

CHAPTER 13 Water and Wastewater Utilities

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Sec. 13-1. Wells prohibited.

No individual ground water wells shall be drilled or constructed in the town.

(Ord. 11-02 §1, 2011)

Sec. 13-1.5 Septic tanks and individual sewage disposal systems.

- (a) Except as otherwise provided for in chapter 16 of this code, septic tanks or other individual sewage disposal systems are not permitted within the town unless sanitary sewer service is not available within four hundred (400) feet of the property being served.
- (b) If permitted by the town, septic tanks or other individual sewage disposal systems must be approved by the Weld County Department of Health.
- (c) In non-agricultural zoning districts, on properties in excess of four hundred (400) feet from a sanitary sewer main, septic tanks may be conditionally permitted by the town provided that such properties be connected to sanitary sewer within one (1) year of notice by the town that sewer service has been made available within four hundred (400) feet of the property.

(Ord. 11-02 §1, 2011)

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Sec. 13-2. Water service.

All water service provided in the town shall be the municipal water provided by the town.

(Ord. 11-02 §1, 2011)

Sec. 13-3. Water development.

Nothing contained herein shall prevent the town from further development of its own domestic or municipal waters.

(Ord. 11-02 §1, 2011)

Sec. 13-4. Violations.

In any case of a failure to comply with this chapter, the town or any person affected by such failure, may, in addition to the penalties provided by law, initiate a civil action for injunction, mandamus, abatement or any other appropriate relief to prevent, enjoin, abate, remove or eliminate such violation of this chapter.

(Ord. 11-02 §1, 2011)

Secs. 13-5—13-9. Reserved.

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Sec. 13-10. Declaration of policy.

- (a) The town water and wastewater systems are primarily for the use and benefit of the residents within the municipal limits of the town and within the boundaries of the town's growth area, as the same may be defined from time to time. Any sale of water or wastewater services to property of users outside of the municipal limits of the town is subject to the paramount rights of the users within the town limits. The water and wastewater systems, and the granting of taps for use of the such systems are primarily for the improvement and development of the land within the town.
- (b) Pursuant to the powers vested in the town by Sections 31-15-708 and 31-15-709, C.R.S., the board of trustees ordains this article to ensure that the citizens of the town receive water supply and wastewater services that are adequate to protect and promote the health, safety and welfare and to cultivate and preserve the town's natural resources, environment and aesthetic qualities of life.
- (c) Upon request and compliance with the regulations of this section, there shall be at the discretion of the board of trustees, new taps granted for any property located outside of the boundaries of the town. The providing of such extraterritorial taps is expressly subject to the property owner successfully petitioning for inclusion into the Northern Colorado Water Conservation District and into its municipal sub-district, and any other rules, regulations or ordinances (that may be applicable). Water services to the boundary area shall be disconnected from the town water system upon the annexation of the water users into an incorporated area (other than the town of Hudson). The town shall not honor any request for a refund of any rates or fees due to the disconnection from the town water system.
- (d) Extensions of water and wastewater mains and lines shall be at the expense of those desiring service, and the town shall in no way become obligated for any expense incurred thereby unless otherwise agreed to by the board of trustees. All such extensions shall be made according to applicable town ordinances, standards and regulations, and as provided by contract between the town and parties requesting extension of the main. However, such extensions may be accompanied by the formation of a special improvement district or by such other means as provided by law as

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approved by the board of trustees. The town shall not be under any obligation to pay for increasing the system capacity in any area of the town which has inadequate capacity for requested service.

(Ord. 11-02 §1, 2011)

Sec. 13-11. Water and wastewater systems.

- (a) The mayor and the board of trustees of the town shall have the immediate control and management of all things pertaining to the town water and wastewater systems, and they shall perform all acts that may be necessary for the prudent, efficient and economical management, maintenance, care, operation and protection of said systems. The board may appoint such other personnel as it deems appropriate to act as its delegate to perform its duties related to the management of the water and wastewater systems. The board may by ordinance or resolution prescribe such other and further rates, rules and regulations as it may deem necessary.
- (b) Requirements of this article shall apply to real property served by the water or wastewater systems of the town regardless of whether the real property is used for residential or nonresidential purposes. Moreover, the requirements of this article shall apply regardless of whether the real property served consists of single or multi-unit structures which includes, by way of example and not limitation: apartments, condominiums and mobile home parks.

(Ord. 11-02 §1, 2011)

Sec. 13-12. Composition of water and wastewater systems.

All wells, pumps, mains, machinery, meters, meter pits, hydrants and equipment installed by the town or dedicated to and accepted by the town, together with all supplies, water and water rights used by the town to supply its residents with water or wastewater services are the property of the town; provided, however, that the water service line from the meter riser or curb stop (whichever is closer to the water main) to the structure or property served, and the sewer service line from the sewer main to the structure or property served shall be regarded as the property of the owner of said structure or property served.

(Ord. 11-02 §1, 2011)

Sec. 13-13. Inspections.

Whenever, in the judgment of the mayor and the board, it is deemed necessary and after reasonable notice to the property owner, tenant or occupant, the mayor or board, or its delegate, may inspect the premises or buildings of any water or sewer user for the purpose of examining the condition of all pipes and meters.

(Ord. 11-02 §1, 2011)

Sec. 13-14. Fire hydrants.

All fire hydrants are a part of the town water system and shall be maintained by the town. Unless authorized by the town, only authorized town, law enforcement and fire protection personnel shall open, operate or inspect any fire hydrant.

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(Ord. 11-02 §1, 2011)

Sec. 13-15. Shut-off of water for repairs.

Water may be shut off from any street main when necessary to repair the main, to make any connections or extensions of the water mains or to perform any other work necessary to maintain the water system, and no claim shall be made against the town by reason of the breakage of any service pipe or service cock or from any other damage that may result from shutting off water for repairing or replacing mains, hydrants or other connections.

(Ord. 11-02 §1, 2011)

Sec. 13-16. Water taps.

- (a) Tap size. Water taps shall be three-quarters ($\frac{3}{4}$) inch in diameter unless approval is given by the town for a larger tap.
- (b) Application for a water tap permit. Any person desiring to make a connection to the water system to use water therefrom shall submit a written application to the town clerk for a tap permit. The application shall state the name and mailing address of the applicant, the size of the tap desired, the legal description of the property for which the tap is requested, the name of the record owner thereof and whether the use requested is residential or commercial. A tap permit application may be submitted only by a person or entity listed on the property for which the tap is requested. The board may by ordinance or resolution set a limit on the number of tap permits for which any one (1) person may apply in any given period of time.
- (c) Receiving application. The town clerk may receive tap permit applications in such number and under such limitations as may be prescribed by the board by ordinance or resolution, and on such prepared forms as may be prescribed by the board by ordinance or resolution. The town clerk shall receive an application only when such application is accompanied by the payment of such tap fees as may be prescribed by the board by resolution. The payment of tap fees shall be in a form as may be prescribed by the town from time to time. If payment is made by check, the account on which such check is drawn must have funds available at the time of submission of the tap permit application for immediate payment of said check, and said check must not be post-dated. The payment of tap fees, and the receipt of such payment and application by the clerk or the board, does not constitute the granting of a tap permit and shall not obligate the board or its delegate to grant a tap permit. Tap permit applications shall be received by the town only when accompanied by a building permit or an approved application for a building permit.
- (d) Issuance of tap permits. The town shall consider tap permit applications in the order in which they were received. The town shall grant a tap permit if it finds that all the following conditions are met: (1) that the application and the applicant meet all the requirements of this article; (2) that water is available for such permit; and (3) that there is a water main already in place in the street on which the property for which the tap is requested fronts, or the applicant has complied with section 13-10 of this article regarding extension of water main. A permit shall show the date on which it is issued.
- (e) Correction and denial. If the town finds that an application or applicant does not meet all of the requirements for granting a permit but that such defects can be corrected within thirty (30) days, the town may postpone consideration of that application for up to thirty (30) days. If the town finds that all requirements are not met and cannot be met within thirty (30) days, it shall deny the permit. If a tap permit application is denied, the tap fee shall be promptly refunded following such denial.

(Ord. 11-02 §1, 2011)

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Sec. 13-17. Tap permits - Duration, extension and expiration.

- (a) A tap permit shall expire within one (1) year from the date of its issuance, unless the property for which it is granted has been connected to the town's water system within that one-year period.
- (b) A holder of a tap permit may request up to two (2) extensions of the expiration date of the permit, of six (6) months each. The town shall grant such extensions only for good cause shown and is under no obligation to grant such extensions. The application for such extension shall be made before the permit expires. Application for extension after the permit has expired shall be allowed by the town, in its discretion, but only for good cause shown.
- (c) Upon granting of an extension, the expiration date of the permit shall be six (6) months after the previous expiration date.
- (d) If a tap permit expires, or the holder of such permit surrenders such permit, the town shall refund a portion of the tap fee which has been paid, depending on the length of time which the permit was held, according to the following schedule:
 - (1) If the permit is surrendered within one (1) year of its date of issuance or is allowed to expire at the end of the original one-year period, the refund shall be two-thirds (2/3) of the tap fee paid.
 - (2) If the permit is surrendered or allowed to expire after one (1) extension but before any request for a second and final extension is made, the refund shall be one-third (1/3) of the tap fee paid.
 - (3) If a permit is surrendered or allowed to expire after a second extension of time has been granted, there shall be no refund of tap fee.
 - (4) If no request for refund and surrender of tap permit are made within the time limits set forth above, the town shall not be obligated to refund any portion of the tap fee paid.

(Ord. 11-02 §1, 2011)

Sec. 13-18. Transferability of tap permit and taps.

- (a) Before a tap is installed, a holder of a tap permit may request that the permit be transferred bearing another legal description than that for which the permit was issued, provided that the applicant is listed on the county real estate records by name as having an interest in the property to which the permit is to be transferred, and provided that the applicant fulfills all other requirements of this article for the provision of water by the town. This transfer is contingent upon sufficient water being available and the distribution system having capacity to provide service for the location to which the tap is transferred. To transfer a permit, the applicant must make a request to the town and pay any permit reissue fee which may be provided by the town by ordinance or resolution. The town shall reissue the permit showing the legal description of the property for which the permit is reissued, if the other requirements for issuing an original permit are met when applied to the new property.
- (b) Whether or not a tap has already been installed, the owner or the holder of a tap permit may obtain a reissued permit for a different tap size than was provided in the original permit. Such substitution is subject to a determination by the town that sufficient water is available for the substituted size and the distribution system has the capacity to provide the expanded service. The applicant shall surrender the right to the original permit and shall pay any difference in price between the fees in effect at the time of the request for the original size of tap and the size of the substitute tap. If the tap is not yet installed at the time of the request, the tap permit shall be reissued in accordance with the preceding subsection. If the change of size is performed after the installation of the tap, the applicant shall comply with all requirements of this article and of any other applicable ordinance or resolution concerning inspections, construction materials and connection procedures.

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- (c) A tap, once installed, becomes a fixture and improvement on the property on which it is installed and is conveyed along with the property to which it is attached, unless such tap is deemed abandoned.
- (d) The town may, in its discretion, permit the transfer of an existing tap from one (1) property to another, upon application by the owner of such tap, if the town administrator determines:
 - (1) That such transfer is necessary to avoid undue hardship to such owner, that the transfer is in the best interests of the town or that such transfer is not requested merely for the purpose of avoiding the payment of a new tap fee for the new location; and
 - (2) That such transfer will not violate the policy of encouraging improvement and development of property within the town limits, of discouraging the use of the town water system for speculation, and of discouraging the deterioration of older properties within the town.

(Ord. 11-02 §1, 2011)

Sec. 13-19. Further tap regulations.

The board may, by ordinance or resolution, prescribe such rules and regulations as it may deem necessary concerning types and number of permits and taps available, fees for permit applications, tap fees, other fees and forms.

(Ord. 11-02 §1, 2011)

Sec. 13-20. Water meters; requirements and installation.

- (a) It is hereby declared to be the policy of the board to require the installation of water meters so that all connections to the town water system will be equipped with water meters.
- (b) All connections to the town water system shall be equipped with meters at the expense of the owner of the property, as provided in section 13-21 below on connections.
- (c) All connections which are required to be equipped with meters shall have a master meter for each tap, regardless of the number of structures, units or persons to be served by that tap, such as, by way of illustration and not limitation: apartment units, shopettes or mobile home parks. In addition to the master meter, for each separate unit receiving water service from a single tap, if it is desired to set up more than one (1) account for billing purposes, separate service lines from the master meter and a separate meter on each such service line must be installed for each account desired.
- (d) All meters and accessories are the property of the town, shall be maintained by the town and may be tested or inspected as often as the town deems necessary. If any meter is repaired or replaced because of a defect in the meter, such repair or replacement shall be performed at the expense of the town. If a meter is repaired or replaced due to damage other than damage caused by town personnel, the cost of the repair or replacement, including materials and labor, shall be charged to the user's account. If a meter is replaced due to a change by the user to a larger size meter, such replacement shall be performed at the expense of the user, and the user shall pay before installation of the new meter a sum which is equal to the difference between the prices of the two (2) meters in effect at the time of the replacement.
- (e) All meters shall be of a size, type and design approved by the town and shall be installed in a readily accessible location for the meter reader. Each meter shall be inspected by the town or the manufacturer and shall be found to be correct and properly adjusted before installation. If inspection is made by the manufacturer, a report of such inspection result shall be furnished to the town prior to the installation.

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- (f) Water meters shall be installed in a frost-proof meter pit at a location specified by the town or its delegate, with a remote reading device. The town shall have the right in all cases to specify the location for the placement of the meter and readout.
- (g) A record shall be made and preserved of each meter installed, giving the location, serial number and size of the meter.

(Ord. 11-02 §1, 2011)

Sec. 13-21. Connection and inspection.

- (a) The owner of property for which a tap permit has been issued shall notify the town clerk when ready to connect his or her property with the town's water system, so that the town can arrange to provide any necessary materials for the connection. Such owner shall not be entitled to connect such property with the water system until the town has determined that substantial progress toward the completion of the proposed improvement or development has occurred, such as, by way of illustration and not limitation, completion of framing of a building or completion of twenty-five percent (25%) of the proposed improvement. In new subdivisions, water service lines shall be extended from the water main to the curb stop or meter pit for all new taps to enable street improvements to be completed.
- (b) Reserved.
- (c) The owner must arrange for the work to be done in making the connection, and such work must be performed by the town or its delegate and in accordance with any applicable town regulations.

(Ord. 11-02 §1, 2011)

Sec. 13-22. Service line regulations.

- (a) Except as to properties being supplied by water from existing wells on the effective date of the ordinance codified herein, any water used on any property must come only from the town water system, with no cross connection to any other water supply.
- (b) Service lines must be laid at least four (4) feet six (6) inches below the surface of the ground. The town shall not be responsible for service lines and fixtures. All users at their own expense must keep service lines and service line apparatus in good working order and properly protected from frost and other disturbances. No claim shall be made against the town on account of the breaking of service lines or apparatus. No reduction in rates will be made for any time that service lines or fixtures may be frozen.
- (c) The board may by ordinance prescribe such other and further rules and regulations as it may deem necessary concerning the installation, connection, maintenance and specifications of water service lines and apparatus.

(Ord. 11-02 §1, 2011)

Sec. 13-23. Initiation of water and wastewater service.

- (a) Before the water service to a user may be initiated or resumed after termination, such user shall establish a water and wastewater account and request in writing that the water be turned on. To open a water and wastewater account, the user shall provide the legal description of the property to

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be served, the names of the users and the owners of the property, the mailing addresses of each and the date on which water service is desired.

- (b) There shall be no more than one (1) account per meter, and no more than one (1) bill issued per meter. The town shall not divide a bill among various users on a particular meter. If individual billing to multiple users or units being served by a single tap is desired, separate meters, in addition to the master meter, must be installed for each separate account.
- (c) At the time of opening a water and wastewater account, a deposit in an amount as adopted by the town by resolution of the board of trustees shall also be paid in such amount as the board may prescribe by resolution for service to any premises which are not occupied by the owner of such premises. Such deposit shall not constitute a prepayment of water bills but rather a security deposit to ensure that outstanding bills are satisfied upon the closing of an account. A deposit may be applied by the town to a delinquent account at any time, but the town shall not be obliged to do so. The deposit shall be applied to any balance remaining due upon the closing of an account, and the remainder of the deposit, if any, shall be returned to the user whose name is on the account. The town shall not be obligated to determine who is the owner of the deposit or the address of the user to whom the deposit shall be returned, other than the user's last address appearing on the account. If any deposit funds have been applied to a delinquent account and the water service has been discontinued, the user shall deposit sufficient additional funds to bring his or her deposit up to the amount then in effect for a deposit before service is resumed.
- (d) Water service shall not be turned on to any property unless an indebtedness for water service to such property shall have first been paid in full, regardless of whether such indebtedness was incurred by the current user or by any previous occupant of the property.
- (e) Such turn-on or turn-off fee as may be prescribed by the board by resolution shall be charged for each initiation, termination or resumption of service to any premises, except that no turn-on fee shall be charged for the initial turn-on of service to a property upon the first connection of such property to the water system.
- (f) A water and wastewater account shall be established for a user as soon as a tap is installed regardless of whether water is turned on or not. The owner or user of said tap shall pay the minimum monthly charge and other fees for water and wastewater service as set forth by ordinance.
- (g) Only such personnel as are authorized by the town shall turn on water to any premises or building.

(Ord. 11-02 §1, 2011; Ord. 13-13 §34, 2013)

Sec. 13-24. Payment of water charges and late fees.

- (a) All charges for use of water and for wastewater service as provided by ordinance and resolution are due and payable on receipt and payable at the town hall. All charges are delinquent after the 25th day of the month, or by the close of business the next business day after the 25th day of the month if the 25th day of the month is a holiday or a weekend.
- (b) All delinquent accounts will be charged a late fee per account as adopted by the town by resolution of the board of trustees for each month that the account is delinquent.
- (c) The town treasurer shall keep a correct account of all receipts, make out all bills for water and wastewater service, other such fees and material furnished to users, collect the same, and deposit the proceeds so collected to the credit of the water and wastewater funds of the town in accordance with the direction of the board.

(Ord. 11-02 §1, 2011; Ord. 13-13 §35, 2013)

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Sec. 13-25. Termination of service for nonpayment of bill.

- (a) In case any person or entity fails or refuses to pay any charges for water and wastewater service or fails to comply with the provisions of this article or any ordinance or resolution applicable to the town water and wastewater systems, the town may shut off the water service to the premises served.
- (b) Prior to termination of water service for nonpayment of bills, notification of disconnection of water service will be done by regular mail, along with posting of the property to be disconnected from the water service.
- (c) The delinquency notice shall state that the charges are delinquent, the amount of the delinquency and the date on which water shall be terminated unless the delinquent charges are paid. The notice shall further state that there is a right to a hearing for the purpose of determining the accuracy of the bill and the date when such hearing may be had if desired.
- (d) The hearing shall be conducted by the board. The board shall review the account, hear the statements and evidence of the parties, and shall either find the account to be accurate or adjust the account in conformance with the evidence.
- (e) Following the hearing, if a delinquency has been found to exist, the delinquent party shall have until noon of the shut-off date specified in the delinquency notice to pay the delinquency in full. If such delinquency is not paid in full by such time, the water shall be turned off, for which a fee prescribed by resolution for turning off of water shall be assessed against the account.

(Ord. 11-02 §1, 2011)

Sec. 13-26. Payments - Discontinuance and resumption of service.

- (a) All water and wastewater accounts shall be billed monthly. The user of water and wastewater service or owner of the property receiving water shall be required to pay monthly the charges billed, in accordance with the rate established by resolution. If service to a tap has been discontinued, either by termination by the board for nonpayment or at the request of the owner or user in the event that a property is vacant, the owner shall be required to pay a monthly minimum charge as established by ordinance. Such monthly minimum charge shall not be credited to future charges for water service, but shall constitute a current obligation of the property owner for the maintenance of the water and wastewater tap and system.
- (b) If service to a tap has been discontinued and the property owner has continued to pay the monthly minimum rate for water and wastewater service and payment of such other fees as described by ordinance or resolution, even though water service to the property has been discontinued, the water service to the property may be resumed upon compliance with the provisions of section 13-23 of this article, and the payment of applicable turn-on/turn-off fees as may be prescribed by the board by ordinance or resolution.
- (c) If the owner has failed to continue making minimum monthly payments and such other fees as prescribed by ordinance or resolution for a period of up to thirty-six (36) continuous months, the following provisions for resumption of service shall apply.
 - (1) Up to twelve (12) continuous months, service shall be restored upon compliance with the provisions of section 13-23 of this article concerning initiation of water service, the payment of all past-due minimum monthly charges and payment of such other fees as may be prescribed by the board by ordinance or resolution;
 - (2) Thirteen (13) through twenty-four (24) months, service shall be restored upon compliance with the provisions of section 13-23 of this article for initiation of water service, together with

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payment in full of a sum equal to one-third (1/3) of the tap fee in effect at the time of the request for resumption of service; or

- (3) Twenty-five (25) through thirty-six (36) continuous months, service shall be restored upon compliance with the provisions of section 13-23 of this article for initiation of water service, together with the payment in full of a sum equal to two-thirds (2/3) of the tap fee in effect at the time of the request for resumption of service.
- (d) If service remains discontinued after the effective date of this article for more than thirty-six (36) continuous months, and the minimum monthly charges and such other fees as prescribed by ordinance and resolution have not been paid when due, the tap shall be deemed abandoned and the service lines may be capped and disconnected at the main. Upon such abandonment, all rights of the owner of such property in such tap, including but not limited to any right of refund for such tap or any right to resume service through such tap shall terminate.

(Ord. 11-02 §1, 2011)

Sec. 13-27. Other remedies for nonpayment.

- (a) The town shall have as security for the collection of all water and wastewater charges, rates and penalties a lien upon the real property served by such utilities, which lien shall become effective immediately upon the supplying of such utility services and shall not be discharged until payment is made of all such water and wastewater charges and penalties as herein provided. In order to preserve any lien created by operation of this article, the town shall file for record a lien statement in the office of the county clerk and recorder, at any time before the expiration of four (4) months after the day in which a bill for water and wastewater service has become delinquent as defined by subsection 13-24(a) of this article. All liens created and perfected by virtue of this article shall relate back to and take effect as of the time that utility services are first provided to the real property; and such lien shall be enforceable against any person acquiring an interest in such real property after water and wastewater services are first provided to such real property. However, liens which are created by this article but not perfected shall be enforceable against any person with an interest in the real property subject to the lien who has notice of such lien.
- (b) In addition to any other remedies which the town may have, the town may take the following action upon failure by the owner or user to pay any charges or fees imposed by resolution or ordinance by the date specified as delinquent:
 - (1) The town may foreclose the lien imposed by this article in accordance with the law.
 - (2) The town may maintain an action for the amount of charges due in a court of competent jurisdiction, including interest as allowed by law.
 - (3) The town may certify the amount of any charge due to the county treasurer to become an assessment upon the property served to be collected with other taxes upon such property.
 - (4) The town may shut off the water to any premises for which the bill is not paid, in accordance with the procedures set out in section 13-25 of this article.

(Ord. 11-02 §1, 2011)

Sec. 13-28. Unlawful acts.

The following acts shall be unlawful, and to do any of the following, except in accordance with this article and such rules and regulations as may be promulgated pursuant to this article, shall be a violation of this article:

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- (1) To trespass upon the property of the water or wastewater systems or to tap any water or sewer mains or make any connections therewith, or in any manner to interfere with or damage the water or wastewater systems or the property, equipment, pipes, valves or any other appliances of the water or wastewater systems, or to change or alter the position of any valve or appliance regarding the flow of water in any pipeline of the water or wastewater systems.
- (2) To connect any privately owned water or sewer mains or service lines to the water or sewer systems of the town, except upon approval by the board.
- (3) To change, alter, move or replace any presently existing main, service line, meter or other apparatus connected with the water or sewer systems of the town, except as provided herein.
- (4) For any person or entity to tamper or interfere with any meter or meter seal or to so arrange his or her water service or piping that the use of water will not actuate the meter, or to draw water through any connection in a service line from a point between the water main and the meter.
- (5) To interfere with any authorized personnel who are enforcing any of the terms or provisions of this article or any ordinance or resolution which may be enacted concerning the water system.
- (6) To install a permanent or temporary water conduit or service line that is directly or indirectly connected to the municipal water system across the lot lines between lots or across ditches or dedicated streets, alleys, rights-of-way or easements, unless permission to do so is granted by the board. Such permission to do so is granted upon a determination by the board that no injury to existing rights will occur because of such installation.

(Ord. 11-02 §1, 2011)

Sec. 13-29. Water rationing.

- (a) In the event of a water shortage or water emergency, the mayor or the board shall have the authority to order such restrictions on indoor and outdoor water use as it deems necessary for the protection of the public. Such order shall be effective when notice thereof is published once in a newspaper published or circulated in the town. Upon the publication of such notice, the restrictions so prescribed shall take effect, and any violator thereof may be punished by penalties prescribed by this code.
- (b) The mayor or delegate may by executive order declare a water rate emergency and require that all outdoor water use be terminated during the emergency for protection of the public. All users shall comply immediately when informed of the emergency. Any authorized official may turn off any outdoor water if the user does not do so.
- (c) In the event of a water emergency such as, by way of description and not limitation, contamination of the water supply or breakdown of the water system, the water system may be restricted or shut off entirely and water rationed through another distribution system.
- (d) There shall be no liability on the part of the town, its officers or employees or other authorized personnel due to any rationing, restrictions or shut-off under this section. All users of water through the town system shall have the responsibility to comply with any rationing or restrictions imposed pursuant to this section.
- (e) Failure to comply with any published restrictions on indoor or outdoor use of water or with any order of the mayor restricting water use is a violation of this chapter.

(Ord. 11-02 §1, 2011)

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Sec. 13-30. Moratoriums.

- (a) The board may at any time, by ordinance, impose a moratorium on the granting of tap permits or on further connections to the water or wastewater systems.
- (b) In the event of a moratorium on tap permits, the board may stop granting tap permits immediately. No new tap permit applications shall be received while any such moratorium is in effect. When the moratorium is lifted, any pending applications for a tap permit will be granted in the order in which they were received, provided that they are otherwise eligible to be granted.
- (c) A moratorium on further connections or installations of taps will cause any permits for taps which have been granted, but not installed or collected, to be automatically extended for the number of days for which the moratorium is in effect.
- (d) There shall be no new collections or increases in tap size during the moratorium unless the moratorium provides otherwise.

(Ord. 11-02 §1, 2011)

Sec. 13-31. Reservation of rights by town.

The use of water under the provisions of this chapter shall not constitute or be deemed to be a relinquishment of any water or water rights by the town, and the town reserves the full right to determine all matters in connection with the control and use of said water.

(Ord. 11-02 §1, 2011)

Sec. 13-32. Separate connections required.

Two (2) or more premises cannot be supplied by one (1) and the same connection unless permission is granted by the town.

(Ord. 11-02 §1, 2011)

Sec. 13-33. Waste of water prohibited.

Consumers shall prevent unnecessary use of water and keep all water outlets closed when not in actual use. Hydrants, urinals, water closets, bath tubs and other openings must not be left running for any purpose other than the use for which they were intended. In addition to the penalty provided herein for code violation, the water supply may be turned off where any such waste occurs, and in such case a charge of one hundred dollars (\$100.00) must be paid before the water is turned on again.

(Ord. 11-02 §1, 2011)

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Sec. 13-34. Reserved.

Sec. 13-35. Swimming pools.

No water shall be used for a swimming pool, or pool holding over two thousand (2,000) gallons of water, or other similar purpose except by special contract with the town, which contract shall specify the charges for water use.

(Ord. 11-02 §1, 2011)

Sec. 13-36. Water and wastewater account in name of owner.

All accounts for water and wastewater shall be kept in the name of the owner of the property and not in the name of any tenant. The owner only, or his or her legally authorized agent, shall be held responsible for water and wastewater bills; provided that persons holding under a lease may be supplied on their account where it is impractical to keep the account in the name of the owner, and in such case the town may require a deposit of at least one (1) quarterly water and wastewater minimum charge, which deposit may be forfeited to the town at any time when the water and wastewater bill becomes delinquent and a new deposit required before further service is rendered.

(Ord. 11-02 §1, 2011)

Sec. 13-37. Fire alarms - Water use.

During all fire alarms the use of hose and all outlets where a constant flow of water is maintained is a violation.

(Ord. 11-02 §1, 2011)

Sec. 13-38. Sprinkling restrictions.

In case of water shortage or scarcity, the board may by resolution place any restriction which it deems necessary upon the use of water for irrigation or sprinkling purposes.

(Ord. 11-02 §1, 2011)

Secs. 13-39—13-49. Reserved.

ARTICLE 3 Rates and Fees

[Sec. 13-50. Water rates.](#)

[Sec. 13-51. Charges in event of meter failure.](#)

[Sec. 13-52. Changes and adjustments.](#)

[Sec. 13-53. Water tap fees.](#)

[Sec. 13-54. Reserved.](#)

[Sec. 13-55. Mountain pipeline charge.](#)

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[Sec. 13-56. WTP and treated line charge.](#)

[Sec. 13-57. Reserved.](#)

[Sec. 13-58. Sewer tap fees.](#)

[Sec. 13-59. Wastewater rates.](#)

Sec. 13-50. Water rates.

In accordance with section 13-52 below, water use rates shall be set by the board of trustees by resolution.

(Ord. 11-02 §1, 2011)

Sec. 13-51. Charges in event of meter failure.

If any water meter shall fail to function correctly in any billing period, the account shall be charged according to the average quantity of water previously used at that property in the same month of the preceding year.

(Ord. 11-02 §1, 2011)

Sec. 13-52. Changes and adjustments.

All changes or adjustments to fees, rates and other charges for service from the water or wastewater systems of the town shall henceforth be accomplished by resolution.

(Ord. 11-02 §1, 2011)

Sec. 13-53. Water tap fees.

- (a) Water tap fee components. All water tap fees shall be based on three (3) components: the current connection charge based on the operating costs and cost of maintaining the town's water system (water connection); the current applicable plant investment fee (PIF); and dedication to the town of sufficient new raw water supply to meet the demand. Such raw water dedication shall be in the form of Colorado-Big Thompson water (CBT) or its equivalent as determined by the town. The water connection and PIF charges shall be set by the board of trustees by resolution.
- (b) Equivalent residential unit. An equivalent residential unit (EQR) is hereby defined as one (1) detached single-family residential dwelling unit or one (1) attached single-family dwelling unit that is held or that is designed to be held in ownership separate from other units in the residential structure or served by its own water meter and service line. The average water demand for one (1) EQR is hereby determined to be four hundred fifty (450) gallons per day.
- (c) Utility service plan. All applications for building permits for nonresidential development or for multi-family residential development in which water meters and service lines serve more than one (1) dwelling unit shall be accompanied by a utility service plan that includes an estimate of average daily water demand and proposed sizing of all water meters on the property to be developed. Meter sizing

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and water demand estimates are subject to review by the town engineer. Water demand estimates shall be used as the basis for calculating water tap fees.

- (d) Raw water dedication. In addition to the water connection and PIF fees, there shall be transferred to the town at the time of payment of said charges the following quantity of CBT water, unless said CBT water was previously transferred as a condition of annexation.
 - (1) For single-family residential development, one (1) acre-foot share of CBT water for each single-family dwelling unit or for each single-family equivalent (EQR);
 - (2) For multi-family residential, commercial, industrial or other nonresidential development, one (1) acre-foot share of CBT for each four hundred two (402) gallons per day of average water demand. Average water demand for commercial, industrial or other nonresidential development shall be as identified in the utility service plan and as approved by the town administrator upon advice from the town engineer; or
 - (3) In lieu of the acre-foot shares set forth in paragraphs (1) and (2) above, the town may, at its discretion, accept a cash amount equivalent to one hundred ten percent (110%) of the then-current purchase price of such shares of CBT water as determined by the town.
- (e) No water tap or connection shall be made to the town water system unless a permit is first obtained from the town clerk for such tap or connection and all applicable charges set forth in this chapter have been paid. All fees and charges shall be paid at the time of issuance of the building permit at the then-effective rate.
- (f) All connections or taps shall be made by a qualified contractor and shall be at the sole expense of the applicant. The applicant shall furnish at its sole expense all materials and labor necessary for the tap or connection, except that the town shall furnish the necessary water meter, the necessary taping saddle, corporation stop, curb stop, meter pit, meter pit cover, radio read meter, setter(s) and, where applicable, backflow preventer and pressure reducing valve(s), the actual costs of which shall be paid by the applicant at the time of payment of the fees set forth herein, and the price of which is included in the water connection component of the fee set forth in this section.
- (g) After such tap or connection is made and accepted, the town shall be the owner of and maintain the line from the water main to the meter, unless the meter is contained within a private structure, in which case the town shall maintain the line from the water main to the curb stop, and the applicant shall own and maintain the line from the meter or the curb stop to the premises.
- (h) All platted residential lots within the town that exist as of April 1, 2000, may apply to the board of trustees for a waiver of all or a portion of the raw water component of the tap fees imposed by this section. The board shall determine whether to waive all or a portion of the raw water component of the tap fee based on whether the applicant has satisfied the following criteria:
 - (1) The applicant can show the existence of exceptional and undue hardship based on application of the raw water component to the applicant; and
 - (2) The granting of the waiver by the board of trustees would not cause a substantial detriment to the public good, nor would it result in any detrimental impact on the town's water supply or water system.

(Ord. 11-02 §1, 2011; Ord. 13-13 §36, 2013)

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Sec. 13-54. Reserved.

Sec. 13-55. Mountain pipeline charge.

- (a) For properties outside of the town that are served by town water, there shall be added to each monthly minimum water charge an additional charge in an amount set by resolution for debt service associated with the financing of the raw water supply line to the Fort Lupton water treatment plant.
- (b) This charge shall remain in effect until the debt associated with the financing of a new raw water supply line is paid.

(Ord. 11-02 §1, 2011)

Sec. 13-56. WTP and treated line charge.

- (a) For properties outside of the town that are served by town water, there shall be added to each monthly minimum water charge an additional charge in an amount set by resolution for debt service associated with the financing of the Fort Lupton joint water treatment plant (WTP) and the treated water transmission line from Fort Lupton to Hudson.
- (b) This charge shall remain in effect until the debt associated with the financing of the new water treatment plant (WTP) and a new treated water transmission line is paid.

(Ord. 11-02 §1, 2011)

Sec. 13-57. Reserved.

Sec. 13-58. Sewer tap fees.

The sewer tap fees shall be based on two (2) components: the current connection charge based on the operating costs and cost of maintaining the town's sewer system (sewer connection) and the current applicable plant investment fee (PIF). The sewer connection and PIF charges shall be set by the board of trustees by resolution.

(Ord. 11-02 §1, 2011)

Sec. 13-59. Wastewater rates.

Sewer rates shall be set by the board of trustees by resolution.

(Ord. 11-02 §1, 2011)

ARTICLE 4 Water Rights Dedication Upon Annexation

[Sec. 13-60. Title.](#)

[Sec. 13-61. Intent and purpose.](#)

[Sec. 13-62. Definitions.](#)

[Sec. 13-63. Basic dedication requirement.](#)

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[Sec. 13-64. Exceptions to basic dedication requirements.](#)

[Sec. 13-65. Procedure.](#)

[Sec. 13-66. Agricultural and open space property.](#)

[Sec. 13-67. Option to purchase.](#)

[Secs. 13-68—13-79. Reserved.](#)

Sec. 13-60. Title.

This article shall be known and may be cited as the town water rights dedication article.

(Ord. 11-02 §1, 2011)

Sec. 13-61. Intent and purpose.

- (a) It is the intent and purpose of this article to further the health, safety and welfare of the citizens of the town by requiring the dedication of sufficient water rights prior to the annexation of land to the town; to prevent the abandonment of water rights to the detriment of the town; to ensure the financial stability of the town's water system; and to promote the general welfare of the public.
- (b) This article, in part, provides a supplemental requirement for annexation under applicable state statutes, and is not to be construed as altering, modifying, eliminating or replacing any requirement set forth by law.

(Ord. 11-02 §1, 2011)

Sec. 13-62. Definitions.

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

Annexation means the act of attaching, adding, joining or uniting a parcel of land to the legal entity known as the town.

Conveyance or transfer of water rights means the process by which legal title to certain water rights is transferred to the town by appropriate deed or other instrument, and includes all actions required under the laws of the state to be brought in the water court to ensure that the dedication requirement and the conveyance and transfer of rights are completed. Transfer of water rights includes transfer of conditional water rights as well as transfer of absolute water rights, whether adjudicated or not.

Dedication means appropriation of an interest in land or water to some public use, made by the owner and accepted for such use by or on behalf of the public.

Historical use affidavit means a document which sets forth the following information concerning the water rights proposed for dedication:

- a. The name(s) and address(es) of the owner(s) of the water rights proposed for dedication;
- b. A legal description of the land to be annexed;

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- c. The total number of acres to be annexed;
- d. The total number of acres presently being irrigated and/or intended to remain in irrigation;
- e. A copy of all decrees concerning all rights appurtenant to property and/or all water rights proposed for dedication;
- f. A copy of any legal decree or judgment which affects the title to those water rights appurtenant to the property, or those proposed for dedication, entered since the current owner received title to such water rights;
- g. A copy of the documents by which the owner received title to the water rights appurtenant to the property and/or those proposed for dedication;
- h. A copy of all diversion records of the water rights proposed for dedication; and
- i. The owner's statement as to the historic use of the water rights appurtenant to the property and/or those proposed for dedication.

Sufficient legal priority means that the water rights proposed for dedication may be reasonably expected to provide a dependable water supply throughout the season of use in the amount for which they are decreed. In making this determination, factors to be considered shall include, by way of illustration but not by way of limitation, the adjudication date and appropriation date of the water rights, the decreed use(s), the historic use of water under the decree, the physical flow available and the administration practices of the Office of the State Engineer.

Water right means a decreed right to use, in accordance with its priority, a certain portion of the water of the state by reason of the appropriation of the same.

(Ord. 11-02 §1, 2011)

Sec. 13-63. Basic dedication requirement.

- (a) No land shall be annexed to the town, and no water service shall be extended by the town to such land until the town has received, by a good and sufficient conveyance, dedication, grant, assignment or decree, the perpetual right to use water sufficient to serve the anticipated use of the land being annexed. The amount of water to be dedicated to the town may be identified in an agreement between the town and the owner of the land being annexed.
- (b) For single-family residential developments, the minimum dedication requirement shall be equal to one (1) share of Colorado-Big Thompson (CBT) water or one-half ($\frac{1}{2}$) acre-foot per single-family equivalent.
- (c) For multi-family and nonresidential developments, the minimum dedication requirement shall be determined by the town, and shall be sufficient to serve the anticipated use of the land being annexed. In determining the minimum dedication requirement for multi-family and nonresidential developments, the owner shall submit estimates of the anticipated water demands for the development for review by the town in a Utility Service Plan, prepared by a qualified professional, estimating the demand for water services. Based on a review thereof, and considering any recommendations from the town's staff and/or consultants, the town will determine the minimum dedication requirement for the multi-family or nonresidential development.
- (d) The only water source currently acceptable to the town to meet the minimum dedication requirement is water from the Colorado-Big Thompson Project. CBT water will be credited towards the minimum dedication requirement at a rate of one-half ($\frac{1}{2}$) acre-feet per CBT unit.
- (e) In addition to the minimum dedication requirement, the property owner shall execute an agreement with the town expressly consenting to the withdrawal by the town of any and all nontributary and nontributary ground water as defined in §37-90-102, C.R.S., underlying the land to be annexed. The

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property owner shall also execute a deed conveying title to the same to the town. In the event that the owner has previously granted consent for the withdrawal of all or a portion of the ground water underlying the property, the owner shall submit a copy of such consent agreement as well as copies of any relevant information, including well permits and/or decrees which have been issued in connection with said consent. In the event any existing decreed and/or permitted wells withdrawing nontributary or not-nontributary ground water have previously been constructed on the property, or permitted for construction, the owner shall convey all ownership of such wells by deed or other appropriate instrument to the town, including any water rights decreed thereto. For such pre-existing wells, the owner shall, at the town's discretion, either: (1) plug and abandon the well(s) in compliance with State Engineer requirements in which case the owner shall forthwith execute an agreement consenting to the withdrawal of any and all remaining nontributary and not-nontributary ground water underlying the property by the town; or (2) grant such easements and rights of way as are necessary to allow the town to operate the well(s) and integrate the well(s) into the town's overall water system.

(Ord. 11-02 §1, 2011)

Sec. 13-64. Exceptions to basic dedication requirements.

- (a) The board may substitute or waive any conditions or requirements deemed appropriate to meet the purposes of this article, or to relieve undue hardship, where the interests of the town will not be jeopardized.
- (b) This article does not apply to the extension of municipal water service to property for which the basic dedication requirement has been previously complied with by any person.
- (c) For lands to be annexed for which the minimum dedication requirement is less than five (5) acre-feet, the town may accept a cash-in-lieu payment to be established by the board, which may be adjusted from time to time within the discretion of the board.

(Ord. 11-02 §1, 2011)

Sec. 13-65. Procedure.

- (a) The board may, in its discretion, negotiate with the person required to comply with the dedication requirements to establish other terms or conditions which shall constitute compliance with the basic dedication requirement of this article.
- (b) The person required to comply with the dedication requirements shall dedicate the water rights, cash-in-lieu payment or other consideration, as approved by the town board, to the town by executing and delivering to the town such instruments and documents as are necessary as determined by the town to complete the transfer. No water service shall be extended to the land annexed until the necessary water rights have been transferred to the town. However, if there are matters pending resolution concerning the water rights to be dedicated, or if there is other delay beyond the control of the new user, the board shall have the discretion to approve the extension of such water service prior to the dedication of water rights to the town.
- (c) The board may require that all costs and expenses for engineering and hydrological consultants and attorneys' fees, including those incurred by the board, for compliance with the basic water rights dedication, be paid by the person required to comply with the dedication requirements.
- (d) The board may require that the persons making the dedication of water rights pay the cost of development of such rights. The development of water rights may include, but shall not be limited to, exploration, drilling, construction of a well and pump, connecting with existing water and acquiring the necessary permits for such development.

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- (e) Northern Colorado Water Conservancy District. The owner of any land being annexed to the town shall, as a condition of annexation, properly petition for such land to be included into the Northern Colorado Water Conservancy District and its municipal sub-district, if applicable.

(Ord. 11-02 §1, 2011)

Sec. 13-66. Agricultural and open space property.

If the owner of the property proposed to be annexed desires to retain the land or any portion thereof in agricultural production or as open space prior to development, such owner shall be permitted to lease back, for irrigation, aesthetic and recreational purposes only, the water rights transferred pursuant to this article. The terms of the lease shall be negotiated with the board.

(Ord. 11-02 §1, 2011)

Sec. 13-67. Option to purchase.

- (a) Time. Any person required to comply with the basic dedication requirement shall also grant to the town an option to purchase any and all water rights which are appurtenant to the land to be annexed. Said option may be exercised by the town with regard to any or all of the water rights subject to said option to purchase at any time within a period of one (1) year following the date of the grant to the town of the option to purchase.
- (b) Price. The option price shall be established between the parties at the time the option is granted to the town, and shall remain in effect for the duration of the option.
- (c) Right of first refusal.
 - (1) The water rights subject to the option to purchase shall also be subject to a right of first refusal which shall be granted to the town. If the town for any reason should choose not to exercise its option to purchase, it shall nevertheless retain said right of first refusal. In the event the water rights are offered for sale during a period of ten (10) years following the date of the original dedication of water rights on such land, the town shall have the right of first refusal on such excess water rights.
 - (2) If the owner of the water rights subject to said right of first refusal wishes to sell said water rights to a third party, such owner shall give the town at least ninety (90) days notice of his or her intention to sell said water rights by delivering to the town a bona fide written offer to purchase made by a third party.
 - (3) During the ninety (90) day notice period, the town shall have the right to purchase the water rights which are being offered for sale. If within such ninety (90) days following notice by the owner of his or her intention to sell such water rights, the town chooses to exercise its right of purchase, then the town shall pay to the owner the same amount as the price offered by the third party in the bona fide offer. In the event that the town determines not to exercise its right to purchase the water rights offered for sale, the owner shall be free to sell the water rights to the third party.

(Ord. 11-02 §1, 2011)

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Secs. 13-68—13-79. Reserved.

ARTICLE 5 Water and Wastewater Activity Enterprise

[Sec. 13-80. Establishment of the enterprise.](#)

[Sec. 13-81. Enterprise excluded from the provisions of the amendment.](#)

[Sec. 13-82. Governing body.](#)

[Sec. 13-83. Powers of the enterprise.](#)

[Sec. 13-84. Enterprise obligations and town obligations.](#)

[Sec. 13-85. Transactions in the name of the town.](#)

[Sec. 13-86. Findings of the board of trustees.](#)

[Sec. 13-87. Termination.](#)

[Secs. 13-88—13-99. Reserved.](#)

Sec. 13-80. Establishment of the enterprise.

The town hereby establishes an enterprise as an agency of the town and formally designates it as the "Town of Hudson, Water and Wastewater Activity Enterprise." It shall be the purpose of the enterprise to pursue or continue all of the town's water and wastewater activities as defined in Title 37, Article 45.1, Part 1, C.R.S. (the "act"), including raw water acquisition or capital project or facility activities, including the construction, operation, repair and replacement of water or wastewater facilities, using revenues and income generated by and earned or acquired in connection with activities and held and managed, respectively, in the town's water and wastewater enterprise funds. As between the town and the enterprises, all water and wastewater activities will be deemed done and furnished by the enterprise.

(Ord. 11-02 §1, 2011)

Sec. 13-81. Enterprise excluded from the provisions of the amendment.

Pursuant to and in accordance with the act, the enterprise shall be excluded from the provisions of Article X, Section 20 of the State Constitution ("the amendment") and shall be entitled to impose rates, fees, tolls and charges; collect and spend revenues; issue revenue bonds; and construct, operate and maintain facilities and provide water and wastewater services; all without reference or regard to the limitations contained in the amendment.

(Ord. 11-02 §1, 2011)

Sec. 13-82. Governing body.

The members of the board of trustees shall serve as the governing body of the enterprise and shall be known collectively as the board of directors of the enterprise (the "enterprise board"). Acting as the enterprise board, the board of trustees may exercise the town's legal authority relating to water and wastewater activities as defined in the act. The enterprise board hereby is directed to take all actions necessary to cause the enterprise to comply with all applicable laws.

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(Ord. 11-02 §1, 2011)

Sec. 13-83. Powers of the enterprise.

The enterprise shall have all powers and authority granted to water and wastewater activity enterprises by the provisions of the act, including but not limited to the power to conduct and continue water and wastewater activities as defined in the act; the power to contract with any person or entity, including other districts as defined in the act and other water activity enterprises as defined in the act; and the power to issue and reissue revenue bonds through its governing body in accordance with and through the provisions of Section 37-45.1-104(2), C.R.S.

(Ord. 11-02 §1, 2011)

Sec. 13-84. Enterprise obligations and town obligations.

In consideration of the enterprise's commitment to provide water and wastewater services for which the town actually is obligated, and to collect and spend revenues from rates, fees, tolls and charges imposed by the town, the town hereby agrees to continue to provide administrative services for the enterprise and its activities, to continue to hold title to and own all of the assets currently owned by the town and necessary to the operation of the enterprise, to pay debt service on general obligation bonds of the town issued in the past to finance the acquisition of water rights and the construction and installation of water facilities and improvements, and to impose all rates, fees, tolls and charges for water activities. The relationship between the town and the enterprise with respect to the administration of the enterprise, the operation of the water and wastewater activities and the duties and responsibilities of each party shall be as may be delineated and clarified from time to time in a resolution of the board of trustees which may be adopted at any time when this article is in full force and effect.

(Ord. 11-02 §1, 2011)

Sec. 13-85. Transactions in the name of the town.

Any and all transactions of the enterprise may be done in the name of the town or in the name of the enterprise, and neither this section nor any transaction entered into pursuant to it shall alter or abrogate the relationship of the town and the enterprise as established in section 13-84 above, and as may be further clarified from time to time in a resolution.

(Ord. 11-02 §1, 2011)

Sec. 13-86. Findings of the board of trustees.

The board of trustees hereby makes the following findings with respect to the establishment of the enterprise:

- (1) The town's water and wastewater enterprise funds, water rights, water and wastewater facilities and appurtenances all shall comprise the enterprise which shall be and is the water and wastewater activity business owned by the town.
- (2) The enterprise shall be and is an agency of the town for the purpose and within the meaning of the following:
 - a. Title 24, Article 10, Part 1, C.R.S., the "Colorado Governmental Immunity Act";

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- b. Title 29, Article 1, Part 6, C.R.S., the "Colorado Local Government Audit Law";
 - c. Title 29, Article 1, Part 1, the "Local Government Budget Law of Colorado"; and
 - d. All other local, state and federal laws, rules and regulations.
- (3) The establishment of the enterprise is necessary to provide a secure water supply for domestic use by the inhabitants of the town and other domestic customers of the enterprise; to continue to provide water for agricultural use; to supply water for power, milling, manufacturing, mining, metallurgical, fish, wildlife, recreational and all other beneficial uses; to treat, reclaim, conserve, recharge, augment, exchange or reuse water supplies; and to provide wholesale and retail water supply and wastewater services.
- (4) The town has the authority to conduct water activities as defined in the act and is the sole owner of the enterprise as required by the act. The town has revenue bonding authority for water and wastewater activities pursuant to Title 31, Article 35, Part 4, C.R.S., all as required by the act.
- (5) The enterprise receives under ten percent (10%) of its annual revenues in grants (as defined in the act) from all Colorado state and local governments combined.
- (6) Pursuant to the act, the enterprise is authorized to issue its own revenue bonds.
- (7) The enterprise does not and shall not levy any tax whatsoever, nor shall any rates, tolls, fees or charges collected and spent by the enterprise ever be deemed to be taxes for any purpose under any law, rule or regulation, whether local, state or federal.

(Ord. 11-02 §1, 2011)

Sec. 13-87. Termination.

The enterprise shall remain in existence at the will of the board of trustees and in accordance with law. In the event that the enterprise is terminated by operation of law or by act of the board of trustees, any and all assets of the enterprise, immediately and without the need for further action, shall be deemed to be and shall be assets of the town.

(Ord. 11-02 §1, 2011)

Secs. 13-88—13-99. Reserved.

ARTICLE 6 Industrial Discharge

[Sec. 13-100. Definitions.](#)

[Sec. 13-101. Prohibited discharges.](#)

[Sec. 13-102. Industrial discharge permits.](#)

[Sec. 13-103. Permit modifications.](#)

[Sec. 13-104. Permit conditions.](#)

[Sec. 13-105. Industrial user classifications.](#)

[Sec. 13-106. Industrial user fees.](#)

[Sec. 13-107. Promulgation of standards.](#)

[Sec. 13-108. Accidental, slug and hazardous waste discharges.](#)

[Sec. 13-109. Notification of violation; suspension of service.](#)

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[Sec. 13-110. Enforcement.](#)

[Secs. 13-111—13-120. Reserved.](#)

Sec. 13-100. Definitions.

Unless the context specifically indicates otherwise, the following terms and phrases, as used in this article, shall have the meanings hereinafter designated:

Act or the Act means the Federal Water Pollution Control Act, also known as the Clean Water Act, 33 U.S.C. §§1251 to 1387, as amended.

Authorized representative of industrial user. An authorized representative of an industrial user may be:

- a. A principal executive officer of at least the level of vice-president, if the industrial user is a corporation;
- b. A general partner or proprietor if the industrial user is a partnership or proprietorship, respectively;
- c. A duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.

Biochemical oxygen demand (BOD) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at twenty (20) degrees Centigrade expressed in terms of weight and concentration (milligrams per liter).

Categorical industrial user or categorical contributor means any industrial user which operates one (1) of the processing or manufacturing industries specified in 40 C.F.R. Parts 405 through 499, and any industrial user subject to categorical pretreatment standards under 40 C.F.R. § 403.6.

Chemical oxygen demand (COD) means the measure of the oxygen equivalent to the portion of organic matter in a manner that is susceptible to oxidation by a strong chemical oxidant under laboratory procedures, expressed in milligrams per liter.

Director, unless otherwise specified, means the town administrator or his or her designee.

Harmful contribution means an actual or threatened discharge of water or wastes to the POTW which presents or may present an imminent or substantial endangerment to the health and welfare of persons or to the environment, causes interference to the POTW or causes the town to violate any condition of its NPDES permit.

Industrial means or pertains to industry, manufacturing, commerce, trade or business as distinguished from domestic or residential.

Industrial discharge permit means the permit description as set forth in section 13-102 of this article.

Industrial user means a source of indirect discharge as defined in this section.

Industrial wastes or nondomestic wastes means the water-carried wastes from nondomestic sources such as industrial manufacturing, industrial processing or any other industrial or business activities producing nondomestic or nonresidential sewage. Such wastes shall include the trade wastes produced by, but not limited to, restaurants, food processing and bottling plants, food manufacturing plants, slaughtering plants, tallow works, plating works, disposal services, industrial

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cleaning plants, fertilizer plants, car and truck washing operations, laundries, cleaning establishments, cooling plants, industrial plants, factories and chemical treatment installations.

National categorical pretreatment standard or pretreatment standard means any regulation containing pollutant discharge limits promulgated by the EPA in 40 C.F.R. Chapter 1, Subchapter N, Parts 405 through 499, which applies to a specific category of industrial users.

National pollution discharge elimination system (NPDES) permit means a permit issued pursuant to Section 402 of the Act (33 U.S.C. § 1342)

National prohibitive discharge standard or prohibitive discharge standard means any regulation developed under the authority of 307(b) of the Act and 40 C.F.R. § 403.5.

pH means the intensity of acid or base condition of the solution expressed as the logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in moles per liter of solution.

Pollutant means any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste discharged into water.

Pretreatment or treatment means the reduction of the amount of pollutants, the elimination of pollutants, the alteration of the nature of pollutants or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, or process changes by other means, except as prohibited by 40 C.F.R. § 403.6(d).

Pretreatment requirements means any substantive or procedural requirement related to pretreatment, other than a national pretreatment standard imposed on an industrial user.

Pretreatment standard means any local limit or regulation containing pollutant discharge limits promulgated by the EPA in accordance with Sections 307(b) and (c) of the Act, which applies to industrial users. The term includes prohibitive discharge limits established pursuant to Section 403.5.

Publicly owned treatment works (POTW) means a treatment works as defined by Section 212 of the Act (33 U.S.C. § 1292), which is owned in this instance by the town. This definition includes any sewers that convey wastewater to the POTW treatment plant, but does not include pipes, sewers or other conveyances not connected to a facility providing treatment. For the purposes of this article, POTW shall also include any sewers that convey wastewaters to the POTW from persons outside the town who are, by contract or agreement with the town, users of the town's POTW.

Significant industrial user or significant contributor means any industrial user which either:

- a. Discharges twenty-five thousand (25,000) gallons or more of process wastewater each day; or
- b. Discharges five percent (5%) or more of the POTW's average dry weather hydraulic or organic loading; or
- c. In the opinion of the director, by the nature of its discharge, has a potential to affect the POTW adversely or to endanger the safety of workers; or
- d. Operates one (1) of the processing or manufacturing industries specified in 40 C.F.R. parts 405 through 499, and any industrial users subject to categorical pretreatment standards under 40 C.R.F. Parts 403.6 and 40 C.F.R. Chapter 1, Subchapter N.

Significant violation or significant noncompliance. An industrial user commits a significant violation or is in significant noncompliance whenever its conduct or operations satisfy one (1) or more of the following criteria:

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- a. Chronic violations of wastewater discharge limits, meaning conditions in which sixty-six percent (66%) or more of all the measurements taken during a six-month period exceed, by any magnitude, the daily minimum limit or the average limit for the same pollutant parameter;
- b. Technical review criteria (TRC) violations, meaning conditions in which thirty-three percent (33%) or more of all the measurements taken during a six-month period exceed the product of the average limit multiplied by the applicable TRC. For BOD, TSS, fats, oil and grease, TRC = 1.4. For all other pollutants except pH, TRC = 1.2;
- c. Any other violation of a pretreatment limit (daily maximum of longer-term average) that the control authority determines has caused, alone or in combination with other discharges, in interference or pass through (including endangering the health of POTW personnel or the general public);
- d. Any discharge of a pollutant that has caused or created an imminent hazard or danger to human health, welfare or the environment or has resulted in the POTW's exercise of its emergency authority under section 13-109 of this article to halt or prevent such a discharge;
- e. Any failure to meet, within ninety (90) days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction or attaining final compliance;
- f. Any failure to provide, within thirty (30) days after the due date, required reports such as baseline monitoring reports, ninety-day compliance reports, periodic self-monitoring reports or reports regarding compliance with compliance schedules; or
- g. Any other violation or group of violations which the control authority determines will adversely affect the operation or implementation of the local pretreatment program.

Slug or slug load means any discharge of a sewage or industrial waste that in concentration or mass of any given constituent exceeds, for any one (1) period of duration longer than fifteen (15) minutes, more than five (5) times the average twenty-four hour or normal working period concentration mass.

Slug discharge means any discharge of a nonroutine or episodic nature, including but not limited to an accidental spill or a noncustomary batch discharge.

Total organic carbon (TOC) means the total quality of organic carbon as measured by the amount of carbon dioxide formed, expressed in milligrams per liter and used in assessing the potential oxygen-demanding load of organic material.

(Ord. 04-06 §1, 2004)

Sec. 13-101. Prohibited discharges.

- (a) It shall be unlawful to discharge any pollutant within any area under the jurisdiction of the town, including any town service area, except as authorized by the director in accordance with the provisions of this article.
- (b) When the director determines that a user is contributing to the POTW any of the following enumerated substances in such amounts as to interfere with the operation of the POTW, the Director shall:
 - (1) Advise the user of the impact of the contribution to the POTW;
 - (2) Develop effluent limitations for such user to correct the interference with the POTW; and

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- (3) Perform the actions listed in section 13-110 of this article, as he or she deems necessary.
- (c) General discharge prohibitions.
- (1) No user shall introduce any pollutant to the wastewater system which will interfere with the operation or performance of the POTW or cause a pass-through. This prohibition applies to all sources, regardless of other federal, state or local requirements.
 - (2) No user shall discharge any pollutants which create a fire or explosion hazard in the POTW. More specifically, no user shall discharge any wastestream with a closed cup flashpoint of less than sixty (60) degrees centigrade (140 degrees Fahrenheit) using the test methods specified in 40 C.F.R. § 261.21. No user shall discharge any wastestream which contains gasoline, fuel oil, lubricating oil, diesel fuel, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides or sulfides. No user shall discharge any wastestream which contains liquids, solids or gases that, by their nature or quantity, either singly or combined, cause to create a hazard of fire or explosion. The director may require users with the potential to discharge flammable, combustible or explosive substances to install and maintain an approved combustible gas detection meter or explosion hazard meter. No two (2) successive readings on an explosion hazard meter at the point of discharge shall be more than five percent (5%), nor any one (1) reading more than ten percent (10%), of the lower explosive limit (LEL) of the meter.
 - (3) No discharge shall contain substances with corrosive or toxic properties capable of causing a public nuisance, structural damage or other hazard to the POTW system, damage or hazard to human or animal life, or of preventing entry into the sewers for unauthorized maintenance, repair, sampling or monitoring. This prohibition shall include all herbicides, pesticides, fungicides, phenols and hydrogen sulphide, and all discharges with a pH of less than 5.0 (unless the POTW is specifically designed to accommodate discharges with a pH of less than 5.0).
 - (4) No solid or viscous substances, which in quantity or size may cause obstructions in flow or interfere with the treatment process, may enter the POTW. Examples of these are: garbage with particle size greater than one-half (½) inch, grass, straw, hair, plaster, concrete, rocks, tar, paper, paint or feathers, hides, fleshings, glass, fabric, mud, any other items determined by the director to be outside the scope of domestic wastes.
 - (5) No pollutant shall be discharged at either a flow rate or concentration sufficient to impair the POTW's ability to meet NPDES or receiving water quality requirements. This provision shall include oxygen-demanding pollutants as measured by BOD-5, COD, and TOC tests.
 - (6) The temperatures of any discharges to the POTW shall not exceed sixty-five and one-half (65.5) degrees centigrade (150 degrees Fahrenheit) or inhibit biological activity at the POTW.
 - (7) No user shall discharge radioactive wastes or isotopes in any concentration.
 - (8) No user shall make a sewer connection which will allow water to enter the POTW from any of the following sources: storm water runoff, sump discharges, water accumulated in excavations or construction work, any underground drain (as in a foundation drain) or any water from refrigeration, air conditioning or similar use.
 - (9) Discharge to the POTW shall contain no substances which may cause the POTW's effluent, sludge or residue to be unsuitable for, or interfere with, the reclamation and reuse process as determined by the director or state or federal guidelines.
 - (10) Under no circumstances shall a user attempt to achieve compliance with the limitations developed by the town, state, or federal governments by diluting its waste with tap water, unpolluted water, sanitary sewage, or any other diluent.
 - (11) No user shall discharge waste with concentration of suspended solids or total solids such that unusual expense or attention is required to treat or handle the material.

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- (12) The director is entitled to review and approve the installation and operation of any garbage grinder with a motor size of three-quarters (³/₄) horsepower or greater.
- (13) No person shall discharge sewage or polluted water from any premises within the town into or upon any public highway, land, public place, stream or watercourse, or into any cesspool, storm or private sewer or natural water outlet, except where suitable treatment has been provided in accordance with federal, state and local laws.
- (14) In instances where investigation reveals the presence on the system of unacceptable wastes emanating from any lot, land or structure, the owner or occupant shall, at his or her expense, convert the waste to the satisfaction of the director into acceptable wastes.
- (15) No user shall discharge slug loads as defined herein.
- (16) No waste may be discharged containing dye waste, paint pigments, tanning solutions or any objectionable color not removable by the treatment process.
- (17) No user shall discharge petroleum oil, nonbiodegradable cutting oil or products of mineral oil origin in amounts that will cause interference or pass-through.
- (18) No user shall discharge pollutants which result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause acute health and safety hazards for employees of the town employed at the POTW.
- (19) No user shall discharge any trucked or hauled pollutants except as authorized by the director and only at discharge points designed by the director.
- (20) In general, no user shall discharge pollutants which pass through the POTW with inadequate treatment.

(d) Specific discharge prohibitions.

MAX. CONTRIBUTION (mg/1)

Pollutant	Symbol	Grab Sample
Arsenic	As	0.63
Cadmium	Cd	0.50
Chromium	Cr	3.14
Copper	Cu	0.72
Lead	Pb	7.44
Mercury	Hg	0.02
Nickel	Ni	3.76
Selenium	Se	0.02

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Silver	Ag	0.40
Zinc	Zn	6.06
Cyanide	Cn	10.73
Nitrogen as Ammonia	NH ₃ /NH ₄	50.00
pH		No less than 5.5
Grease/Oil		200.00

(Ord. 04-06 §1, 2004)

Sec. 13-102. Industrial discharge permits.

- (a) All industrial users proposing to connect to or to contribute to the POTW shall apply for an industrial discharge permit before connecting to or contributing to the POTW. Application for such permit shall be made at least ninety (90) days prior to the proposed date of connection or contribution to the POTW. All existing industrial users connected to or contributing to the POTW shall apply for an industrial discharge permit within ninety (90) days after the effective date of the ordinance codified herein.
- (b) Users required to obtain an industrial discharge permit shall complete and file with the director an application in the form prescribed by the town, accompanied by the specific fee for the required classification (see section 13-106 in this article). In support of the application, the user shall submit, in units and terms appropriate for evaluation, the following information:
 - (1) Name, address and a location (if different from the address);
 - (2) SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended;
 - (3) Wastewater constituents and characteristics, including but not limited to those mentioned in section 13-101 of this article as determined by a reliable analytical laboratory; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304(g) of the Act and contained in 40 C.F.R. Part 136, as amended;
 - (4) Time and duration of contribution;
 - (5) Average daily and three-minute peak wastewater flow rates, including daily, monthly and seasonal variations;
 - (6) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections and appurtenances by the size, location and elevation;
 - (7) Description of activities, facilities and plant processes on the premises, including all materials that are or could be discharged;

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- (8) Where known, the nature and concentration of any pollutants in the discharge which are limited by any town, state or federal pretreatment standards and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required for the user to meet applicable pretreatment standards;
 - (9) Accidental discharge plans as described in section 13-108 of this article;
 - (10) If additional pretreatment will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. The following conditions shall apply to this schedule:
 - a. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.). No such increment shall exceed nine (9) months.
 - b. Not later than fourteen (14) days following each date in the schedule and the final date for completion, the user shall submit a progress report to the director, including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay and the steps being taken by the user to return the construction to the schedule established. In no event shall more than nine (9) months elapse between such progress reports to the director;
 - (11) Each product by type, amount, process and processes and rate of production;
 - (12) The type and amount of raw materials processed (average and maximum per day);
 - (13) the number and type of employees and hours of operation of the plant and proposed or actual hours of operation of the pretreatment system;
 - (14) Any other information as may be deemed by the director to be necessary to evaluate the permit application;
 - (15) The following certification statement signed by an authorized representative of the industrial user: "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations." After evaluation and acceptance of the data furnished, the director may issue an industrial discharge permit subject to terms and conditions provided in this article.
- (c) Permits shall be issued for a specific time period, not to exceed two (2) years. The industrial user shall apply for permit reissuance a minimum of sixty (60) days prior to the expiration of the industrial user's existing permit. The terms and condition of the permit may be subject to modification by the town during the term of the permit as limitations or requirements as identified in section 13-101 of this article are modified or other just cause exists. The industrial user shall be informed of any proposed changes in its permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for the industrial user to achieve compliance with such changes or new conditions.

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- (d) Industrial discharge permits are issued to a specific user for a specific operation. An industrial discharge permit shall not be reassigned, transferred or sold to a new owner, new user, different premises or a new or changed operation without the approval of the town. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit until a new permit is issued.

(Ord. 04-06 §1, 2004)

Sec. 13-103. Permit modifications.

Within nine (9) months of the promulgation of a national categorical pretreatment standard, the industrial discharge permit of users subject to such standards shall be revised, if necessary, to require compliance with such standard within the time frame prescribed by such standard. Where a user subject to a national categorical pretreatment standard has not previously submitted an application for an industrial discharge permit as required by section 13-102 in this article, the user shall apply for an industrial discharge permit within one hundred eighty (180) days after the promulgation of the applicable national categorical pretreatment standard. In addition, the user with an existing industrial discharge permit shall submit to the director within one hundred eighty (180) days after the promulgation of the applicable federal categorical pretreatment standard the information required by paragraphs 13-104(8) and (9) below.

(Ord. 04-06 §1, 2004)

Sec. 13-104. Permit conditions.

Industrial discharge permits shall be expressly subject to all provisions of this municipal code and all other applicable regulations, user charges and fees established by the town. Permits may contain the following:

- (1) The charge or schedule of user charges and fees for the wastewater to be discharged into a public sewer;
- (2) Limits on the average and maximum wastewater constituents and characteristics, including but not limited to effluent limits based upon applicable pretreatment standards, categorical pretreatment standards, local limits and state and local law;
- (3) Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization;
- (4) Requirements for installation and maintenance of inspection and sampling facilities;
- (5) Self-monitoring, sampling, reporting, notification, and recordkeeping requirements, including but not limited to identification of the pollutants to be monitored, sampling location, sampling frequency and sample type, based on the applicable pretreatment standards in either 40 C.F.R. Part 403, the categorical pretreatment standards, this article or other state or local law;
- (6) Compliance schedules, provided that such schedules do not extend the compliance dates beyond federal deadlines;
- (7) Requirements for submission of technical reports or discharge reports;
- (8) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the town, and affording town access thereto;

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- (9) Requirements for notification to the town of any new introduction of wastewater constituents or of any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system;
- (10) Requirements for notification of slug discharges;
- (11) Statements of applicable civil and criminal penalties for the violation of pretreatment standards and requirements; and
- (12) Other conditions as deemed appropriate by the town or the director to ensure compliance with all applicable rules and regulations.

(Ord. 04-06 §1, 2004)

Sec. 13-105. Industrial user classifications.

Based on the potential to impact the POTW, industrial users will be listed in one (1) of the following three (3) classes. The director will have final authority for the classification or reclassification for any industrial user. For each industrial user classification, a permit fee may be charged to reflect costs incurred in handling and monitoring the permit. There is a nonrefundable fee due at the time the permit is used which is set pursuant to section 13-106 below. The director has the authority to waive permit fees if such a waiver is in the best interest of the town.

- (1) Class I - Industrial User. A source of indirect discharge.
- (2) Class II - Significant Industrial User or significant contributor. Any industrial user which either:
 - a. Discharges twenty-five thousand (25,000) gallons or more of process wastewater each day;
 - b. Discharges five percent (5%) or more of the POTW's average dry weather hydraulic or organic loading;
 - c. Any industrial user which, in the opinion of the director, by the nature of its discharge, has a potential to affect the POTW adversely or to endanger the safety of workers; or
 - d. Any industrial user which operates one (1) of the processing or manufacturing industries specified in 40 C.F.R. parts 405 through 499, and any industrial user subject to categorical pretreatment standards under 40 C.F.R. § 403.6 and 40 C.F.R. Chapter 1, Subchapter N.
- (3) Class III - Categorical Industrial User. Any industrial user which operates one (1) of the processing or manufacturing industries specified in 40 C.F.R. parts 405 through 489, and any industrial user subject to categorical pretreatment standards under 40 C.F.R. § 403.6 and 40 C.F.R. Chapter 1, Subchapter N.

(Ord. 04-06 §1, 2004)

Sec. 13-106. Industrial user fees.

Permit fees for each class of industrial user shall be as adopted by the town by resolution of the board of trustees. The fee cost includes permit review and initial monitoring by the town. In addition, to recover the cost to the town of implementing the program established by this article, the town may adopt charges and fees by resolution of the board of trustees, including but not limited to the following:

- (1) Fees for monitoring, inspections and surveillance procedures;
- (2) Fees for reviewing accidental discharge procedures and construction;

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- (3) Fees for permit applications;
- (4) Fees for filing appeals;
- (5) Fees for consistent removal by the town of pollutants otherwise subject to federal pretreatment standards; and
- (6) Such other fees as the town may deem necessary to carry out the requirements contained herein.

(Ord. 04-06 §1, 2004; Ord. 13-13 §37, 2013)

Sec. 13-107. Promulgation of standards.

- (a) Upon the promulgation of the federal categorical pretreatment standard for a particular industrial subcategory, the federal standard, if more stringent than limitations imposed by ordinance for sources in that subcategory, shall immediately supersede the limitations imposed by ordinance. The director shall notify all affected users of the applicable reporting requirements under 40 C.F.R. § 403.12.
- (b) State requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations or those in this article.
- (c) The town reserves the right to establish by ordinance more stringent limitations or requirements on discharges to the POTW.
- (d) All analyses, including sampling results submitted in support of any application, in any required reports or as otherwise required by any permit or order, shall be performed in accordance with the techniques prescribed in 40 C.F.R. Part 136, as amended. If 40 C.F.R. Part 136 does not specify an applicable sampling or analytical technique for the pollutant, such analysis shall be performed in accordance with procedures approved by the director or by the EPA.

(Ord. 04-06 §1, 2004)

Sec. 13-108. Accidental, slug and hazardous waste discharges.

- (a) Prevention plans. Each industrial user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this article. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner's or user's cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the director with the permit application for review. Such plans shall be approved by the director before the issuance of a discharge permit pursuant to subsection 13-102(c) of this article.
 - (1) No industrial user shall be permitted to introduce pollutants into the POTW until the director has approved such accidental discharge plans and operating procedures. Review and approval of such accidental discharge plans and operating procedures shall not relieve the industrial user from the responsibility to modify the user's facilities as necessary to meet the requirements of this article.
 - (2) In addition to the plans for accidental discharges, each significant industrial user shall be required to submit spill prevention or slug discharge control plans when so ordered by the director. The director shall evaluate the procedures and facilities of each significant industrial user at least once every two (2) years, and other users as deemed necessary, regarding the need for, or sufficiency of, a slug discharge control plan for each user. The director shall make

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the results of such evaluation available to the approval authority upon request. If the results of such evaluation indicate that a slug discharge control plan is needed, the significant industrial user shall submit a slug discharge control plan to the director within ninety (90) days of notice by the director. A slug discharge control plan shall contain, at a minimum, the following elements:

- a. A description of the user's discharge practices, including nonroutine batch discharges;
 - b. A description of stored chemicals, if any;
 - c. Procedures for immediately notifying the POTW of slug discharges, including any discharge that would violate a prohibition under 40 C.F.R. § 403.5(b), with procedures for subsequent written notification to the POTW within five (5) days; and
 - d. If necessary, procedures to prevent adverse impacts from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, construction of containment structures or use of containment equipment, measures for containing toxic organic pollutants (including solvents) and other measures and equipment available for an emergency response.
- (3) The director may review the user's slug discharge control plan and order such changes and modifications as deemed necessary by the director. Facilities or equipment necessary to implement spill prevention or slug discharge control plans shall be provided at the user's cost and expense. The director shall approve the detailed plans for any facilities necessary under such plans before the user begins construction of those facilities. Approval of a spill prevention or slug discharge control plan shall not relieve the user of its obligation to comply with all other laws and regulations governing the use, storage and transportation of hazardous substances.
- (b) Notification requirements.
- (1) Accidental and slug discharges. In the case of an accidental discharge, it is the responsibility of the industrial user to immediately telephone and notify the POTW of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions. Within five (5) days following an accidental discharge, such user shall submit to the director a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Significant industrial users who have approved the slug discharge control plans shall also notify the POTW of slug discharges pursuant to the approved plans. A notification to the POTW pursuant to this subsection shall not relieve the user of any expense, loss, damage or other liability which may be incurred as a result of severe property damage, other damage to the POTW, fish kills or any other damage to person or property. A notification to the POTW pursuant to this subsection shall not relieve the user of any fines, civil penalties or other liability which may be imposed by this article or other applicable law.
 - (2) Hazardous waste discharges. Any industrial user who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division and the Colorado Department of Public Health and Environment and Environment in writing of any discharge into the POTW of any substance which, if otherwise disposed of, would be a hazardous waste under 40 C.F.R. Part 261. Such notification shall include the name of the hazardous waste as specified in 40 C.F.R. Part 261, an EPA hazardous waste number, and the type of discharge (continuous, batch or other). All notifications shall occur no later than one hundred eighty (180) days after the discharge commences. The user shall also certify to the POTW that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree determined by the director to be economically practical. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. This notification requirement does not apply to pollutants already reported to the POTW pursuant to other

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provisions of this article. This notification requirement does not relieve the user of any additional reporting or notification requirements of this article.

- a. If the user discharges more than ten (10) kilograms of such waste per calendar month to the POTW, the notification shall also contain the following information to the extent such information is known to the user: an identification of the hazardous constituents contained in the wastes, and an estimation of the mass and concentration of such constituents in the wastestream expected to be discharged during the following twelve (12) calendar months.
 - b. Users who discharge hazardous waste are exempt from the notification requirements of this paragraph (2) during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous waste, unless the wastes are acute hazardous wastes as specified in 40 C.F.R. §§ 261.30(d) and 261.33(e). The discharge of more than fifteen (15) kilograms of nonacute hazardous wastes in a calendar month or of any acute hazardous wastes as specified in 40 C.F.R. §§ 261.30(d) and § 261.33(e) requires a one-time notification.
 - c. In the case of any new regulation under the resource conservation and recovery act ("RCRA") (42 U.S.C. §§ 6901 to 6992k, as amended) identifying additional characteristics of hazardous wastes or listing additional substances as hazardous wastes, the user must notify the POTW, the EPA regional waste management division and the Colorado Department of Public Health and Environment in writing of any discharge of such substance within ninety (90) days of the effective date of such regulations.
- (c) Employee training. A notice shall be permanently posted on the industrial user's bulletin board or other prominent place on the industrial user's premises advising employees whom to call in the event of a dangerous discharge as specified in this section. Industrial users shall ensure that all of their employees who may cause or suffer such a dangerous discharge to occur are properly trained and advised of the appropriate emergency notification procedures.

(Ord. 04-06 §1, 2004)

Sec. 13-109. Notification of violation; suspension of service.

- (a) Whenever the town finds that any user has violated or is violating this article, an industrial discharge permit or any prohibition, limitation or requirements contained herein, the town may serve upon such person a written notice stating the nature of the violation. Within thirty (30) days of the date of the notice, the user thereof shall submit a plan for the satisfactory correction to the town.
- (b) The town may suspend the wastewater treatment service and/or an industrial discharge permit when such suspension is necessary, in the opinion of the town, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons or to the environment, causes interference to the POTW or causes the town to violate any condition of its NPDES Permit.
- (c) Any person notified of a suspension of the wastewater treatment service and/or the industrial discharge permit shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the town shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to individuals or the environment. The town may reinstate the industrial discharge permit and/or the wastewater treatment service upon proof of the elimination of the noncomplying discharge. A detailed written statement by the user describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the town within five (5) days of the date of occurrence.

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(Ord. 04-06 §1, 2004)

Sec. 13-110. Enforcement.

- (a) Civil penalties. Any user who is found to have violated an order of the control authority or who has willfully or negligently failed to comply with any provision of this article and the orders, rules, regulations and permits issued hereunder, shall be assessed a civil penalty of not more than the amount set forth in section 1-51 of this code for each violation. Each day on which any user permits, allows or causes any violation or noncompliance to occur or continue shall be deemed a separate and distinct violation subject to civil penalties pursuant to this subsection. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.
- (b) Criminal prosecutions. Any person who willfully, knowingly or negligently violates any provision of this article or any orders or permits issued under this article shall, upon conviction, be guilty of a misdemeanor punishable by a fine not to exceed the amount set forth in section 1-51 of this code per day of violation or by imprisonment not to exceed ninety (90) days, or by both such fine and imprisonment.
- (c) Public nuisance. Any violation of this article, a wastewater discharge permit or any order issued pursuant to this article is hereby declared a public nuisance and may be corrected or abated by the director. Any person creating such a public nuisance may be subject to the provisions of this code governing nuisances, including the provision requiring reimbursement to the town for its costs of abatement. The director may initiate, on behalf of the town, an action in any court of competent jurisdiction concerning the abatement of any public nuisance created or caused by a violation of this article. In any such action, the director may request any legal or equitable relief, including injunctive relief, and civil damages, as provided by law.
- (d) Other remedies. The remedies provided in this section are not exclusive remedies. Nothing in this section shall be construed to prevent the town from pursuing any or all of the remedies provided in those sections against users or persons involved in violations of this article. In addition to the civil or criminal penalties provided herein, the town may recover reasonable attorneys' fees, court costs, court reporter's fees and other expenses of litigation by appropriate action at law against the person found to have violated this article or the orders, rules, regulations and permits issued hereunder. In any action involving an award of civil damages in favor of the town, the town shall also recover interest on such damages as specified in Section 5-12-102, C.R.S.
- (e) Tenant responsibility. Where an owner of a property leases a premises to any other person as a tenant under any rental or lease agreement, if either the owner or the tenant is an industrial user, either or both may be held responsible, jointly or severally, for compliance with the provisions of this article.

(Ord. 04-06 §1, 2004; Ord. 13-07 §12, 2013)

Secs. 13-111—13-120. Reserved.

ARTICLE 7 Cross-Connection Control Program

[Sec. 13-121. Short title.](#)

[Sec. 13-122. Legislative intent.](#)

[Sec. 13-123. Responsibility.](#)

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[Sec. 13-125. Administration.](#)

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[Sec. 13-128. Periodic testing.](#)

[Sec. 13-129. Compliance.](#)

[Sec. 13-130. Reporting and recordkeeping.](#)

[Sec. 13-131. Backflow preventers.](#)

[Sec. 13-132. Right of entry.](#)

[Sec. 13-133. Violation.](#)

[Secs. 13-134—13-149. Reserved.](#)

Sec. 13-121. Short title.

This article is known and may be cited as the town of Hudson Cross-Connection Control Ordinance.

(Ord. 09-06 §1, 2009)

Sec. 13-122. Legislative intent.

It is the intent of the board of trustees to protect the town's water system as follows:

- (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 systems, 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' in-plant potable water systems and nonpotable systems.
- (3) To provide for the maintenance of a continuing program of cross-connection control which will effectively prevent the contamination or pollution of all potable water systems by cross-connection.

(Ord. 09-06 §1, 2009)

Sec. 13-123. Responsibility.

The public works director is hereby delegated the responsibility for implementing a cross-connection control program in accordance with this article and for enforcement thereof. If a backflow prevention device is required at the town water service connection to any owner's premises for the protection of the town water system, the public works director shall give notice in writing to the owner to install an approved backflow prevention device at each service connection to the premises. The owner shall install an approved device or devices at the owner's own expense.

(Ord. 09-06 §1, 2009)

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Sec. 13-124. Definitions.

When not clearly otherwise indicated by the context, the following words and phrases in this article have the following meanings:

Approved means accepted by the public works director as meeting an applicable specification stated or cited in this regulation or as suitable for the proposed use.

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

Back siphonage means the flow of water or other liquids, mixtures or substances into the distribution pipes of a potable water supply system from any source other than its intended source caused by the sudden reduction of pressure in the potable water supply system.

Backflow means the flow of water or other liquids, mixtures or substances, under positive or reduced pressure in the distribution pipes of a potable water supply from any source other than its intended source.

Backflow preventer means a device or means designed to prevent backflow or back-siphonage into the public water supply by isolating the owner's water system from the public water system. The following definitions apply to backflow preventers:

Air gap means physical separation sufficient to prevent backflow between the free-flowing discharge end of the potable water system and any other system; physically defined as a distance equal to twice the diameter of the supply side pipe diameter but never less than one (1) inch.

Atmospheric vacuum breaker means a device which prevents back-siphonage by creating an atmospheric vent when there is either a negative pressure or subatmospheric pressure in a water system.

Double check valve assembly means an assembly of two (2) independently operating spring-loaded check valves with tightly closing shut-off valves on each side of the check valves, plus properly located test cocks for the testing of each check valve.

Pressure vacuum breaker means a device containing one (1) or two (2) independently operated spring-loaded check valves and an independently operated spring-loaded air inlet valve located on the discharge side of the check or checks. The device includes tightly closing shut-off valves on each side of the check valves and properly located test cocks for the testing of the check valves.

Reduced-pressure principal backflow preventer means an assembly consisting of two (2) independently operating approved check valves with an automatically operating differential relief valve located between the two (2) check valves, tightly closing shut-off valves on each side of the check valves, plus properly located test cocks for the testing of the check valves and the relief valve. The device will operate to maintain the pressure in the zone between the two (2) check valves at a level less than the pressure on the public water supply side of the device. At cessation of normal flow, the pressure between the two (2) check valves will be less than the pressure on the public water supply of the device. In case of leakage of either of the check valves, the differential relief valve will operate to maintain the reduced pressure in the zone between the check valves by discharging to the atmosphere. When the inlet pressure is two (2) pounds per square inch or less, the relief valve will open to the atmosphere.

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Backpressure means the condition in which the owner's system pressure is greater than the supplier's system pressure caused by a pump, elevated tank, boiler or other means.

Certified inspector and tester means any person who has passed a state-approved or state-sponsored testing and inspection course and who is listed by the state as a certified inspector/tester.

Colorado Cross-Connection Control Manual means the manual published by the State of Colorado addressing cross-connection control practices, which will be used as a guidance document for the town in implementing a cross-connection control program.

Compliance period means the time between the receipt by the owner of a notice from the public works director or designee thereof to install, test or repair a backflow preventer and the day upon which such installation, testing or repair shall be completed or ready for inspection by the public works director or a designee thereof.

Containment means the method of backflow prevention which requires a backflow preventer at the water service entrance.

Contaminant means a substance that will impair the quality of the water to a degree that it creates a health hazard to the public leading to poisoning or the spread of disease.

Cross-connection means any actual or potential connection between the public water supply and a source of contamination or pollution.

Fixture isolation means the method of backflow prevention in which a backflow preventer is located to correct a cross-connection at an in-plant location rather than at a water service entrance.

Hazard means any condition, device or practice in the water supply system and its operation which, in the judgment of the public works director, creates or may create a danger to the health and well-being of the water consumer. Hazards include, but are not limited to, plumbing-type cross-connections that have not been properly protected by an approved backflow preventer, any actual or potential threat to the physical properties of the water system, or to the potability of the town's potable water system or the owner's potable water system, which would constitute a nuisance or be aesthetically objectionable or could cause damage to the system or its appurtenances or any actual or potential introduction of a pollutant or contaminant into the town's potable water system or the owner's potable water system, which would have a protracted effect on the quality of the potable water. The degree of hazard will be derived from an evaluation of the potential risk to public health and the adverse effect of the hazard upon the town's potable water system and/or the owner's potable water system.

Nonpotable water means water that is not safe for human consumption or that is of questionable potability.

Owner means any person who has legal title to, or license to operate or inhabit in, a property upon which a cross-connection inspection is to be made or upon which a cross-connection is present.

Person means any individual, partnership, company, public or private corporation, political subdivision or agency of the state, department, agency or instrumentality of the United States or any other legal entity.

Pollutant means a foreign substance that, if permitted to get into the public water system, will degrade its quality so as to constitute a hazard or impair the usefulness or quality of the water to a degree which does not create an actual hazard to the public health but which does adversely and unreasonably affect such water for domestic use.

Potable water means water free from impurities in amounts sufficient to cause disease or harmful physiological effects. The bacteriological, chemical and radiological quality shall conform with state drinking water regulations.

Town means the town of Hudson.

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Water service entrance means that point in the owner's water system beyond the sanitary control of the town, generally considered to be the outlet end of the water meter and always before any unprotected branch.

(Ord. 09-06 §1, 2009)

Sec. 13-125. Administration.

- (a) The town will operate a cross-connection control program, to include the keeping of necessary records, which fulfills the requirements of the Colorado Cross-Connection Control Manual.
- (b) 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 and the state regulations if a cross-connection is permitted.
- (c) If the town requires that the public supply be protected by containment, the owner shall be responsible for water quality beyond the outlet end of the containment device and should utilize fixture outlet protection for that purpose. The owner may utilize public health officials or personnel from the town, or their delegated representatives, to assist in the survey of the facilities and to assist in the selection of proper fixture outlet devices and the proper installation of these devices.

(Ord. 09-06 §1, 2009)

Sec. 13-126. Requirements.

- (a) Town.
 - (1) On new installations, the town will inspect building plans and/or premises to determine the type of backflow preventer that will be required. Building plans must show water service type, size and location; meter size and location; backflow preventer size, type and location; and fire system service line, size and type of backflow preventer.
 - (2) For premises existing prior to the start of this program, the town will perform evaluations and inspections of plans and/or premises and inform the owner by letter of any corrective action deemed necessary, the method of achieving the correction and the time allowed for the correction to be made. Ordinarily, sixty (60) days will be allowed; however, this time period may be shortened depending upon the degree of hazard involved and the history of the devices in question.
 - (3) The town will not allow any cross-connection to remain unless it is protected by an approved backflow preventer.
 - (4) The town shall inform the owner by letter of any failure to comply. The town will allow an additional fifteen (15) days for the correction. In the event the owner fails to comply with the necessary correction, the town will inform the owner by letter that the water service to the owner's premises will be terminated within a period not to exceed five (5) days. In the event that the owner informs the town of extenuating circumstances as to why the correction has not been made, a time extension may be granted by the town, but in no case will it exceed an additional thirty (30) days.
 - (5) If the town determines at any time that a serious threat to the public health exists, the water service will be terminated immediately.

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- (6) The town will begin initial premises inspections to determine the nature of existing or potential hazards following the approval of this program. The town may perform additional premises inspections at any time thereafter.
- (b) Owner.
- (1) The owner shall be responsible for the elimination or protection of all cross-connections on his or her premises.
 - (2) Backflow preventers shall be installed immediately inside the structure being served and immediately downstream of the water meter and, in all cases, before the first branch line leading off the service line.
 - (3) Backflow preventers shall be installed in an accessible location to facilitate inspection, testing and maintenance. Adequate drainage for the device must be provided for in the event that water is released.
 - (4) Backflow preventers on fire lines shall have outside stem and yoke ("O.S. & Y") valves and be listed by the National Fire Protection Association.
 - (5) Backflow preventers shall be installed in the horizontal position. A variance may be granted upon review by the public works director.
 - (6) Reduced-pressure backflow preventers shall be installed at least twelve (12) inches above finished grade to allow clearance for repair work. 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.
 - (7) The owner, after having been informed by a letter from the town, shall, at his or her expense, install, maintain and test or have tested any and all backflow preventers on his or her premises.
 - (8) The owner shall correct any malfunction of the backflow preventer which is revealed by periodic testing.
 - (9) The owner shall inform the town of any proposed or modified cross-connections and any existing cross-connections of which the owner is aware but have not been found by the town.
 - (10) The owner shall not install a bypass around any backflow preventer unless there is a backflow preventer of the same type on the bypass. Owners who cannot shut down operation for testing of the devices must supply additional devices necessary to allow testing to take place.
 - (11) The owner shall install backflow preventers in a manner approved by the town.
 - (12) The owner shall install only backflow preventers approved by the town.
 - (13) Any owner having a private well or other private water source must have written permission from the town if the well or source is cross-connected to the town's system. Permission to cross-connect may be denied by the town. The owner may be required to install a backflow preventer at the service entrance if a private water source is maintained, even if it is not cross-connected to the town's system.
 - (14) In no case will it be permissible to have connections or tees upstream of the backflow preventer.
 - (15) The owner shall be responsible for the payment of all fees for device testing and retesting in the case that the device fails to operate correctly.
 - (16) All laws and regulations contained in this article shall apply regardless of the age of the facility.

(Ord. 09-06 §1, 2009)

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Sec. 13-127. Existing in-use backflow preventers.

- (a) Any existing backflow preventer will be allowed by the town to continue in service unless, in the opinion of the public works director, the degree of hazard is such as to supersede the effectiveness of the present backflow preventer or result in an unreasonable risk to the public health. Where the degree of hazard has increased, as in the case of a residential installation converting to a business establishment, any existing backflow preventer must be upgraded to a reduced-pressure principal device, or a reduced-pressure principal device must be installed in the event that no backflow device was present.
- (b) Backflow preventers currently installed which are not approved shall be replaced with an approved device within three (3) years of adoption of this article unless the device fails an annual operational test. If the device fails any such test, it shall be replaced with an approved device within thirty (30) days from the date of the test. However, this time period may be shortened depending upon the degree of hazard involved and the history of the devices in question.

(Ord. 09-06 §1, 2009)

Sec. 13-128. Periodic testing.

- (a) It is the responsibility of the owner to have certified inspections and operational tests made on all backflow preventers upon installation and at least once per year thereafter. The public works director may require certified inspections at more frequent intervals. These inspections and tests shall be made at the expense of the owner and shall be performed by a certified inspector.
- (b) The testing shall be conducted during the town's regular business hours. Exceptions to this, when at the request of the owner, may require additional charges to cover the increased costs to the town.
- (c) Any backflow preventer which fails during a periodic test shall be repaired or replaced. When repairs are necessary, upon completion of the repair, the device will be retested at the owner's expense to ensure correct operation. High hazard situations will not be allowed to continue unprotected if the backflow preventer fails the test and cannot be repaired immediately. In other situations, a compliance date of not more than thirty (30) days after the test date will be established. The owner is responsible for spare parts, repair tools or a replacement device. Parallel installation of two (2) devices is an effective means of the owner ensuring uninterrupted water service during testing or repair of devices and is strongly recommended when the owner desires such continuity.

(Ord. 09-06 §1, 2009)

Sec. 13-129. Compliance.

- (a) The compliance period for installation, inspection and testing or repair of a backflow preventer shall be as follows:
 - (1) Existing facilities: Within sixty (60) days from the effective date of this article.
 - (2) New construction or alteration requiring a building permit: Prior to certificate of occupancy or final inspection by the building division.
 - (3) Any facility with a backflow incident: Within ten (10) days from date of occurrence.
- (b) Backflow prevention shall be provided using an air-gap or a reduced-pressure principal backflow preventer for the following facilities:
 - (1) Automotive service station or repair shop.

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- (2) Auxiliary water supply.
 - (3) Boiler (nondomestic).
 - (4) Carbonator.
 - (5) Commercial service line greater than four-inch diameter.
 - (6) Car wash.
 - (7) Food processing and packing plant.
 - (8) Greenhouse.
 - (9) Hospital.
 - (10) Hotel and lodging facility.
 - (11) Kennel.
 - (12) Laboratory.
 - (13) Laundry or dry-cleaning service.
 - (14) Manufacturing and industrial facility.
 - (15) Medical office.
 - (16) Morgue and mortuary.
 - (17) Multi-storied building.
 - (18) Photographic studio and laboratory.
 - (19) Sewage treatment plant.
 - (20) School.
 - (21) Swimming pool.
 - (22) Veterinary office.
 - (23) Water treatment plant.
- (c) Backflow prevention shall be provided using a reduced-pressure principal backflow preventer for the following facilities:
- (1) Solar heating system with make-up water.
 - (2) Fire sprinkler system with antifreeze or other additives.
- (d) Backflow prevention shall be provided using an air-gap, a reduced-pressure principal backflow preventer or a double-check valve assembly for the following facilities:
- (1) Fire sprinkler system with no chemicals added.
 - (2) Dry-type fire sprinkler systems.
- (e) The owner of any building or facility not listed above may be required by the public works director to install a backflow preventer. The compliance period and type of backflow preventer required will be determined by the public works director.

(Ord. 09-06 §1, 2009)

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Sec. 13-130. Reporting and recordkeeping.

The certified inspector will provide a report to the public works director of the results of inspections, tests and maintenance. This report will be submitted within ten (10) days following the completion of the inspection, test or maintenance of the device. The certified inspector shall also attach a card to the backflow preventer following each inspection, test or maintenance activity to document and date the activities performed. Records of all inspections, tests or maintenance activities, including materials and parts changed, shall be kept by the certified inspector, the owner and the public works director for a period of not less than three (3) years.

(Ord. 09-06 §1, 2009)

Sec. 13-131. Backflow preventers.

(a) Any backflow preventer required herein will be of a model and size approved by the public works director. The term approved backflow preventer means a device that has been manufactured in full conformance with the standards established by the latest version of the Colorado Cross-Connection Control Manual. Final approval is evidenced by a certificate of approval issued by an approved testing laboratory certifying full compliance with the Colorado Department of Public Health and Environment standards and ASSE or USC FCCC & HR specifications. In addition to the aforementioned standards and specifications, all backflow preventers will have a unique serial number attached to the device by the manufacturer.

(b) The following testing laboratory has been qualified to test and certify backflow preventers:

Foundation	for	Cross-Connection	Control	and	Hydraulic	Research
University		of	Southern			California
University						Park
Los Angeles, CA 90089-0231						

Testing laboratories other than the laboratory listed above will be added to an approved list as they are qualified by the public works director.

(c) Backflow preventers that may be subjected to back-pressure or back-siphonage that have been fully tested and have been granted a certificate of approval by said qualified laboratory and are listed on the laboratory's current list of approved devices, and newly installed devices which have been inspected and installed to the satisfaction of the public works director are deemed to be in compliance with this article.

(Ord. 09-06 §1, 2009)

Sec. 13-132. Right of entry.

By previously arranged appointment, the public works director, or a designee thereof, shall have the right of entry to inspect any and all buildings and premises for cross-connections relative to possible hazards. This right of entry shall be a condition of the water service in order to protect the health, safety and welfare of the water customers. Where building security is required, the backflow preventer should be located in an area not subject to security.

(Ord. 09-06 §1, 2009)

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Sec. 13-133. Violation.

Any person who violates any provision of this article shall be subject to the penalties set forth in section 13-84 of this chapter and, after notice and hearing, be subject to termination of water service to the owner's property.

(Ord. 09-06 §1, 2009)

Secs. 13-134—13-149. Reserved.