consumption accurately. A consumer shall be responsible for any damages to such meter, lines, connections, and fittings but nothing herein shall prevent the consumer from providing normal care and maintenance therefore.

#### **13.08.100 Right of entry**

Whenever in his judgment the Town manager deems it necessary, he may enter upon the property or into the building or structure of a consumer in order to inspect or test the service piping, meter, or the customer fuel piping, to maintain or replace the meter or service piping deemed the responsibility of the town, or to connect or disconnect service as appropriate. The Town manager shall have the right to enter at all reasonable hours upon the premises and property of the consumer to read the meter. Refusal to allow such entry for the purposes described may result in discontinuance of gas service.

#### **13.08.110 Meter measuring procedure**

The quantity of gas delivered shall be ascertained and billed by the measurement of the meter to the nearest one hundred (100) cubic feet, and the quantity recorded shall be conclusive upon both the town and the consumer. In the case where a meter malfunctions, either failing to record gas usage or doing so inaccurately as determined by the Town manager, the Town shall render an estimated gas bill and shall base such estimate on the average gas consumption for the property or user over a period of months. A statement of the method used to arrive at such estimated bill shall be provided at the request of the consumer.

#### **13.08.120 Rates**

All consumers of the public gas utility shall pay a monthly demand charge and a commodity charge based on consumption of gas in order to create revenue sufficient to meet expenses of operation and maintenance of the public gas utility system, to pay any debts thereof, establish reserves, and make reasonable and necessary improvements. Said demand charge shall be billed for each commercial

building, church, dwelling unit, or other use. Any change in rates shall be made by resolution of the Town council following a public hearing duly advertised.

#### **13.08.130 Billings**

Bills shall be dated the first day of a month and shall be mailed as close to that date as practicable. Bills shall be due no later than the close of business of the last working day of the month and shall become delinquent if not paid by that date. In the event that a bill becomes delinquent, a late charge of two percent (2%) shall be added to the principal amount due of such delinquent bill for each full month that such bill remains unpaid. Any consumer whose bill becomes delinquent shall receive a notice by mail demanding payment within ten (10) calendar days. Where an owner is not the same as the consumer, such owner may request a copy of such notice to be mailed to him. Should such payment not be made or some contractual payment schedule agreeable to the Town manager not be made, the gas service to that consumer shall be discontinued.

#### **13.08.140 Service discontinued by consumer**

Consumers who intend to move from the property served, discontinue the use of gas, or in any other way terminate gas service shall give the Town manager five (5) days advance notice of their intentions. Gas service is not transferable from one property to another or from one (1) consumer to another, and an application for gas service shall be made in each case. The Town manager shall cause the meter to be read and a final bill rendered to the consumer.

#### **13.08.150 Service discontinued by Town**

In addition to discontinuance for non-payment of bills for gas consumption, the Town may discontinue service in accordance with regulations adopted by the Town council for the following reasons: 1. tampering with a meter and associated fittings serving the consumer, 2. dangerous leakage of gas on the property of the consumer, 3. non-payment of bills rendered on behalf of the gas utility for purposes other than consumption of gas, and 4. for violation of any other rules and regulations applicable to the gas utility.

#### **13.08.160 Resumption of service**

No gas service shall be restored by the Town until all unpaid bills rendered on behalf of the gas utility have been paid or some contractual payment schedule agreeable to the Town manager has been made, nor shall gas service be turned on for any consumer who may have unpaid bills in his name from gas service at some other property within the service area of the gas utility until such time as such unpaid bills are paid in full.

#### **13.08.170 Fees for reconnect and meter testing**

A reconnect fee shall be paid by the consumer before the Town restores gas service when the consumer has discontinued and restored within six (6) months at the same location such gas service or when such service is discontinued for non-payment of bills for gas consumption, for non-payment of bills rendered on behalf of the gas utility for purposes other than the consumption of gas, and for tampering with a meter and associated fittings serving the consumer. Said fee shall be established by resolution of the Town council for restoration of such service during regular hours of the gas utility department and for restoration of such service after such hours. A fee shall be established by resolution of the Town council and charged to any consumer for the removal and testing of a gas meter when such removal and testing is requested by the consumer, and the meter is found not to be defective.

### **13.08.180 Non-liability of Town**

The Town shall not be held liable for damages for the failure of gas, whether such failure results from natural causes, failure of supply, the bursting of pipes, or from other causes beyond the control of the Town, nor shall the town be liable for damages to persons or property arising, occurring, or resulting from the use of gas on any premises, except on account of the negligence of the Town.

### **13.08.190 Obligations of consumer**

All expense, risk, and liability in using gas after it leaves the meter shall be assumed and borne exclusively by the consumer. He shall keep all customer fuel piping from the meter to the point of consumption in good repair and capable of conducting gas safely. The Town reserves the right to test for leakage at any reasonable hour the customer fuel piping of the consumer. In the event that such piping is found to be leaking, the Town may discontinue the gas service until such time as it has been repaired by the consumer, inspected by the Town, and tested either by the Town or a licensed plumber.

### **13.08.200 Obligation in case of leaks**

The consumer shall immediately notify the Town by messenger or telephone in case of failure, deficiency, or leakage of gas. Notification of the Town shall not relieve the consumer of responsibility and liability set forth herein or imposes any duty or obligation on the Town to make repairs or remedy deficiencies.

## **13.12 Wastewater Utilities**

### **13.12.010 Definitions**

- A. “Building drain” means that part of the lowest piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer beginning two feet outside the building wall.
- B. “Building sewer” means that part of the horizontal piping of a drainage system which extends from the end of the building drain which receives the discharge of the building and conveys in to the public wastewater collection line or private wastewater collection line that discharges into a public wastewater collection line. Responsibility for maintenance and repair of a building sewer shall rest with the building owner.
- C. “Cooling water” means clean and unpolluted wastewater, from air conditioning, industrial cooling, condensing and similar apparatus, and hydraulically powered equipment.
- D. “Domestic wastewater” means that common liquid or water-carried wastes from human dwellings and from toilets, lavatory fixtures, and other facilities in buildings other than dwellings.
- E. “ Dwelling” means a building or structure designed or used as the living quarters for one or more families and shall include mobile homes and recreation vehicles but not motels, hotels, or rooming houses.
- F. “ Dwelling unit” means one (1) or more rooms providing complete living facilities for one family, including equipment and facilities for cooking and room or rooms for living, sleeping, and eating.
- G. “Family” means a single individual or a collective body of persons living together in a domestic bond occupying a dwelling unit.
- H. “Garbage” means solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce. Properly shredded garbage shall mean garbage that has been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in public wastewater collection lines with no particle greater than one-half inch in any dimension.
- I. “Hotel/motel” means a building containing rooms intended or designed to be used or which are used, rented, or hired out to be occupied or which are occupied for sleeping purposes by guests, and where kitchen or dining facilities, if any, are provided at a common location within the building or in an accessory building.
- J. “Industrial wastewater” means any liquid or water-carried wastes resulting from an industrial, trade, or business process and carrying quantities of oils, grease, fats, abrasives, chemicals, hydrocarbons, toxic materials, and other substances not fitting the definition of domestic wastewater.
- K. “Non-residential unit” means each twelve hundred square feet (1,200) of floor area in any building or structure used for purposes other than for a dwelling. Floor area includes all areas primary to the functioning of such use and excludes stairwells, hallways, corridors, dead storage, and space occupied by heating, air-conditioning, and other utility equipment.
- L. “Plant investment fee” means a share of the capital cost of the wastewater collection system and wastewater treatment plant.
- M. “Pretreatment” shall mean the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutants in wastewater prior to discharge into a public wastewater collection line.
- N. “Rooming house” means any dwelling in which more than three (3) persons; either individually or as a family, are housed or lodged for hire, with or without meals. A boarding house or furnished room house shall be deemed a “rooming house”.
- O. “Service unit” means any dwelling unit and any other unit other than a dwelling unit used in the calculation of sewer service charges.

- P. "Slug" shall mean any discharge of domestic or industrial wastewater which in concentration of any given constituent or in quantity of flow exceeds any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operations.
- Q. "Storm water" means the runoff or discharge of rain, snow melt, and other clean water from roofs, land surfaces, whether public or private, or elsewhere, but not including the flow from a watercourse.
- R. "Wastewater collection line" means a pipe conduit, manholes, and other appurtenances, but not including a building sewer, intended to convey only domestic wastewater and, as specifically authorized by the town, industrial wastewater.
- S. "Wastewater collection system" means wastewater collection lines, pumping stations, force mains, and other facilities necessary and incidental to the collection of wastewater.
- T. "Wastewater facilities" means the wastewater collection system and wastewater treatment plant including all devices, equipment, wastewater collection lines, and other facilities associated with the collection, pumping, treating, and disposing of wastewater.
- U. "Watercourse" means a draw, creek, or other channel in which a natural flow of water occurs, either continuously or intermittently.

#### **13.12.020 Organization**

There shall be within the plan of administrative organization as proposed by the Town manager and approved by the Town council provision for such departments and officers as may be deemed necessary for the proper operation of wastewater facilities.

#### **13.12.030 Powers**

The Town council shall establish policies for the operation of public wastewater facilities, including adoption of charges, rates, rules, and regulations, and shall hold the Town manager responsible for the prudent, efficient, and economical management of the public wastewater facilities.

#### **13.12.040 Discharge on property-Into watercourse**

No person shall discharge, place, deposit, or permit to be deposited upon public or private property or into any watercourse within the Town any domestic or industrial wastes, wastewaters or other polluted waters, or other objectionable wastes.

#### **13.12.050 Properties to connect**

The owner or developer of any dwelling, building, or structure in the Town that produces or may produce industrial or domestic wastewater shall be required at his expense to connect to a public wastewater collection line as a condition of occupancy of said dwelling, building, or structure if it is within five hundred (500) feet of a public wastewater collection line unless a waiver is recommended by the Town manager and granted by the Town council.

#### **13.12.060 Drainage to wastewater facilities**

No person shall willfully, maliciously, carelessly, or negligently break, damage, destroy, uncover, deface, or tamper with the wastewater facilities of the Town, including but not limited to removing manhole covers, entering manholes or placing sticks, debris, and rubbish in wastewater collection lines or manholes.

### **13.12.070 Discharge of non-wastewater**

No person shall discharge or cause to be discharged directly or indirectly any storm water, cooling water, subsurface drainage, or unpolluted industrial process water into a wastewater collection line.

### **13.12.080 Certain discharges not permitted**

No person or entity shall discharge or cause to be discharged, directly or indirectly, into any wastewater collection line any of the following: any substances or object likely to damage, or cause an obstruction in the wastewater facilities; any sticks, stones; coarse rubbish, rags, un-shredded garbage, or other refuse more than one-half (½) inch in diameter; unusual volume or flow or concentration of wastes constituting a slug; any materials that exert or cause unusual concentrations of inert suspended solids, excessive discoloration, or unusual biochemical oxygen demand, chemical oxygen demand, or chlorine requirements so as to constitute a significant load on the wastewater treatment plant; or any industrial waste or wastewater unless specifically authorized in writing by the Town manager.

### **13.12.090 Industrial wastewater permitted under certain condition**

No person or entity shall discharge industrial wastewater into a wastewater collection line unless specifically authorized in writing by the Town manager. The person seeking to discharge such wastewater into a wastewater collection line shall provide such information as the Town Manager may request as to quantity, nature, and frequency of discharge of such proposed industrial wastes. As a condition of the written authorization of such discharge, the Town manager shall require pretreatment of such wastewater to an acceptable condition prior to discharge; controls, including testing, measurements, and analysis over the quantity, nature, and rate of discharge; installation of approved devices and equipment such as traps, separators, diluting devices, storage facilities, screens, and flow measuring devices; and/or payment of a surcharge to the Town to defray any unusual or abnormal costs incurred by the Town for treatment of such wastes.

### **13.12.100 Right of entry**

Whenever the Town manager deems it necessary, he may enter upon any property connected to a wastewater collection line for the purposes of inspection, measurement, observation, sampling, and testing in order to carry out and determine conformance with the provisions of this chapter.

### **13.12.110 Services outside Town limits**

Pursuant to section 31-35-402 C.R.S., the Town is authorized to provide municipal wastewater service outside Town limits. The same terms and conditions shall apply to wastewater services outside Town limits as within Town limits, with the following exceptions and additional requirements:

1. The owner of any property to be served shall execute a standard agreement for the provision of municipal wastewater service beyond the corporate limits of the Town, such agreement providing, among other things, that the owner shall be bound by all rules, regulations, and provisions of this Code relating to the wastewater utility.
2. The owner of any property to be served that satisfies statutory criteria for annexation and is located within the Town annexation area as recommended by the planning and zoning commission and approved by the Town council shall submit a petition for annexation of said property acceptable to the Town manager.
3. The owner of any property to be served that does not immediately satisfy statutory criteria for annexation but which is located within said annexation area shall execute a pre-annexation

agreement acceptable to the Town manager calling for annexation at such time that said criteria are satisfied.

#### **13.12.110 Services outside Town limits**

The same term and conditions shall apply to the wastewater facilities outside Town limits as within Town limits, with the following exceptions and additional requirements.

1. Plant investment fees shall be twice those charged within Town limits unless the Town council has approved and authorized the execution by the owner or agent of the property served of a Standard Agreement for the Provision of Public Wastewater Facilities beyond the Corporate Limits of the Town, such agreement providing, among other things, for in--Town fees to be applied to any property the owner of which has executed a valid annexation agreement with the Town.
2. Approval by the Town council after consideration of the recommendation of the Town manager and the planning and zoning Commission is required.
3. In the case of annexation by the Town, there is no obligation by the Town to make an extension of the wastewater collection system to serve properties that are annexed.

#### **13.12.120 New Sewer Service**

Forms and fee schedules shall be available to an owner, or agent of an owner, seeking a new sewer service. Such forms shall show the property to be served or benefited by the sewer service. The Town manager may promulgate such rules and procedures, as he deems necessary to implement this section. Application for a new sewer service shall be made by the owner of the property to be served or his duly authorized agent. Only plumbers licensed by the State may make taps to a public wastewater collection line.

#### **13.12.130 Plant Investment Fees**

- A. As a condition of a new sewer service within the Town limits, a plant investment fee shall be paid to the Town prior to the issuance of any certificate of occupancy for new buildings or structures or expansion of existing buildings or structures. Expansion shall not only mean physical expansion of a building or structure but also conversions from one use to another and expansion of existing uses within a building. Such fees shall be calculated at a rate of seven hundred dollars (\$700) per dwelling unit or non-residential unit.
- B. Outside Town limits plant investment fees shall be paid at the time a new wastewater service is applied for, or, in cases of existing services, when new buildings or expansion of existing structures or buildings become known to the Town manager. Failure on the part of the owner upon notification to pay such fees may result in discontinuance of water service.
- C. Plant investment fees outside Town limits shall be twice those charged within Town limits except that in-town fees shall apply when an owner of property to be served has submitted a petition for annexation as provided in Section 13.12.110 Services outside Town limits of this Chapter.

#### **13.12.140 Wastewater collection system extension authorized**

The Town council may authorize as part of a subdivision approval or as a separate project the extension of the wastewater collection system by an owner at his expense proposed to serve his property after consideration of the recommendations of the Town manager and the planning and zoning commission. The Town council may not require, after consideration of the recommendations of said manager and commission, an owner to extend a wastewater collection system if the Town council finds it would not be in the public interest to allow such system to be extended or installed to serve the owner's property in a particular instance.

**13.12.150 Wastewater collection system extension--Terms and conditions**

In the event an owner is authorized or required to extend the wastewater collection system, he shall execute with the Town a Wastewater Collection System Extension Agreement as approved by the Town council, such agreement to include, among other things as determined by the Town council, the following requirements:

1. Minimum size of the wastewater collection line shall be eight (8) inches.
2. Materials and installation shall be in accordance with standard specifications approved by the Town council.
3. Wastewater collection system shall be run to the furthest point on the property or to a point, which will allow reasonable extension in the future.
4. Payment shall be made by owner to the Town of three percent (3%) of the costs of such extension as an inspection fee.
5. The owner shall dedicate the wastewater collection system extension to the Town upon acceptance by the Town, including any rights of way required by the Town.
6. The owner shall execute a Standard Agreement for the Provision of Wastewater collection system beyond Town limits, if applicable.

**13.12.160 Cost reimbursement by other owners**

At the option of the Town council, a provision may be included in the Wastewater Collection System Extension Agreement for reimbursement to owner for a period of ten (10) years, beginning with the date of preliminary acceptance of the extension, of the costs of the extension where the extension passes through or by the properties of other owners. Such reimbursement shall be in the form of a surcharge added to the plant investment fee collected from such other owners as they connect to the line; such surcharge shall be collected by the Town and turned over to the owner. The costs of such extension shall be determined annually on or about January 1st by the Town manager, shall be incorporated in all agreements executed through December 31st of that year, and shall be based on costs to the Town of similar installations, costs of similar work performed in the area, and estimates of material and installation costs provided by the contractors. Such costs shall be divided by the total number of units that the properties of others can accommodate in accordance with densities and uses shown on the zoning map or Town plan of development. The result is the surcharge to be added to the plant investment fee collected as such properties of others develop. The total amount collected and turned over to the owner shall in no case exceed the costs of the extension as contained in the agreement. The Town does not guarantee that the total costs of such extension passing through or by properties of owners shall be reimbursed to the owner.

**13.12.170 Rates--Based on service units**

All users of the municipal wastewater system shall be billed a sewer service charge based on service units. Each service unit within the Town limits shall be twenty four dollars and fourteen cents (\$24.14) per month. Each service unit outside the Town limits shall be forty eight dollars and twenty-eight cents (\$48.28) per month except that in-Town rates shall apply where an owner of property to be served has submitted a petition for annexation as provided in Section 13.12.110 Services outside Town limits of this Chapter. Service units shall be as follows:

RESIDENTIAL:	
Dwelling Unit	1 unit
COMMERCIAL:	One unit plus the following

Service stations	1 unit
Office, motels, clinics (each five rooms, etc)	1 unit
Bars and restaurants (each 25 seating capacity)	1 unit
Hospital	4 units
Car wash (each bay)	4 units
Laundries (each 1½ washing machine)	1 unit
Schools without dorms (each 30 students & faculty)	1 unit
Schools with dorms (each 20 students & faculty)	1 unit
Recreation district facility (each 20 person capacity)	1 unit

The service units listed above may be modified by the Town council and service units for any use not listed above shall be established on a case-by-case basis by the Town council.

### **13.12.180 Billings--Non-payment**

Bills shall be dated the first day of a month and shall be mailed as close to that date as practicable. Bills shall be due no later than the close of business of the last working day of the same month and shall become delinquent if not paid by that date. In the event that a bill becomes delinquent; a late charge of two percent (2%) of the amount owing shall be added to the amount due on such delinquent bill for each full month that such bill remains unpaid. Any user whose bill becomes delinquent shall be sent a notice by mail demanding payment within ten (10) calendar days. Where an owner of property is not the same as the user, such owner may request a copy of such notice to be mailed to him. Should such payment not be made or some contractual payment schedule agreeable to the Town manager not be made, the water services to that user shall be shut off.

### **13.12.185 Unpaid gas utility charges--Lien—Collection**

- A. All rates, fees, charges, and assessments provided by this Chapter concerning the Town’s wastewater collection system from the time the same shall be due and payable shall become and remain a lien on the premises until said rates, fees, charges, and assessments have been paid to the Town. This lien on the premises may be foreclosed by an action at law or in equity in the name of the Town in any court having jurisdiction thereof. If the Town must resort to court action for collection of amounts due it under this chapter, the Town shall also be entitled to its reasonable attorney’s fees and other expenses incurred in such action if the Town prevails.
- B. In the event said rates, fees, or charges and assessments are not paid when due, the Town Manager may certify the amount of the same to the County treasurer, to be placed on the tax list for the current year and collected in the same manner as other taxes are collected, with ten percent (10%) added thereto to defray the cost of collection pursuant to Section 31-20-105 C.R.S. All laws of this State for the assessment of general taxes, including the sale of property for taxes and redemption of the same shall apply.

### **13.12.019 Deposits**

The Town shall require as a condition of provision providing water, gas, and/or wastewater service, either singly or in any combination, a cash deposit of one hundred dollars (\$100) as security for billing

rendered. For the time the deposit is with the Town and the utility connection maintained, interest will be allowed the depositor as determined by the Colorado Public Utilities Commission for customer utility deposits, or in the absence of such determination, by the Town manager and based on the average interest earnings obtained by the Town on its investments. If over any period of twenty-four (24) consecutive months a review of the customer's account shows that no more than four (4) monthly billings have been paid after the due date and that no utility service has been shut off for non-payment of a billing, the deposit with accrued interest shall be returned to the customer. In case of a shut off of a utility service for non-payment of a billing to a customer to whom a deposit has been returned, such service shall not be restored until there shall has been placed with the Town a deposit in the same amount and in the same manner as if the customer were new. Such deposit, if it has not been returned to the customer, may be credited to the customer's account in case of non-payment of utility bills or discontinuance of service.

### **13.12.200 Resumption of service**

No water service shall be restored by the Town until all unpaid bills rendered on behalf of the wastewater utility have been paid or some contractual payment schedule agreeable to the Town manager has been made, nor shall water service be turned on for any customer who may have unpaid bills in his name from wastewater service at some other property within the service area of the wastewater facilities until such time as such unpaid bills are paid in full.

### **13.12.210 Service discontinued by Town**

In addition to discontinuance for non-payment of bills for sewer service, the Town may discontinue water service in accordance with regulations adopted by the Town council for the following reasons:

1. Violation of the provisions of Sections 13.12.060 Damage to wastewater facilities, 13.12.070 Discharge of non-wastewater, 13.12.080 Certain discharges not permitted, and 13.12.090 Industrial wastewater permitted under certain conditions of this Chapter;
2. Non-payment of bills rendered on behalf of the wastewater utility for purposes other than sewer service; and
3. For violation of any other rules and regulations applicable to the wastewater facilities.

### **13.12.220 Service deemed contract--Compliance required**

All regulations contained in this chapter shall be considered a part of the contract of every person provided wastewater facilities, and every person provided such facilities shall be considered as having expressly consented to be bound thereby.

### **13.12.230 Reimbursement for fines**

If the Town is fined by the State Department of Health or United States Environmental Protection Agency for a violation of its NPDES permit, such violation resulting from an unauthorized discharge of industrial wastewater, the person or entity responsible for such discharge shall reimburse the Town in the amount of such fines and for any legal fees incurred by the Town, plus a ten percent (10%) surcharge.