

TITLE 13

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CHAPTER 13.04

General Provisions

13.04.010 Scope.

This Title, together with such rules and regulations as may be adopted by the Public Works Director and/or Town Administrator with the approval of the Board of Selectmen, shall govern the use, operation and maintenance of the Town's water and sewer systems. (Ord. 482 §1, 1997)

13.04.020 Rules and regulations.

The Board of Selectmen may from time to time adopt by resolution such rules and regulations as it considers necessary to implement and enforce the provisions of this Title, including, by illustration and not limitation, rules and regulations for the turn-on/turn-off of water service, inspection procedures, excavation rules, materials and other necessary matters. (Ord. 482 §1, 1997)

13.04.030 Utility customers to be bound by rules; penalty.

(a) Any user of, or owner of property connected to, the Town's water and/or sewer utilities shall be deemed to have agreed to abide and be governed by the provisions of this Code and all the rules and regulations of the Town pertaining to the water and sewer utilities.

(b) If any user of water and/or sewer service fails to pay the charges for such service when due, or fails to comply with any provision of this Code or any applicable ordinance or regulation issued thereunder, or uses water or sewer services for a purpose not authorized, the Town may discontinue water service until the user has paid the required charges or complies with all requirements of this Title and/or any ordinance or regulations issued thereunder. (Ord. 482 §1, 1997; Ord. 2 §1, 2003)

13.04.040 Denial of application.

The Town reserves the right to deny or postpone the determination on an application for service when the service applied for would create an excessive seasonal or other demand on the Town's water or sewer facilities. A denial may also be based upon a previous and continuing failure by the applicant to pay or otherwise satisfy amounts owing to the Town for water or sewer services already rendered. (Ord. 482 §1, 1997; Ord. 2 §1, 2003)

13.04.050 Cancellation of application.

The Town reserves the right to rescind any approval of an application for service before service has been provided where it is discovered that such application contained false, misleading or incorrect information, or that the applicant is in violation of any provision within this Chapter, and thereafter for any violation of this Title. (Ord. 482 §1, 1997; Ord. 2 §1, 2003)

13.04.060 Moved or destroyed buildings.

When a building is moved or destroyed, the original tap authorization for such building shall terminate and no credit shall be authorized for the system development fees paid previously with respect to said building. However, an original tap for a moved or destroyed building shall remain in good standing provided that uninterrupted payment of the Town's minimum service charge is made. If

payment of the minimum service charge ceases for any reason, any previous right or credit to use such tap shall terminate and the tap shall be revoked. Nonpayment within thirty (30) days of a billing shall be considered a cessation of the payment of the minimum service charge. (Ord. 482 §1, 1997; Ord. 2 §1, 2003)

13.04.070 Change in customer's use of property.

(a) No customer of water and/or sewer service shall change the equipment, service or use of property served thereby without prior notification to and approval by the Town. Any such change which, as determined by the Town, will increase the demand for service placed on the Town's water and/or sewer systems by the customer shall require a redetermination of the system development fees and monthly service charge, and a payment by the customer of any additional system development fees and monthly service charge resulting from the redetermination. System development fees previously paid with respect to a property in question shall be credited against any redetermined system development fee so that only the unpaid portion of any redetermined fee shall be due; provided, however, that a redetermination resulting in a finding that the system development fees previously paid, if assessed currently, would be less than that originally paid shall not result in a refund or credit of any kind to the customer.

(b) Any customer who is believed to have changed the water and/or sewer service equipment, service or use of their property in violation of this Title shall be notified by the Town in writing of any additional system development, service or connection fees requiring payment, and shall be afforded ten (10) days in which to respond to the Town's notice. A failure by a customer to protest or to respond to such notice within the ten-day period shall be deemed to be an admission that additional system development, service or connection fees are due and shall be assessed against the property in question. Upon the filing of protest, the protesting customer shall make arrangements with the Town for an inspection of the subject property to confirm the existence or non-existence of any change in the water and/or sewer service equipment, services or use.. (Ord. 482 §1, 1997; Ord. 2 §1, 2003)

13.04.080 Unauthorized connections.

No person shall connect to the sewer and/or water systems, or enlarge or otherwise change equipment, service or use of property, without prior payment of the appropriate system development fee and the approval of an application for service, inclusive of an inspection of the water and sewer-using premises and taps. Upon the discovery of any unauthorized connection, the then-current system development fees shall become immediately due and payable, and the property shall automatically be assessed an unauthorized connection penalty. The unauthorized connection penalty shall be equal to twice the then-current system development fee for such property. The Town shall send written notice to the owner who shall have ten (10) days from the date of the notice to pay the current system development fee. If that fee is paid within the ten-day period, fifty percent (50%) of the unauthorized connection penalty shall be waived by the Town. In the event the then-current system development fee is not paid within the ten-day period, a notice of service termination shall be sent and service may be disconnected. Once discontinued, service may be returned to the property only upon receipt by the Town of both the unauthorized connection penalty and the then-current system development fee, along with any turn-on/turn-off fees, service charges or any other charges that may be due. The Town may lien and foreclose on any property for which water and/or sewer fees have not been paid. (Ord. 482 §1, 1997)

13.04.090 Unauthorized tampering with systems.

(a) No person shall uncover, use, alter, disturb, make any connection with or opening onto, use, alter or disturb the Town's water, storm drainage or sewer system facilities without first obtaining a written permit from the Town. Unauthorized use of the Town's systems include, but are not limited to, the unauthorized turning on or off of water or sewer service, or tampering in any way with any meter.

(b) No person shall willfully or negligently break, damage, destroy, uncover, deface or tamper with any portion of the Town's water and sewer systems or facilities.

(c) Any person violating any of the provisions of this Title shall become liable to the Town for any expense, loss or damage occasioned by reason of such violation, and upon nonpayment thereof shall be assessed a penalty in an amount set forth in the Town's fee schedule, which penalty shall be a lien upon the violator's property, or a lien upon the property concerning which the violator was providing services at the time of the violation in question. (Ord. 482 §1, 1997; Ord. 2 §1, 2003)

CHAPTER 13.08

Definitions

13.08.010 Definitions.

As used in this Chapter, the following terms shall have the following meanings.

Connection means the act of joining a service line to a main.

Customer means any person, company, corporation or governmental authority or agency using the Town's water or sewer systems.

Developer means any person, corporation, company or association which converts or is in the process of converting raw land or vacant properties within the Town limits or within its service areas, to residential, commercial or industrial use.

EQR is an abbreviation for equivalent residential unit which is a water-using base for an average single-family detached residence or the equivalent from a systems demand standpoint.

Permit means written permission from the Town to connect to the water and/or sewer mains belonging to the Town in accordance with the applicable laws, rules and regulations.

Public Works Director refers to the Town's Public Works Director or to such other persons as are authorized by the Board of Selectmen to act in the capacity of the Public Works Director.

Service area means an area outside the existing corporate limits of the Town which could reasonably be served by Town water or sanitary sewer systems without pumping or changing the location of the point of diversion.

Sewer main means a Town-owned sewer pipeline normally located within or under a public right-of-way or dedicated easement and intended for the collection and/or transmission of sanitary sewage from one (1) or more private service lines.

Sewer service line means the privately owned sewer line that transmits sewage from the customer's building drain to the sewer main and shall include the tap onto the sewer main.

System development fee is a one-time fee required of new customers or existing customers seeking a change of use, to be used for capital investment in the Town's water or

Tap means the act of connecting a service line to a main, and also the actual physical connection itself.

Town refers to the municipal corporation and any additions or annexations which may be hereafter made or accomplished.

Water main means a Town-owned water pipeline intended for the transmission or distribution of potable water to one (1) or more end-users through connected service lines. All water mains shall be within public property, rights-of-way or dedicated easements.

Water service line means the privately owned water line extending from the water main to the customer's building, and shall include the tap on the main, corporation cock, curb valve and box and meter. (Ord. 482 §1, 1997; Ord. 2 §1, 2003)

CHAPTER 13.12

Water and Sewer System Ownership and Operation

13.12.010 Mains property of Town.

All water and sewer mains within the Town and the Town's service areas shall be the property of the Town when the same have been accepted by the Town. (Ord. 482 §1, 1997; Ord. 2 §1, 2003)

13.12.020 Street cut permit.

Street cut permits must be obtained before any person makes a cut or opening in any public street, alley or sidewalk for the installation, maintenance or repair of a service line. Street cut permits shall consist of a completed application form, a performance bond in the amount sufficient to guarantee the payment to the Town for all costs, expenses and damages resulting from such cut if the permittee fails in any manner to properly repair and resurface said street or alley, and an executed agreement holding the Town harmless from the liability for injury to persons or damage to property resulting from such cut. (Ord. 482 §1, 1997; Ord. 2 §1, 2003)

13.12.030 Excavation backfilling; main maintenance.

No excavation for water or sewer service lines shall be backfilled until the Town has inspected and approved the same. (Ord. 482 §1, 1997)

13.12.040 Service line responsibility of property owner.

The owner of a property served by the Town's water and/or sewer systems shall own all of the sewer and water service lines from his or her point of use to the main (sewer and/or water), including the corporation stop, and shall be liable for the maintenance and repair of the service lines regardless

of whether said lines are within or upon his or her property, public property, or the property of a third person. The Town shall have the right to designate the location of taps and oversee and inspect the installation, repair and maintenance of all service lines within the Town and any service area. (Ord. 482 §1, 1997; Ord. 2 §1, 2003)

13.12.050 Service line repair; water shutoff authorized when.

Whenever a leak is discovered in a water or sewer service line, notice shall be given to the property owner and, within a reasonable time as stated in the notice, the property owner shall repair the same. If the owner continues to use the service line after such notice and without repairing the same, the Town may cause the water to the property to be turned off. In such event, the water shall remain turned off until the leak is repaired by the owner and inspected by the Town. (Ord. 482 §1, 1997; Ord. 2 §1, 2003)

13.12.060 Private water systems prohibited; exception; connection to main required when.

Wells, cisterns or other privately owned water systems are prohibited except in locations where the nearest water main is more than four hundred (400) feet from the boundary of the property on which the private system is being used, measuring said distance along the shortest possible route over public rights-of-way or easements. In the event a water main is installed to a point within the distance stated in this Section, the property on which a private system is being utilized, or any property which is not currently served by the Town's water system, shall be connected to the water main within ninety (90) days and, failing to do so, the property will be charged for water service as though the same were connected until such time as the required connection is made. (Ord. 482 §1, 1997; Ord. 2 §1, 2003)

13.12.070 Water service above 8,600 feet elevation.

Except as otherwise provided in this Section, in no case will the Town provide water service for new installations above an elevation of eight thousand six hundred (8,600) feet (reference—Kucera & Assoc. topographical map of Georgetown), the maximum elevation at which water can be provided adequate to satisfy health and fire protection needs without the addition of pumping stations. Water service above eight thousand six hundred (8,600) feet will only be supplied upon the approval of the Board of Selectmen pursuant to a water service agreement covering the cost of installation of service facilities and their operation and maintenance. (Ord. 482 §1, 1997; Ord. 2 §1, 2003)

13.12.080 Private sewage systems prohibited; exceptions; connection to main required when.

No private septic or sewage disposal system may be installed on any property within the Town limits or within any of its service areas; provided, however, that the Board of Selectmen may approve a private septic or sewage disposal system to be installed on property exceeding four (4) acres in size, to which Town water service cannot feasibly be provided, if the Board finds such private septic or sewage disposal system will not adversely affect the Town's water supply and such system meets all County Individual Sewage Disposal System (ISDS) regulations and passes all ISDS inspections. Lawfully installed systems that are functioning properly and that are in compliance with County Individual Sewage Disposal Systems (ISDS) regulations may continue to be used until such time as a sewer main is installed to within four hundred (400) feet of the property boundary on which the private system is located, at which time the private system shall be abandoned and the property shall be connected to the sewer main within ninety (90) days. (Ord. 482 §1, 1997; Ord. 2 §1, 2003; Ord. 6 §1, 2008)

13.12.090 Noncomplying private sewage system; declaration of nuisance.

Any system that was lawfully installed, but which thereafter is found not to be functioning properly, or is not being properly maintained or serviced, may be declared a nuisance and a hazard by the Town, and the Town may order the water to the premises to be turned off and occupancy of the property to cease until the septic system is properly repaired or reconstructed or the property is connected to the Town's sewer system. (Ord. 482 §1, 1997; Ord. 2 §1, 2003; Ord. 6 §2, 2008)

13.12.100 Noncomplying private sewage system; charge authorized.

Any person refusing to comply with the sewer connection provisions of this Title will be charged the base standard fee for sewer service until such time as the required connection is made, at which time the regular base rate will apply. (Ord. 482 §1, 1997; Ord. 2 §1, 2003)

13.12.110 Town nonliability for damages; right to shut off water.

The Town, its officers, agents and employees shall not be liable to any customer for any damage, actual or alleged, to the customer's plumbing, equipment or facilities connected to the Town's water or sanitary sewer system as a result of leakage, stoppage or interruption of service. The Town may also cause water service to be shut off at the main when deemed necessary for the repair of a water or sewer main, treatment plant, or the making of connections or extensions to the same, or for the purpose of cleaning or inspection. (Ord. 482 §1, 1997; Ord. 2 §1, 2003)

13.12.120 Notification of water shutoff.

The Town shall take reasonable steps to notify water and/or sewer customers when any part of the water or sewer system is to be "valved out" or shut off for purposes of repair. Such notification shall not be mandatory in a case of emergency. (Ord. 482 §1, 1997; Ord. 2 §1, 2003)

13.12.130 Right of entry.

The Public Works Director shall have the right to enter into and upon any and all premises connected to the Town's water or sewer system to determine compliance with this Title and to read meters located inside homes and businesses, provided that, if a premises is occupied, credentials shall be presented to the occupant and entry requested. If a building or premises is unoccupied, the Public Works Director shall first make a reasonable effort to locate the owner or other person having charge or control of the building or premises and request entry. If entry is refused, or no person having charge or control over the building or premises can be located, the Public Works Director shall obtain a warrant from the Municipal Court authorizing the Public Works Director to make entry into the building or premises. (Ord. 482 §1, 1997; Ord. 2 §1, 2003)

13.12.140 System tap permit.

No person shall in any manner tap onto or make connection with the water or sewer mains of the Town without first having obtained a permit. If a permit is granted, it shall set forth the name and address of the person to whom the permit is granted, a designation of the premises to be served and the place or point at which the tap shall be made, and the authorized use. The permit shall also state the size of the tap and shall not be issued until the appropriate fee, as established by the Board of Selectmen, has been paid. The Town Clerk shall keep a record of all permits issued. (Ord. 482 §1, 1997; Ord. 2 §1, 2003)

13.12.150 Owner maintenance responsibility.

The cost of maintaining all service lines and appurtenances specified as being the property of the owner in Section 13.12.040 shall be the sole responsibility and expense of the owner. (Ord. 482 §1, 1997; Ord. 2 §1, 2003)

13.12.160 Supplying service off premises prohibited.

No customer or user of the Town's water or sewer system shall supply water or sewer service to properties or persons not authorized by the connection permit for the property being served, nor permit persons to take water off the premises for which the tap is originally granted. Once Town water or sewer service is supplied to a building or upon any premises, no person shall make or employ any plumber or other person to make any tap or connection with any piping upon the premises for the purpose of delivering Town water or sewer service off the premises. (Ord. 482 §1, 1997; Ord. 2 §1, 2003)

13.12.170 Activities prohibited during fire alarm.

During a fire or an alarm of fire, no property owner or occupant shall allow water to flow through any private decorative fountain or hydrant. or use water for irrigation or lawn sprinkling. (Ord. 482 §1, 1997; Ord. 2 §1, 2003)

13.12.180 Current mailing address and telephone number required.

Every customer or property owner liable for the payment of water or sewer service charges to the Town shall keep on record with the Town Clerk a current mailing address and telephone number. (Ord. 482 §1, 1997; Ord. 2 §1, 2003)

13.12.190 Meter supplied; installation location.

- (a) All water service supplied by the Town shall be metered.
- (b) The Town shall designate the type of meter to be installed and the meter and the necessary adapters shall be supplied by the Town.
- (c) All meters shall be installed at a location approved by the Public Works Director and which permits convenient reading, and shall be installed in such a manner as to prevent freezing.
- (d) All residential water customers shall be required to install the water meter so as to have the meter dial visible and readable from outside the residence being served.
- (e) Nonresidential water customers may be required to install their meter so that it is visible and readable from outside the building in order to ensure accessibility.
- (f) Public and commercial buildings which are open to the public during the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday, shall normally not be required to install an outside meter readout unless it is determined by the Public Works Director that the meter readout is not reasonably accessible. (Ord. 482 §1, 1997; Ord. 2 §1, 2003)

13.12.200 Meter installation cost.

The property owner shall pay all costs of meter installation, including the cost of a Town-approved meter and the cost of any required inspection. (Ord. 482 §1, 1997)

13.12.210 Meter maintenance responsibility.

Meter maintenance shall be the responsibility of the customer and/or property owner. If a meter becomes defective or inoperable after its initial installation and inspection, the customer and/or property owner shall pay the cost of installing a new meter. No adjustment in prior service charges shall be made because of a meter malfunction, unless good cause is found therefor by the Town Administrator. (Ord. 482 §1, 1997; Ord. 2 §1, 2003)

CHAPTER 13.16

Water and Sewer Charges

13.16.010 Combined use rate.

In the event any building or other premises having one (1) connection and in which more than one (1) type of water use or more than one (1) use of a similar type is carried on, payment shall be the combined total service charge for all uses conducted within the building or on the premises. When an additional water use is created within a structure (for example, when an apartment is added to a commercial site), the meter rate will be changed to include the additional use. (Ord. 482 §1, 1997)

13.16.020 Objection to classification.

In the event that any property owner objects to the classification of his or her property for purposes of determining the appropriate service charge, the property owner may file a written objection with the Town Administrator and request a formal determination of the correctness of the classification and charges. (Ord. 482 §1, 1997; Ord. 2 §1, 2003)

13.16.030 Meter required when.

All new installations shall be metered before the water is turned on. All water meters shall be purchased from the Town. For any property owner who does not install a water meter, water service may be terminated and a lien may be imposed on the property for the cost of disconnection (including administrative and legal expenses). The lien shall be effective until all such costs have been paid. (Ord. 482 §1, 1997; Ord. 2 §1, 2003)

13.16.040 Billing estimation; installation of remote readout.

In the event that the meter reader cannot gain access to the meter, the billing shall be estimated based on the usage during the corresponding month of the previous year. If no such reference record exists, the estimated usage will be based on the previous month's usage. In no case will billings be estimated for more than three (3) successive months. Where access to a meter continues to be unavailable beyond three (3) months, the Town may require the installation of a remote readout device at expense of the property owner. (Ord. 482 §1, 1997; Ord. 2 §1, 2003)

13.16.050 Rate schedule.

The following rates are based on an equivalent residential unit (EQR) schedule. Each customer of the system will be charged a minimum of one (1) EQR for purposes of establishing fixed costs.

EQUIVALENT RESIDENTIAL UNIT (EQR) SCHEDULE WATER AND SEWER UTILITIES

<u>Class of User</u>	<u>EQR</u>
A. RESIDENTIAL CLASSIFICATION	
1. Single-Family Residential Units (per each)	1.00
Individually metered: Apartments, condominiums, mobile homes, single-family homes, townhouses and the like.	
2. Multi-Family Residential Units (per each)	
Single metered complexes: Apartments, condominiums, mobile home parks, townhouses and similar facilities served through (1) meter.	
Small unit. Shall not have more than (1) bed-room and (1) bathroom.	0.75
Medium unit. Shall not have more than (2) bedrooms or (2) bathrooms.	0.90
Large unit. Any larger single unit.	1.00
B. COMMERCIAL CLASSIFICATION	
1. Motels, Hotels and Bed & Breakfasts (per unit rate)	
- with not more than (2) bed spaces	0.20
- with not more than (2) bed spaces with kitchen facilities	0.30
- with more than (2) bed spaces	0.35
- with more than (2) bed spaces with kitchen facilities	0.40
- manager's unit	0.75
* Add an additional 10% of total EQR for laundry facilities	
2. Restaurants, bars and banquet rooms	
- Restaurants and bars (per 20 seats)	0.75
- Banquet Rooms (per 20 seats)	0.40
3. Commercial Buildings	
Office buildings, retail sales buildings, multiple use buildings, laundromats, service stations, shops, garages and similar facilities	
Offices and office buildings (per 1,000 s.f. of gross floor area)	0.50
Retail sales area (per 1,000 s.f. of gross sales and display area)	0.30
Laundromats (per washing machine)	1.00
Service stations (a set of pumps is defined as 2 pumps regardless of the number of hoses)	
first set of pumps	1.20
each additional set of pumps (per set)	0.80
add for each bay/rack where cars can be washed	1.40
Nonretail work areas such as garages, machine shops (per each 10 employees)	0.70
C. SCHOOL CLASSIFICATIONS	
Schools	
Without gym and without cafeteria (per 50 occupants)	1.40
Without gym and with cafeteria or with gym and without cafeteria (per 50 occupants)	1.75
With gym and cafeteria (per 50 occupants)	2.10
D. MISCELLANEOUS CLASSIFICATIONS	
1. Swimming pools (indoor)	
Private pools associated with single-family residential units (per 40,000 gallons of pool volume)	0.40
Pools associated with multi-family residential units (per 40,000 gallons of pool volume)	0.80

Commercial and public pools.	
first 40,000 gallons of pool volume	1.05
each additional 40,000 gallon capacity	0.75
Note: For outdoor pools, use 25% of applicable EQR	
2. Public Restrooms (per toilet or urinal)	0.20
E. OTHER CLASSIFICATIONS	
Equivalents shall be established on an individual basis for all users other than those identified in Classifications A, B, C and D above.	

(Ord. 482 §1, 1997; Ord. 2 §1, 2003)

13.16.060 Service outside Town limits.

Charges for service provided outside the Town limits (extraterritorial service) shall be double the amount of charges for the same service provided inside the Town. Extraterritorial service shall not be provided unless reviewed and approved by the Board of Selectmen by written service agreement. (Ord. 482 §1, 1997; Ord. 2 §1, 2003)

13.16.070 New taps.

(a) New water and sewer customers shall pay the full monthly service charge for the month in which the tap is made.

(b) No taps will be installed or connected during nonbusiness hours without specific written approval of the Public Works Director.

(c) All information requested on a tap application form must be complete, and a diagram of the meter and/or tap location shall be provided. Should any information disclosed on an application prove to be false or inaccurate, or should the applicant omit any information, the Town shall have the right to reassess the system development fees originally charged, disconnect the service in question, back-charge the property in question for service fees that may be due and owing, and/or charge any other or additional fee or penalty. Any reassessment shall be due and payable, together with penalties, additional fees and interest at the maximum legal rate on the entire balance, upon and from the date of the original application. (Ord. 482 §1, 1997; Ord. 2 §1, 2003)

13.16.080 Service charge billing; late charge.

(a) The Town shall bill water and sewer utility users once a month for all charges and fees due for services provided.

(b) Billings for water and sewer service and any other notices relating to the water and sewer utility, are effective on the date that they are deposited in the mail, addressed to the last known address of the customer as shown on the records of the Town.

(c) All charges for the use of water and sewer services are due on the last business day of the month following the month for which service was provided. If the charges remain unpaid after thirty (30) days, there shall be added to the charges a late fee as set forth by resolution of the Board of Selectmen on the unpaid balance at the time of billing.

(d) If any water meter fails to register in any billing period, the customer shall be charged according to the average quantity of water used in a similar period as recorded by the meter when in order. (Ord. 482 §1, 1997; Ord. 2 §1, 2003; Ord. 5 §1, 2004)

13.16.090 Water to be shut off for failure to pay; appeal.

(a) If any customer, user or property owner fails or refuses to timely and fully pay all charges or fees for water or sewer service, or fails to timely and fully comply with any provision of this Title or the rules and regulations promulgated thereunder, then water service may be discontinued by the Town until all charges and fees have been fully paid, inclusive of late, disconnection and reconnection fees, and/or until compliance has been obtained with the provisions of this Title and the rules and regulations governing water and sewer service.

(b) A customer, user or property owner who has failed to timely or fully pay a charge or fee for service, or who has failed or refused to comply with an ordinance, rule or regulation governing water or sewer services, shall be provided a written notice or correction order that shall state the nature, date and location or approximate location of the failure or violation, and the compliance required. The notice or order shall further provide that if the failure or violation is not corrected by a specified date, water service shall be discontinued or terminated. The notice or order shall be issued no less than ten (10) days prior to the discontinuation of service and shall include an advisement that the discontinuation of service may be appealed by submitting a written request to the Town Administrator within five (5) working days from the date of the notice or order.

(c) In the event a notice or order for discontinuation of service is appealed, the Town Administrator shall review same and afford the appellant an opportunity to be heard thereon. Such review and hearing shall be held within ten (10) days from receipt of the written appeal by the Town Administrator, or at such later time as the Town Administrator deems prudent. No service shall be discontinued pending resolution of the appeal. The decision of the Town Administrator on the appeal shall be promptly entered and shall be final.

(d) Notices and orders for the discontinuation of service: (1) shall be sent by certified mail to the customer, user or property owner at the address last shown in the Town's service records or (2) delivered by hand, or (3) if the customer, user or property owner cannot be found after due diligence, may be posted conspicuously upon the premises being served for a period of not less than ten (10) days.

(e) Notwithstanding the provisions for notice and the discontinuation of service as set forth above, the Town may summarily discontinue service to a building, property or premises without advance notice where such action is necessary to alleviate an emergency, such as a broken main or service line, or to protect the municipal water system or supply from contamination.

(f) Neither the issuance of a notice or order for discontinuation of service, nor a customer's compliance therewith, shall bar or be a prerequisite to the commencement of a prosecution in Municipal Court for a violation of this Title, or the initiation of any other proceeding to abate or remedy a violation.

(g) If more than one (1) building, lot, parcel, dwelling unit, condominium unit or other premises is served by or through a common service line or meter, each customer, user or property owner receiving services from the single service line or meter shall be liable for the full amount of all charges

or fees for services delivered through such line or meter. If a charge or fee is not timely and fully paid, or if any customer, user or property owner fails or refuses to comply with the provisions of this Title or the rules and regulations adopted thereunder, then the Town may discontinue services to all customers, users or property owners served by the common service line or meter until all fees and charges are paid, and/or until all violations of this Title or the rules and regulations adopted thereunder are corrected. (Ord. 482 §1, 1997; Ord. 493 §1, 1999; Ord. 2 §1, 2003)

13.16.100 Liability for service fees and charges; lien.

(a) Until paid in full, all fees, charges, rates or tolls for water or sewer service shall constitute a first and perpetual lien on and against the lot, land, building and/or property served by the municipal water and/or sewer system; and in the event said fees, charges, rates or tolls are not paid when due, the Town may certify same to the County Treasurer to be collected and paid over in the same manner as taxes, together with the costs of collection.

(b) The imposition or certification of a lien as provided for in this Section shall not relieve a customer, user or property owner from liability for the payment of a fee or charge for water or sewer service, and the Town may seek and obtain the collection of the same through an action at law or other appropriate legal proceeding. (Ord. 482 §1, 1997; Ord. 493 §2, 1999)

13.16.110 System development fees; payment when required.

Before a permit is issued to connect a property to the water and/or sewer mains, the applicable fees shall be paid to the Town. For new construction involving water and/or sewer taps, the system development fees, tap fees and meter fee shall be paid at the time the building permit is issued. (Ord. 482 §1, 1997)

13.16.120 Water system development fee basis.

The water system development fee shall be based on the EQR schedule. (Ord. 482 §1, 1997)

13.16.130 Sewer system development fee basis.

The sewer system development fee shall be based on the EQR schedule. (Ord. 482 §1, 1997)

13.16.140 Turn-on and turn-off fees.

(a) The activation and/or termination of water or sewer service through a curb valve on a service line that has been connected to the Town's water or sewer system pursuant to a written permit issued by the Town shall be performed only by Town personnel regardless of the ownership of the curb valve or service line and regardless of the circumstances respecting the activation or termination. The Town shall assess a charge in an amount as set forth in its fee schedule for any activation or termination of service performed, except when the service is performed for a customer requiring maintenance to his or her service line, in which case there shall be no charge. The Town will only provide this service: (1) upon the initial installation of a new tap, and (2) for customers requiring service to be turned off for maintenance of a service line. All other requests for an activation or termination of Town service shall be authorized by the Public Works Director in his or her sole discretion. Violations of this Section, and/or for failure to pay the required fee, shall result in the assessment against the property served of a penalty as set forth in the Town's fee schedule, in addition to the activation or termination fee, and any penalties provided for unauthorized tampering with the Town's system.

(b) There shall also be a charge for turning off the water for any user requesting a turn-off. All requests to turn on or turn off service are to be submitted in writing to the Town Clerk by the property owner or customer. (Ord. 482 §1, 1997; Ord. 2 §1, 2003)

13.16.150 Deposit fee required when.

A deposit equivalent to three (3) months' estimated billing for water service shall be required before water service will be restored to any location where it has been turned off or where a tax lien has been placed against the property, or when any two (2) service bills within a twelve-month period, whether consecutive or nonconsecutive, are thirty (30) days or more past due. (Ord. 482 §1, 1997; Ord. 2 §1, 2003)

13.16.160 Termination of tap right; forfeiture of fee.

Notwithstanding the payment of a water and/or sewer system development fee as required by this Chapter for new construction, if the tap associated with the payment of such fee is not made to the Town's system and a certificate of occupancy for the building or other water-using premises is not obtained within six (6) months from the date of issuance of the tap and building permit, the customer's right to connect to the Town's system shall terminate and the system development fee paid shall be forfeited to the Town. The six-month deadline may be extended by the Town Administrator provided that the original building permit is still valid. (Ord. 482 §1, 1997; Ord. 2 §1, 2003)

CHAPTER 13.18

Schedule of Rates and Fees

13.18.010 Tapping fee.

A tapping fee for all connections to the Town's water and sewer systems shall be established and updated from time to time by the Board of Selectmen by resolution or ordinance and included in a published fee schedule. This fee is intended to cover the cost of the Town's inspection of the tap and the customer's installation of the service line, entering the tap location in the Town's records, and other ancillary services needed in connection with a new tap. (Ord. 482 §1, 1997; Ord. 2 §1, 2003)

13.18.020 Sewer system development fee.

A sewer system development fee for all connections to the Town's sewer system shall be established and updated from time to time by the Board of Selectmen by resolution or ordinance and included in a published fee schedule. This fee shall be a one-time assessment required of new customers and from existing customers making a change of use of the tap, to be used for capital investment in the Town's sewer system. (Ord. 482 §1, 1997; Ord. 2 §1, 2003)

13.18.030 Water system development fee.

A water system development fee for all connections to the Town's water system shall be established and updated from time to time by the Board of Selectmen by resolution or ordinance and included in a published fee schedule. This fee shall be a one-time assessment required of new customers and from existing customers making a change of use of the tap, to be used for capital investment in the Town's water system. (Ord. 482 §1, 1997; Ord. 2 §1, 2003)

13.18.040 Standby fee.

A standby fee is hereby established equal to sixty percent (60%) of the base water and sewer service charge. This fee shall be billed to seasonal residency customers. (Ord. 482 §1, 1997; Ord. 2 §1, 2003)

13.18.050 Miscellaneous service fees.

The Board of Selectmen may establish and publish fees for the following miscellaneous services or items: connections and disconnections, service activations and terminations, meters, unauthorized connections, and such other services, items or functions as deemed necessary or appropriate. Fees shall be set by resolution or ordinance. (Ord. 482 §1, 1997; Ord. 2 §1, 2003)

13.18.060 Water and sewer service charges.

The Board of Selectmen shall establish and publish water and sewer service charges and fees from time to time as deemed necessary and appropriate for the operation of the Town's water and sewer systems. Charges and fees shall be adopted by resolution or ordinance and published in the form of a fee schedule. (Ord. 482 §1, 1997; Ord. 2 §1, 2003)

13.18.070 Fee waiver incentives for restoration and renovation of historic buildings.

(a) As an incentive for owners of abandoned, dilapidated and/or unused historic structures to renovate, repair, restore and put the same into use, water and sewer tapping and system development fees may be reduced, deferred or waived for such structures subject to the following criteria and conditions:

(1) Not less than seventy-five percent (75%) of the structure was constructed prior to 1925.

(2) Municipal water and/or sewer service has been discontinued to the structure for not less than five (5) years, or such services were never lawfully provided to the structure.

(3) No water meter currently serves the structure.

(4) There are no past due and unpaid water or sewer fees or charges, inclusive of interest, applicable to the structure or the property on which it is located.

(5) A building permit application shall have been filed for the subject structure.

(b) Applications for a fee waiver, reduction or deferral shall be made in writing to the Town Administrator and shall contain, at a minimum, an identification by legal description and street address of the subject structure, a description of the waiver, reduction or deferral sought, the reasons relied upon by the applicant justifying the same, a copy of any corresponding building permit application, and the necessary fee. An applicant shall also furnish such other documentation or information as may be deemed necessary by the Town Administrator to evaluate the application or to verify any application information previously provided. Upon receipt of all necessary application information, the Town Administrator shall agendize the matter for review and approval or denial by the Board of Selectmen at a public meeting. Not less than five (5) days' written advance notice of the date and time for such meeting shall be provided to the applicant by hand-delivery or regular mail. Decisions of the Board of Selectmen shall be made by written resolution. All fee waivers, reductions or deferrals shall

be valid for twelve (12) months from the date of approval, during which time the applicant shall have obtained the necessary permits to undertake the repair, renovation or restoration of the subject structure and commenced work thereon.

(c) In determining whether to waive, reduce or defer a fee, the Board of Selectmen shall, at a minimum, consider the following factors:

- (1) Cost of the proposed renovation, repair or restoration project.
- (2) The impact of any fee waiver, reduction or deferral on the operating, capital or reserve funds for the Georgetown Water and Sewer Activity Enterprise.
- (3) Whether a fee waiver, reduction or deferral has been awarded to the applicant in the past.
- (4) Whether the requested fee deferral or waiver will serve the public interest.

(d) In the event a fee deferral is granted, the applicant shall pay, in addition to the fee amount, interest at an annual rate equal to that rate at which the Town may borrow funds at the time the deferral is granted. Deferred fees may be paid in monthly installments comprised of principal and interest in such amounts as agreed upon by the Town; and until fully paid all deferred fees, plus interest, shall constitute a perpetual lien against the property benefited by the fee deferral and may be foreclosed upon and collected as provided for by statute for the collection of taxes and other assessments against real property.

(e) The fee waivers, reductions or deferrals as provided for in this Section shall not apply to standby fees, monthly service charges, meter costs, excavation permit fees or any other fee or charge not specifically identified in Subsection (a) above. (Ord. 520 §1, 2000; Ord. 2 §1, 2003)

CHAPTER 13.20

Service Lines

13.20.010 Installation costs.

The costs incurred in the installation, construction or repair of service lines, inclusive of labor and materials, shall be the sole responsibility of the customer. All lines shall be installed under the inspection and control of the Water Superintendent. The Town reserves the right to make all taps on the mains and to install all service lines on public property, and in the event the Town does install the service line to the property line, it shall be reimbursed by the customer for the actual cost of all labor and materials used. Once a tap is made, it shall not be removed or plugged except by order of the Town. All service lines shall be installed at minimum depth of five (5) feet unless the water main is shallower than five (5) feet. All service line installations and repairs shall be insulated with "blue board" as approved by the Town Water Superintendent or other suitable insulation approved by the Town Water Superintendent. (Ord. 482 §1, 1997; Ord. 2 §1, 2003; Ord. 5 §1, 2008)

13.20.020 Service line maintenance.

Each customer shall be responsible for maintaining the entire length of his or her service lines. Damage or breaks in service line shall be repaired by the customer within seventy-two (72) hours from

the time of notification of such condition by the Town, or such other time as specified in the notice. If satisfactory progress toward repairing a leak has not been made in the time specified, the Town shall have the authority to repair, or have repaired, the lines and shall charge the customer all costs thereof. The Town may secure the payment of such costs by imposing a lien on the property served by the repaired line. (Ord. 482 §1, 1997; Ord. 2 §1, 2003)

13.20.030 Separate lines required.

A separate and independent service line shall be provided for every residence, building or commercial structure, unless otherwise approved by the Public Works Director. (Ord. 482 §1, 1997; Ord. 2 §1, 2003)

13.20.040 Use of existing lines.

Existing service lines may be used in connection with new buildings only where found by the Public Works Director to meet all the requirements of this Title. (Ord. 482 §1, 1997)

13.20.050 Materials specifications.

All water service lines shall be soft type K copper (ASTM B88-72), and all fittings shall be brass or other copper alloy. Sewer service lines shall be No. 1 vitrified clay (ASTM C278), cast iron or PVC pipe joined with flexible rubber compression joints. Installations shall conform to the current edition of the Uniform Plumbing Code adopted by the Town and/or the Colorado Plumbing Code, whichever is more demanding. (Ord. 482 §1, 1997; Ord. 2 §1, 2003)

13.20.060 Excessive water service pressure; pressure regulator when.

When the water service supply pressure exceeds eighty (80) pounds per square inch (psi), an approved pressure regulator and strainer shall be installed to reduce the pressure to eighty (80) psi or less. (Ord. 482 §1, 1997)

CHAPTER 13.24

Service Extension Policies

13.24.010 New connections authorized when.

New water and sewer service connections may be made on existing mains upon payment of the applicable system development fees, tap fees and meter fee, and upon obtaining a building permit. All system development fees shall be paid when the building permit is issued. (Ord. 482 §1, 1997; Ord. 2 §1, 2003)

13.24.020 Inspection and approval by Town.

The construction of new or extended water distribution lines and sewer mains to serve new development (e.g., residential or commercial subdivision development) shall be built to quality and size standards determined by the Town. Lines and mains shall be installed either by the Town or the developer; however, if installed by the developer, the drawings and specifications must first be

approved by the Town. In all cases, the work shall be inspected and approved by the Public Works Director or other designated Town official. (Ord. 482 §1, 1997; Ord. 2 §1, 2003)

13.24.030 Construction by Town; adjustment of costs.

If an extension to the Town's water or sewer system is to be built by the Town on behalf of a land developer, the developer must advance to the Town the actual project costs, including labor, material, engineering, construction and job inspection costs and "as-built" drawings. (Ord. 482 §1, 1997; Ord. 2 §1, 2003)

13.24.040 Service line and main sizing.

Service line and main sizes shall be determined by the Public Works Director. Where upsized lines are desired or may be required because of possible future extension of the same, the Town will pay the extra incremental cost for the upsizing of the line. Water and sewer lines up to eight (8) inches in diameter will be deemed standard size for purposes of this Section. (Ord. 482 §1, 1997; Ord. 2 §1, 2003)

13.24.050 Town ownership of newly installed water and/or sewer main lines and facilities.

All new or extended water and sewer main lines and appurtenant facilities constructed within the Town's public rights-of-way or easements dedicated to the Town shall become the property of the Town upon inspection and acceptance of the same by the Town. Ownership of new extraterritorial main lines or appurtenant facilities connected to the Town's water and/or sewer systems may be assumed by the Town if such lines and facilities were constructed and maintained to the Town's standards and, upon inspection, the Town determines, within its discretion, to accept the ownership of the same. No water or sewer line, extension or appurtenant facility shall be accepted for ownership or maintenance by the Town unless necessary and adequate corresponding easements are conveyed or dedicated to the Town. In all events, the costs incurred for all inspections conducted by the Town pursuant to this Section shall be borne by the developer or owner who installed and/or owns the lines or facilities sought to be transferred to the Town. Additionally, the Town may require surveyed drawings illustrating the as-built location of all lines and facilities to be conveyed. (Ord. 482 §1, 1997; Ord. 2 §1, 2003)

CHAPTER 13.28

Offenses and Penalties

13.28.010 Prohibited acts designated.

It is unlawful for any person:

- (1) To connect or tap onto any water or sewer main without first having obtained a permit and paid all appropriate fees or charges.
- (2) To open any fire hydrant, stopcock or any other fixture or appliance pertaining to the Town water system without the permission of the Public Works Director.

(3) To turn on any service line which has been turned off by the Town for violation of this Title, including nonpayment of applicable fees or service charges.

(4) To use water for any purpose not reasonably included within the use designated in the permit authorizing the tap, or stated in the water records of the Public Works Director or Town Clerk.

(5) To waste or permit the waste of water.

(6) To refuse or fail to install a water meter when required by this Title, to bypass any water meter, or to in any way tamper with a meter so as to cause the meter to give a false reading of water usage.

(7) To throw or cast any unauthorized or harmful substance into any reservoir, stream, trench, pipe or drain used in and necessary for the construction, maintenance and operation of the Town's water or sewer systems, or which substance tends to obstruct the flow of water in any such stream, pipe or structure, or is a filthy substance or which pollutes the water therein.

(8) To damage, destroy or otherwise interfere with the sanitary sewer mains, manholes to sewer drain facilities or any other facility connected therewith. (Ord. 482 §1, 1997; Ord. 2 §1, 2003)

13.28.020 Discharge of waste containing deleterious waste.

(a) No person shall connect of roof downspouts, exterior foundation drains, areaway drains, surface drains or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to the Town's sanitary sewer system. Additionally, and in order to protect the Town's sewage system from damage, destruction, deterioration, misuse or malfunction and to guard against health hazards and the creation of public nuisance, the following regulations shall apply relative to the discharge of sewage containing deleterious wastes:

(1) No person shall discharge or cause to be discharged any industrial waste of any type into the Town's sewer or storm sewer system unless written permission is received from the Town.

(2) No person shall discharge or cause to be discharged into the sanitary sewer system storm water drainage from ground surface, roof ladders, catch basins or any other source, or subsurface drainage or ground water.

(3) Toxic or nonbiodegradable waste, or any wastes which will cause the effluent discharged from the Town's treatment plant to fail to meet government discharge standards, shall not be discharged into the sewer systems. No drain accepting discharge from vehicle wash racks, filling stations, restaurants or other building sewers shall be connected to any sewer service line unless the discharge first passes through an acceptable grease, sand or oil interceptor. Persons causing a stoppage in the Town's sewer system by depositing grease, oils or other deleterious waste products into the system shall be responsible for all costs incurred in the clearing and/or repair of the system.

(b) Except as provided herein, no person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:

(1) Gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid, gas, oil or grease.

(2) Ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastic, wood, paunch manure or any other solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper and normal operation of the sewage works.

(3) Water or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans, animals or fish, or create any hazard in the receiving waters of the sewage treatment plant effluent.

(4) Noxious substances or malodorous waste, waters, gases or substance capable of creating a public nuisance, either in the public sewer or at the sewage treatment plant.

(5) Concentrated wastes from septic tanks or portable sanitary devices.

(6) Creating a peak flow rate greater than five (5) times the average flow rate.

(7) Any chemicals having a twenty-four-hour proportionate composite sample concentration at the point of discharge in excess of the following:

Cadmium	0.10 mg/l
Chromium	4.00 mg/l
Copper	3.00 mg/l
Cyanides	2.00 mg/l
Iron	15.00 mg/l
Phenol	10.00 mg/l
H ₂ S (Hydrogen Sulfide)	1.00 mg/l
Zinc	2.00 mg/l

(Ord. 482 §1, 1997; Ord. 2 §1, 2003)

13.28.030 Sump pumps and other illegal devices.

No plumbing fixture, device, equipment or system shall be connected, directly or indirectly, with a sewer service line for the purpose of draining ground or surface waters into the Town's sanitary sewer; and no connection shall be permitted to a sump pump or other facility so as to allow for the drainage of flood, drain, overflow, storm or ground water directly or indirectly into the Town's sewer system. Any connection prohibited by this Section may be summarily disconnected at the cost of the violator and no sewer service line shall thereafter be connected or reconnected to the sewer system without payment to the Town of all disconnection fees, costs and expenses of the Town relative thereto, and positive proof that the improper and illegal connection or device has been removed and will not thereafter be reconnected to the Town's system. (Ord. 482 §1, 1997; Ord. 2 §1, 2003)

CHAPTER 13.30

Hearing and Appeal Procedures

13.30.010 Application.

The following actions or decisions taken under this Title may be appealed to the Town Administrator for review and hearing:

- (1) A denial of an application for new or expanded water or sewer service, except for service sought to be extended beyond the Town's boundaries.
- (2) An assignment or designation of a service or user classification.
- (3) The denial of a street cut permit to install a water or sewer line.
- (4) The termination of a tap right. (Ord. 493 §3, 1999; Ord. 2 §1, 2003)

13.30.020 Complaint and request for hearing.

(a) A request for hearing as allowed under this Chapter shall be initiated by the submission of a written complaint filed with the Town Administrator not later than ten (10) days from the date of the action or notice sought to be appealed. The complaint shall contain a brief description in ordinary and concise language of the action, decision or notice giving rise to the appeal, a concise listing of material facts or argument supporting the appeal, and the nature of the relief sought.

(b) The Town Administrator shall review the complaint and afford the appellant an opportunity to be heard thereon. Such review and hearing shall be held within ten (10) days from receipt of the written complaint by the Town Administrator, or at such other time as the Town Administrator deems prudent. Notice of the date, time and location of the hearing shall be provided to the appellant by regular mail, telephone or such other method of communication most likely to succeed in providing notice. The decision of the Town Administrator on the appeal shall be promptly entered and shall be final. (Ord. 493 §3, 1999)

13.30.030 Waiver.

The failure of a person to timely file a complaint, or a failure to appear at a scheduled hearing on a complaint, shall be deemed a waiver of the right to appeal as provided in this Chapter. (Ord. 493 §3, 1999)

13.30.040 Fee.

A reasonable fee may be assessed for all appeals filed and processed under this Chapter. (Ord. 493 §3, 1999)

CHAPTER 13.40

Water and Sewer Activity Enterprise

13.40.010 Establishment of Enterprise.

There is hereby established, and/or reestablished, the Georgetown Water and Sewer Activity Enterprise pursuant to Article 45.1, Title 37, C.R.S. (the "W&S Enterprise"), which Enterprise shall include and consist of all existing facilities, services and properties owned, or hereafter acquired, by the Town for the provision of water and/or wastewater services to customers within or without the boundaries of the Town. The W&S Enterprise is authorized and empowered to establish or acquire, or continue to provide, raw or treated water resources and water and wastewater treatment facilities, and shall possess all of the powers, rights and duties as may be provided or permitted to a water activity enterprise under state law and/or the ordinances of the Town, including the power to enter into contracts with the Colorado Water Conservation Board and Colorado Water Resources and Power Development Authority for loans and other financial assistance related to water activity enterprise functions. (Ord. 492 §1, 1998)

13.40.020 Governing body.

The governing body of the W&S Enterprise shall be the Board of Selectmen and, except as otherwise provided in this Chapter, shall be subject to all of the applicable laws, rules and regulations pertaining to the Board of Selectmen. Whenever the Board of Selectmen is in session, the governing body for the W&S Enterprise shall also be deemed to be in session. It shall not be necessary for the governing body to meet separately from the regular and special meetings of the Board of Selectmen, nor shall it be necessary for the governing body to specifically announce or acknowledge that actions taken thereby are taken by the governing body of the Enterprise. The governing body may conduct its affairs in the same manner and subject to the same laws which apply to the Board of Selectmen for the same or similar matters; except that in accordance with Section 37-45.1-104(2), C.R.S., the governing body may authorize the issuance of bonds by adoption of a resolution. (Ord. 492 §1, 1998)

13.40.030 Maintenance of Enterprise status.

The W&S Enterprise shall at all times and in all ways conduct its affairs so as to continue to qualify as a water activity enterprise within the meaning of Section 37-45.1-102, C.R.S., and as an enterprise within the meaning of Article X, Section 20 of the Colorado Constitution. Specifically, but not by way of limitation, the W&S Enterprise shall not be authorized to accept or receive ten percent (10%) or more of its annual revenue in grants from all Colorado state and local governments combined, and shall maintain separate and distinct records and funds respective to its expenditures and revenues. (Ord. 492 §1, 1998)

13.40.040 Issuance of bonds; other indebtedness.

(a) The W&S Enterprise is empowered and authorized to issue and reissue bonds, notes and other forms of indebtedness payable from revenues derived, or to be derived, from the operation of enterprise facilities and through the delivery of services, or from any other funds available to the Enterprise. The issuance of all debt shall be approved and undertaken by written resolution at a public meeting preceded by notice. The terms, conditions and details of any bonds, notes or other debt, and the refunding thereof, shall be set forth in the resolution authorizing any such indebtedness and shall,

as nearly as may be practicable, be issued pursuant to procedures substantially the same as those set forth in Part 4 of Article 35 of Title 31, C.R.S.; except that the purposes for which the W&S Enterprise may incur indebtedness shall not be so limited, and except that such indebtedness may be sold at public or private sale. Notwithstanding any other provision of law to the contrary, bonds, notes and other obligations may be issued to mature at such times not to exceed forty (40) years from their respective issue date.

(b) The Board of Selectmen may also authorize the issuance of bonds, notes or other obligations in accordance with this Chapter and in doing so shall be deemed to be acting as both the governing body for the Enterprise and the Board of Selectmen. (Ord. 492 §1, 1998)

13.40.050 W&S Enterprise revenue, fees and charges.

(a) The Board of Selectmen shall adopt by resolution, for and on behalf of the W&S Enterprise, the following rates, fees and charges as necessary:

(1) Minimum and sufficient water and sewer rates.

(2) Plant investment charges, capital facilities fees and tap fees.

(3) Other fees and charges as the Board of Selectmen deems necessary to cover the costs of inspection, testing, for engineering design and review, operation, maintenance and extension of the water and sewer systems.

(b) Revenues collected by the W&S Enterprise for services rendered or provided through enterprise activities, including revenue raised through charges, rates and fees, shall not constitute or be deemed a tax and shall not be subject to limitations as set forth in Sections 20(4) and (7) of Article X of the Colorado Constitution. (Ord. 492 §1, 1998; Ord. 2 §1, 2009)

13.40.060 Ratification and approval of prior actions.

All actions heretofore taken by the Board of Selectmen and officers of the Town relating to the establishment and/or operation of the W&S Enterprise, and not inconsistent with the provisions of this Chapter, are hereby ratified, approved and confirmed. (Ord. 492 §1, 1998)

13.40.070 Water and sewer funds, budget.

(a) There is hereby established an enterprise fund, to be known as the "Sewer Fund," in which shall be deposited all revenues from wastewater and sewer billing and other revenues related to the sewer system. All funds received from wastewater and sewer rates shall be used only for the operation, maintenance, debt service, replacement of and additions to the system and, after all such purposes have been satisfied, for such other uses deemed appropriate and lawful by the Board of Selectmen acting as the governing body of the W&S Enterprise. All amounts on hand in such fund shall be invested in investments proper for public funds.

(b) There is hereby established an enterprise fund, to be known as the "Water Fund," in which shall be deposited all revenues from water billing and other revenues related to the water system. All funds received from water rates shall be used only for the operation, maintenance, debt service, replacement of and additions to the system and, after all such purposes have been satisfied, for such other uses deemed appropriate and lawful by the Board of Selectmen acting as the governing body of

the W&S Enterprise. All amounts on hand in such fund shall be invested in investments proper for public funds.

(c) The Board of Selectmen shall adopt an annual budget for the W&S Enterprise, separate from the Town general fund budget. (Ord. 2 §2, 2009)

CHAPTER 13.50

Watershed Protection District

13.50.010 Watershed protection district established.

There is hereby established the Town of Georgetown Watershed Protection District for the purpose of protecting the sources, supply, quantity, quality, delivery, storage, treatment and distribution of water serving the Town, its citizens and water-using customers. (Ord. 517 §1, 2000)

13.50.020 Jurisdiction and intent of district regulations.

This Chapter has been adopted in accordance with Section 31-15-707, C.R.S., and is designed and intended to extend and enforce the Town's legal jurisdiction and authority to the maximum extent allowed by law for the purpose of protecting the Town's water resources and water delivery system from interference, pollution and other degradation over an area comprised of all territory within five (5) miles above or around any point or points from which the Town diverts or otherwise draws water for domestic use. The Town's authority and jurisdiction shall extend, by way of example and not limitation, to all reservoirs, streams, trenches, ditches, pipes, drains and other waterworks. All ordinances and regulations adopted under the authority of this Chapter shall be liberally construed and enforced in order to satisfy and further the purposes and intent as set forth above. (Ord. 517 §1, 2000)

13.50.030 Adoption of protection district boundaries and map.

The Town does hereby approve and adopt the official Town of Georgetown Watershed Protection Area Map dated July 2000, prepared by McLaughlin Water Engineers, Ltd., defining and illustrating the geographical boundaries of the watershed protection district. At least one (1) copy of the map shall at all times be maintained in the office of the Town Clerk for public inspection during regular business hours. Copies of the map may be ordered for purchase at such cost as deemed necessary and reasonable by the Town Clerk. (Ord. 517 §1, 2000)

13.50.040 Definitions.

As used in this Chapter, the following words and phrases shall mean as follows unless the context plainly requires otherwise:

Absorption system means a wastewater disposal system or leaching field utilizing and/or inclusive of adjacent soils for the treatment of sewage by means of absorption into the ground.

Absorption trench means a trench in which sewage effluent is transported or directed for percolation into the soil.

Best management practice means the most effective means of preventing, reducing or mitigating the harmful impacts of development activities consistent with the standards set forth in this Chapter.

Development or development activity means any construction or activity which alters or changes the natural or preexisting character and/or uses of the land on which the construction or activity occurs, excepting residential gardening or landscaping.

Dispersal system means a system for the disposal of effluent after final treatment in an ISDS by a method which does not depend upon or utilize the treatment capability of the soil.

Effluent means the liquid waste discharge from an ISDS.

Excavating means any act by which ten (10) cubic yards or more of soil or rock is cut into, quarried, uncovered, removed, displaced or relocated, and includes the conditions resulting therefrom.

Filling means the deposition of ten (10) cubic yards or more of material brought from another location by other than natural means.

Foreseeable risk means the reasonable anticipation that harm or injury may result from an act or omission.

Grading means the alteration of the natural surface of any land by leveling, stripping, filling or excavating and involving ten (10) or more cubic yards of soil or other surface material; or the alteration of any natural or preexisting drainage pattern or channel through the alteration, movement or addition of surface materials; or the installation of any road or other surface utilized for the movement of vehicles.

Individual sewer disposal system (ISDS) means an on-site sewage system of any size or flow designed to collect and treat, neutralize, stabilize and dispose of sewage that is not part of or connected to a permitted municipal sewage treatment works. Examples include, without limitation, conventional septic tanks and leach fields, absorption trenches and pits, constructed wetland treatment systems, evapotranspiration systems and mound systems.

Hydric soil means soil that, in its undrained condition, is saturated, flooded or ponded long enough during a growing season to develop an anaerobic condition that supports the growth or regeneration of hydroponic vegetation.

Maximum extent feasible means that no feasible and prudent alternative exists and all possible efforts to comply with a regulation, or minimize potential harm or adverse impacts, have been undertaken.

Person means any individual, partnership, corporation, trust, association, company or other public, governmental or corporate entity, or instrumentality thereof.

Pollute or pollution means the contamination or befouling of the natural biological, chemical, physical or radiological composition or integrity of water or soil through human or human-induced conduct or activities.

Sewage means a combination of liquid wastes that may include chemicals, house wastes, human or animal excreta, or animal or vegetable matter in suspension or solution, and/or other solids in suspension or solution, and that is discharged from, without limitation, a building, vehicle, tank or other structure or facility.

Sewage disposal system means a septic tank, leach field or other facility regardless of size or flow designed and constructed for the purpose of receiving, treating or disposing of sewage.

Sewage treatment works means any system or facility for treating, neutralizing, stabilizing or disposing of sewage and which has a designed or operational capacity to receive more than two thousand (2,000) gallons of sewage per day.

Significant degradation means to lessen in grade, quality or desirability so as to create or cause unsafe or harmful impacts.

Stream (primary) means a visible waterway expected to run flowing water for more than one (1) month per year.

Stream (secondary intermittent) means a visible waterway, normally dry and not expected to run flowing water for more than one (1) month per year.

Substantial means material and/or considerable in importance, value, degree, amount or extent.

Surfacing means the compaction, hardening or covering of the natural land surface with asphalt, concrete, gravel or similar materials in an area greater than three hundred (300) square feet.

Watershed means the area encompassed by the Georgetown Watershed Protection District.

Watershed permit or *permit* means the written approval issued by the Town under this Chapter for a land use activity or development within the Georgetown Watershed Protection District.

Waterwork means any and all man-made or designed component of a domestic water collection and treatment system, including, but not limited to, transmission, storage and filtration facilities, and all reservoirs, streams, intermittent streams, trenches, gullies, pipes and drains used in and necessary for the collection and transport of water and the maintenance and operation of the Town's water supply system.

Wetland means land that has a predominance of hydric soils and that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal conditions does support, a prevalence of hydroponic vegetation typically adapted for life in saturated soil conditions. (Ord. 517 §1, 2000)

13.50.050 Prohibited activity.

Unless exempted as provided for in this Chapter, it shall be prohibited and unlawful for any person to engage in or cause any of the following activities or conduct within the Georgetown Watershed Protection District unless such person has first obtained a watershed permit:

- (1) The construction, installation, expansion or removal of any ISDS or sewage disposal system, excepting a system connected to a municipal sewage treatment works.

- (2) Excavating, grading, filling, blasting or surfacing, including road building.
- (3) Timber harvesting, excluding the removal of dead or diseased trees for firewood or for noncommercial domestic purposes.
- (4) Drilling operations of any kind.
- (5) Altering or obstructing natural or historic water drainage courses.
- (6) Surface and subsurface mining operations.
- (7) The out-of-doors spraying or using of fertilizers, herbicides or pesticides, excepting noncommercial applications for domestic household or gardening purposes.
- (8) Using, handling, storing or transporting toxic or hazardous substances, including, but not limited to, radioactive materials, except for noncommercial domestic household purposes as permitted by law.
- (9) Using, handling, storing or transporting flammable or explosive materials, except for noncommercial domestic household purposes as permitted by law, or within vehicular fuel storage tanks.
- (10) Moving, tampering, adjusting, impairing, obstructing or trespassing upon any Town waterwork.
- (11) Increasing or decreasing any rate of stream flow or natural or existing drainage pattern or course, except as permitted pursuant to an adjudicated water right; increasing sediment deposition in any stream; causing or increasing erosion on any slope or stream bank; or disturbing any wetland within the watershed.
- (12) Any activity reasonably giving rise to a foreseeable risk of injury or pollution to the Town's sources of water supply or water supply system or waterworks. (Ord. 517 §1, 2000)

13.50.060 Permit required.

No person shall engage in or cause any development, development activity or prohibited activity or conduct identified in this Chapter without first applying for and obtaining a duly authorized watershed permit from the Town. Permits may be limited and/or subjected to expiration and renewal requirements. (Ord. 517 §1, 2000)

13.50.070 Permit application and review procedures; fee.

(a) All applications for a watershed permit shall be initiated in writing and shall include, at a minimum, the information set forth in this Section. No application shall be accepted, processed or approved unless and until it is complete and all fees associated therewith have been paid. The application shall be accompanied by not less than three (3) copies. The Town Administrator may waive certain application information requirements if he or she deems the same to be unnecessary or overly burdensome with respect to a specific proposed activity. All costs incurred by the Town in processing an application, inclusive of the costs for outside professional services or consultants

necessary to evaluate an application, shall be paid by the applicant, inclusive of testing, engineering, inspection and legal fees.

- (1) The name, mailing address and telephone number of the applicant.
- (2) The name, mailing address and telephone number of the owner of the land upon which the development or activity subject to the permit is to occur if different from the applicant, and written authorization from the landowner for the submission of the application.
- (3) A legal description of the lot, tract, parcel or other land upon which the development is to occur.
- (4) A written narrative describing the development activity for which the permit is being sought, including a general identification of the environmental characteristics of the subject land and surrounding area.
- (5) A vicinity map showing the land on which the proposed development is to occur and all lots, tracts, parcels or other lands adjacent thereto, and illustrating any wetlands, lakes, ponds, water courses or other bodies of water.
- (6) A boundary and improvements map or sketch of the land subject to the application containing sufficient detail and drawn at a scale to accurately illustrate, review and assess the location of all proposed development activity and existing structures, and illustrating the existing directions of slope (contours) and directions of surface runoff. A professionally prepared boundary and improvements survey may be required if the Town Administrator/Public Works Director deems the same necessary in order to adequately assess an application.
- (7) A listing and copy of all federal, state or local permits or approvals required or obtained for implementation of the development activity.
- (8) A detailed description of the impacts or potential impacts the development activity may have on any surface or subsurface water sources or courses, inclusive of wetlands.
- (9) A detailed description of the impacts or potential impacts the development activity may have on existing vegetation, trees and groundcover.
- (10) A detailed description of the impacts or potential impacts the development activity may have on soils, inclusive of a description of the nature and condition of existing soils and any planned grading, excavation, filling or surfacing.
- (11) A detailed description of the impacts or potential impacts the development activity may have on existing drainage patterns and land contours, inclusive of comparative run-off and absorption calculations for the subject land and any impacted adjacent land, both pre- and post-development.
- (12) A detailed description of any proposed wastewater or sewage disposal system to be installed and a copy of the design/engineered plans, including soils and percolation test results for same.

(13) A detailed description of any proposed water supply/delivery system to be installed, inclusive of water source and anticipated consumptive use, and a copy of the design/engineered plans for same.

(14) A detailed description and copy of any and all mitigation plans or measures addressing impacts resulting from the development activity to surface and subsurface water sources, wetlands, vegetation and trees, soils, drainage and slopes.

(15) The identification of any activity to be undertaken by the applicant as part of the development that presents, or may present, a foreseeable risk of pollution or injury to the Town's water sources, supply or waterworks, along with a specific description of the best management practices designed to eliminate or minimize such risks to the maximum extent feasible.

(16) Such additional information as the applicant or Town may deem necessary to fully evaluate the proposed development and/or demonstrate or explain why a watershed permit should be issued.

(b) All applications for a watershed permit shall be filed with the Town Clerk, who shall promptly forward copies of same to the Town Administrator and Public Works Director. The application and all supporting material shall be reviewed and evaluated to determine whether the application is complete and satisfies the requirements of this Chapter. Where appropriate, and weather permitting, the Town Administrator/Public Works Director may schedule a site visit to inspect the land on which the proposed development activity is to occur. Advance notice of the time and date of such site visit shall be provided to the applicant.

(c) Within thirty (30) days following receipt of a complete application, and weather permitting for any necessary site visits or inspections, the Town Administrator shall determine whether the permit application should be granted or denied. The issuance of a permit may be conditioned upon the applicant's compliance with such mitigation measures, financial security, performance standards or time deadlines, or such other terms and conditions as the Town Administrator may deem necessary to ensure protection of the Town's water supply sources, watershed and/or waterworks from pollution, disruption or damage. A failure by an applicant to accept or timely adhere to such terms and conditions shall constitute cause to deny or revoke a permit.

(d) Any applicant dissatisfied with a decision or order made by the Town Administrator or Public Works Director under this Chapter may pursue an appeal of the same to the Board of Selectmen by filing a written notice of appeal and appropriate fee with the Town Administrator within ten (10) days from the date of the decision or order appealed from. Upon receipt of a timely notice, the Town Administrator shall agendize the appeal for a hearing before the Board of Selectmen to be conducted not more than forty-five (45) days from the date the notice of appeal was received. The hearing shall be conducted *de novo* and written notice of the date, time and place for the hearing shall be sent by regular mail or personally delivered to the applicant not less than ten (10) days in advance thereof. A failure by the applicant to appear at the hearing without good cause shall constitute a waiver of the applicant's appeal rights and the decision or order subject to the appeal may be automatically affirmed. The applicant shall carry the burden of persuasion with regard to all issues on appeal. Decisions of the Board of Selectmen on appeal shall be entered within thirty (30) days from the conclusion of the hearing thereon and shall be reduced to writing, a copy of which shall be mailed to the applicant. The Board of Selectmen may on appeal prescribe such conditions on the issuance of a permit as it may

deem necessary to protect or implement the intent and purposes of this Chapter. (Ord. 517 §1, 2000; Ord. 2 §1, 2003)

13.50.080 Permit issuance standards.

The following standards shall be applied in determining whether a watershed permit should issue under this Chapter:

(1) The compliance of the application with all application requirements set forth in this Chapter.

(2) The proximity of the proposed development activity to the Town's water supply sources and/or waterworks. No ISDS component shall be located within a one-hundred-year flood plain. No ISDS treatment or disposal component shall be located within one hundred (100) feet from any water supply source or primary stream. No ISDS absorption component shall be located within two hundred (200) feet of any water supply source or primary stream, or fifty (50) feet from a secondary intermittent stream, and no building shall be located within one hundred (100) feet from a water supply source, waterwork or primary stream, except if connected to a municipal sewage treatment system.

(3) The environmental suitability of the proposed development activity and proposed site therefor, taking into consideration surface and subsurface water courses, soils, slopes, drainage patterns, geologic formations, existing vegetation and tree stands, wetlands, erosion, and the intensity and impact of the proposed development activity.

(4) The likelihood or threat of pollution or injury to the Town's water supply sources, watershed or waterworks presented by the proposed development activity.

(5) The effectiveness of all protective or mitigation measures proposed by the applicant to eliminate or minimize pollution or injury to the Town's water supply sources, watershed and waterworks, and the availability of alternative protective and/or mitigation measures.

(6) The overall anticipated impact of the proposed development activity on the Town's water supply sources, watershed and waterworks. (Ord. 517 §1, 2000)

13.50.090 Certificates of compliance.

(a) At or immediately prior to the completion of any development or activity performed under a watershed permit, and in all events prior to the burying or covering up of any work or facility authorized under a permit, the permittee shall make written application to the Town Administrator or Public Works Director for inspection and the issuance of a certificate of compliance in order to establish and confirm the permittee's adherence with the provisions of this Chapter and with all terms and conditions as may have been imposed as part of the permit. As soon as reasonably practicable, and not more than fifteen (15) days after receipt of the request, weather permitting, the Town Administrator or Public Works Director, or their designee, shall inspect the subject development or activity to ascertain if there is conformance with the permit application, plan and specifications submitted to the Town and any conditions imposed as part of the permit. Alternatively, the Town Administrator may elect to allow the permittee or a qualified third-party professional to submit a written inspection report certifying that the permittee has fully complied with all permit requirements, inclusive of all plans, specifications and conditions.

(b) All costs incurred by the Town in conducting inspections shall be paid by the permittee, inclusive of any costs for outside consultants. If the inspection determines that the development conforms to the provisions of this Chapter and to all applications, plans, specifications and conditions of the watershed permit, a certificate of compliance shall be issued. However, if the inspection determines that the development or activity fails in any manner to comply as set forth above, a certificate of compliance shall not be issued. In such case, the permittee shall be informed in writing of the reasons why the certificate of compliance can not be issued and the requirements to be met before issuance of the certificate may be obtained. All follow-up inspections shall be conducted in accordance with this Section.

(c) It shall be a violation of this Section for any person who is required to obtain a watershed permit to use any land within the Georgetown Watershed Protection District without first having obtained a certificate of compliance. (Ord. 517 §1, 2000; Ord. 2 §1, 2003)

13.50.100 Wastewater and sewage disposal facilities.

(a) Notwithstanding any other provision or requirement contained within this Chapter, all wastewater and/or sewage disposal facilities or systems within the watershed protection district shall be designed by a licensed engineer and constructed, operated and maintained so as to eliminate and/or minimize to the maximum extent feasible any pollution or injury, or threat of pollution or injury, to the Town's water supply sources, watershed and waterworks. A watershed permit shall be required for the installation of any new wastewater or sewage disposal facility. Additionally, no existing wastewater or sewage disposal facility shall be expanded, repaired, replaced or abandoned without a watershed permit having first been obtained.

(b) The Town Administrator, or his or her designated agent, may investigate and inspect any wastewater and sewage disposal facility located within a watershed protection district to determine whether such facility is being properly constructed, operated or maintained. All owners and/or operators of a wastewater or sewage disposal facility shall maintain written service records on the site of said facility illustrating the age of the facility and the dates and service provider for all inspections, installations, repairs, cleanings or other maintenance performed on the facility. In order to ensure that a sewage disposal facility is constructed, performing or being maintained properly, the Town Administrator may order the owner or operator of such facility to install a monitoring well or other monitoring device as a condition for issuance of a watershed permit, or as deemed reasonably necessary to determine the operational integrity of an existing facility. In the event any owner or operator refuses access to any wastewater or sewage disposal facility, or refuses to make available service records as required under this Section, the Town shall take such steps as necessary to secure the appropriate warrants or court orders to undertake such inspections or obtain the records, and seek to recover the costs therefor, including attorney fees, against the nonconsenting owner and/or operator.

(c) Without limiting the circumstances under which a failure of a ISDS shall be found to have occurred, the occurrence or presence of the following factors shall be deemed sufficient to establish a failure in a ISDS:

- (1) Ponding in a leach field or dispersal trench.
- (2) Obstructed leaching pipes.

(3) The presence of unacceptable levels of nutrients, dissolved organics or fecal coliform in soil or groundwater.

(d) All wastewater and sewage disposal systems shall, at a minimum, be designed, constructed and maintained in conformity with all applicable federal, state and local laws, standards and permits in addition to complying with the terms and conditions of this Chapter. In the event of a conflict between competing laws, standards or regulations, the most restrictive and/or protective of the Town's water supply and waterworks shall prevail.

(e) Minimum separation distances between ISDS components and protected structures or physical features as required by this Chapter shall be maintained at all times unless soil, geological or other conditions warrant greater distance separation. ISDS components that are not watertight should not extend into areas occupied by the root systems of nearby trees. Where repair or upgrading of an existing ISDS is involved, and the size of the lot or parcel precludes adherence to the distance separation standards prescribed in this Chapter, the repairs or repaired system components shall not be closer to protected structures or features than first existing.

(f) All owners or operators of substandard wastewater and sewage disposal systems existing within the watershed protection district on or before the effective date of this Chapter shall be provided notice and a reasonable period of time in which to correct any deficiency or noncompliance with respect to their systems and the requirements of this Chapter. (Ord. 517 §1, 2000; Ord. 2 §1, 2003)

13.50.110 Water quality monitoring plans.

Notwithstanding any other provision or requirement contained within this Chapter, the Public Works Director may require the preparation and implementation by an applicant of a water quality monitoring plan and program as a condition for the issuance of the watershed permit. Such plan may include the installation of monitoring devices, the regular collection of soil and water samples and the establishment of reporting requirements. The costs for the design, implementation and inspection of any water quality monitoring plan shall be borne by the applicant. (Ord. 517 §1, 2000)

13.50.120 Delegation of authority.

The Town Administrator may from time to time devise, adopt and enforce supplemental administrative, procedural or technical/ engineering rules and regulations as he or she may deem necessary and advantageous to the successful implementation and enforcement of the provisions of this Chapter, inclusive of the preparation of standardized forms and fees associated with the evaluation and issuance of permits. All rules and regulations must be consistent with the terms of this Chapter. The Board of Selectmen may review, amend or vacate such rules and regulations upon written complaint or appeal. (Ord. 517 §1, 2000; Ord. 2 §1, 2003)

13.50.130 Certain activities excepted; de minimis exemptions.

(a) The Town Administrator may determine upon written request that an activity or proposed schedule of activities to be undertaken within the watershed protection district presents a de minimis risk of pollution to or disruption of the Town's water supply, watershed and/or waterworks and may, thus, exempt or except such activity or activities from some or all of the application and/or permit requirements as contained in this Chapter. The burden will be upon the applicant seeking an

exemption to supply sufficient information to demonstrate that the activity in question will present no more than a de minimis threat or risk to the Town's water supply and/or water supply system. In no event shall the installation or repair of an ISDS be deemed an exempt activity, and in all events an applicant must provide the Town Administrator written notice of when and where any exempted activity is to occur.

(b) All exceptions or exemptions must be reduced to writing, specifically identify the activities excepted hereunder and any conditions with regard thereto, and specify in detail the basis for such exception or exemption. In the event an excepted or exempted activity is not fully implemented or concluded in the manner as represented and authorized under this Section, the Town Administrator or Public Works Director shall order the cessation or correction of such activity in accordance with the enforcement provisions contained in this Chapter. (Ord. 517 §1, 2000; Ord. 2 §1, 2003)

13.50.140 Enforcement.

(a) Right of entry. When it is necessary to make an inspection to enforce the provisions of this Chapter or the terms and conditions of any permit, or where reasonable grounds exist to believe that a condition, activity or facility on any premises presents a threat of pollution or injury to any of the Town's water sources, supplies or waterworks, the Town Administrator, or his or her designee, may enter onto such premises at reasonable times to inspect and/or perform such investigation and duties as called for under this Chapter; provided that if the premises are occupied, proper identification shall be shown to the person on the premises and a request for access be made. If the premises are unoccupied, reasonable efforts shall be made to locate and/or provide notice to the owner or operator of the land or facility in question of the desired access. If access is refused, a warrant to enter onto the premises shall be obtained *ex parte* from the Municipal Court.

(b) Stop work and cease and desist orders. Whenever any development or activity is being performed or continued in violation of the provisions of this Chapter or the terms and conditions of a permit, or where it is determined that a permit was issued in error or as the result of incorrect, inaccurate or misleading information, the Town Administrator or Public Works Director may execute and issue a written stop work and/or cease and desist order commanding that the subject development or activity immediately cease and/or be corrected. A stop work and/or cease and desist order shall set forth in plain language the nature of any violation and shall be served on the permittee or person engaged in the prohibited development or activity by personal service or by regular mail. A copy of the order shall also be posted at some conspicuous place on the subject premises. Appeals or challenges to a stop work or cease and desist order shall be heard by the Board of Selectmen upon written request filed with the Town Clerk not less than five (5) working days after service of the order on the permittee or person contesting same. The failure of a person to timely file an appeal or challenge, or to appear at the hearing thereon, shall constitute a waiver of his or her right to contest the order. Hearings shall be conducted by the Board of Selectmen within thirty (30) days from the date on which the written notice of appeal or challenge was filed with the Town Clerk. Written notice of the hearing shall be sent by regular mail or personally served on the appellant not less than ten (10) days in advance thereof. The continuation of any development or activity subject to a stop work or cease and desist order shall constitute a violation of this Chapter.

(c) Permit revocation.

(1) All watershed permits shall be subject to revocation by the Town Administrator for violations of this Chapter or the rules and regulations adopted pursuant thereto, inclusive of stop

work and cease and desist orders. Written notice of a proposed revocation shall be mailed to the permittee not less than fifteen (15) days prior to the effective date of the revocation and shall set forth in plain language the grounds justifying the revocation. A hearing on the revocation shall be conducted by the Board of Selectmen upon the written request of the permittee filed with the Town Clerk prior to the effective date of the revocation. All hearings shall be promptly scheduled before the Selectmen by the Town Clerk and written notice thereof mailed to the permittee at least five (5) business days in advance thereof. The effectiveness of any order of revocation shall be stayed pending the decision of the Selectmen on appeal, except where the Town Administrator certifies in writing that a delay in revoking the permit will present a clear and immediate danger to public health, safety, welfare or property. All decisions on appeal shall be reduced to writing and a copy thereof provided to the permittee.

(2) Upon the revocation of a permit, the Town may require the permittee to restore any land, facility or site to such condition as deemed necessary to prevent pollution or injury to the watershed or any water source, supply or waterwork. Upon the failure of the permittee to timely perform such restoration, the Town may, at its option, perform or have performed the restoration and assess the costs thereof against the permittee, inclusive of the imposition of a lien against the permittee's property on which such restoration work took place. (Ord. 517 §1, 2000; Ord. 2 §1, 2003)

13.50.150 Violations and penalties.

(a) It shall be unlawful for any person to engage in or cause a violation of any provision of this Chapter or of any term or condition of any watershed permit, and such person shall be fined upon conviction thereof in an amount up to one thousand dollars (\$1,000.00), and/or imprisoned up to one (1) year in jail.

(b) Any development, activity, facility or structure which is continued, operated or maintained in violation of this Chapter or the terms and conditions of any watershed permit shall be subject to injunction, abatement and/or other appropriate legal remedy as may be sought and obtained by the Town, in which event the Town shall be entitled to recover its reasonable costs and attorney fees from the offending party or parties.

(c) All penalties and remedies for violations of this Chapter shall be nonexclusive and cumulative, and the Town's pursuit and/or exercise of one (1) remedy or penalty shall not foreclose or prohibit the pursuit and exercise of alternative or other remedies. (Ord. 517 §1, 2000)

CHAPTER 13.60

Water Conservation

13.60.010 Purpose and applicability.

Water being a finite and precious resource necessary for the preservation and advancement of the public health, safety and welfare, it is the purpose of this Chapter to regulate water use so as to promote the conservation of the Town's water resources, prevent waste, insure adequate and consistent supplies of water for human consumption, fire suppression and economic development, and to protect and enhance the natural environment. The provisions contained in this Chapter shall apply to all water

users and properties served by the Town's potable water delivery system, whether located inside or outside the Town's geographical limits. (Ord. 5 §1, 2002)

13.60.020 Water supply shortages; mandatory use restrictions.

(a) Mandatory water conservation measures and use restrictions as set forth in this Section shall be effective and enforced whenever the Board of Selectmen declares by written resolution adopted at a regular or special meeting that a water shortage exists, or is threatened to imminently occur, and that water use must be restricted in the interests of public health and safety. Mandatory water use restrictions shall be imposed whenever one (1) or more of the following circumstances occur:

(1) The Colorado Department of Natural Resources, through the State Engineer or duly authorized Division Engineer, or a court of competent jurisdiction, issues a notice and/or order (call out) directing the total or partial discontinuance by the Town of water diversions needed to supply the Town's water system.

(2) Daily demand on the Town's water supply system for water service exceeds, or is anticipated to exceed, ninety-five percent (95%) of the system's water treatment capacity.

(3) The Town's raw water supply or water treatment facilities are insufficient or unable to satisfy daily water use demand, or anticipated water use demand, by reason of drought, mechanical or infrastructure failure, or natural or man-made catastrophe.

(b) Whenever the Board of Selectmen declares that a water shortage exists or is threatened to imminently occur and that water use restrictions shall be implemented and enforced, a certified copy of the resolution making such declaration shall be promptly published in a newspaper of general circulation in the Town by the Town Clerk and posted at Town Hall and all other designated public notice locations. (Ord. 5 §1, 2002)

13.60.030 Mandatory water conservation measures.

Upon the adoption of a written resolution declaring a water supply shortage as provided for in this Chapter, the following mandatory water conservation measures, or those deemed appropriate and necessary by the Board of Selectmen in the resolution declaring the water supply shortage, shall be implemented and enforced with respect to all persons and properties served by the Town's potable water supply system:

(1) The Police Judge and/or Town Administrator will make one (1) or more public announcements through the news media that mandatory water conservation measures are in effect. Announcement of the water conservation measures shall also be posted at Town Hall and other designated public notice locations. The announcement will include a description of the mandatory conservation measures that shall be implemented and enforced.

(2) No person shall use potable water for outdoor irrigation or to water any lawn, garden, tree, shrub or other outdoor vegetation, except on those days and/or during those hours as the Board of Selectmen has determined and declared in the resolution implementing mandatory conservation measures. The restrictions shall apply to all residences, businesses and institutions having lawns, gardens, trees, shrubs or other outdoor vegetation, and shall be followed at all parks and public buildings owned by the Town; except that the restrictions shall not apply to any person engaged in the business of growing or selling plants or trees.

(3) New connections to the municipal water system shall not be authorized; however, preexisting authorizations shall be honored. (Ord. 5 §1, 2002)

13.60.040 Emergency implementation of water conservation measures.

Notwithstanding any other provision set forth in this Chapter, the Police Judge is authorized to declare, implement and enforce any and all mandatory water conservation measures as provided for in this Chapter prior to the adoption of a formal resolution calling for the same by the Board of Selectmen when emergency conditions arise such as, without limitation, a mechanical breakdown or a reduced treatment capacity within the municipal water system due to high stream turbidity or other cause, insufficient raw water supply, or fire flow requirements. In all instances where the Police Judge has implemented mandatory conservation measures as authorized in this Section, he or she shall immediately seek ratification of such action by written resolution of the Board of Selectmen at its next regular or special meeting. (Ord. 5 §1, 2002; Ord. 2 §1, 2003)

13.60.050 Termination of water conservation measures.

Mandatory water conservation measures shall be reduced or terminated as specified in the resolution initially imposing same, or upon subsequent announcement of the Board of Selectmen acting by written resolution when the water supply shortage or water treatment capacity limitation that initially required such measures has been abated. (Ord. 5 §1, 2002)

13.60.060 Water use prohibitions; wasting water.

It shall be unlawful for any person using water or water services from the Town's potable water system to permit, suffer or allow water to be wasted upon his or her premises, buildings, lots or yards, whether through neglect or by reason of faulty plumbing, piping or fixtures. Water waste shall include by way of illustration, but not limitation, the excessive watering or sprinkling of any yard, garden or sprinkling zone within a yard or garden, or other area, resulting in the ponding or surface runoff of water caused by an over-saturation of the soil, turf, sod or ground. (Ord. 5 §1, 2002)

13.60.070 Violations and penalties.

(a) Whenever a violation of this Chapter or a mandatory water conservation measure is observed, or whenever probable cause exists to believe a violation of this Chapter or a mandatory water conservation measure has occurred, a written notice shall be posted in a conspicuous place on the property where the violation is occurring or has occurred, and simultaneously sent by certified mail to the person or entity identified in the records of the Town as being the water service customer for the subject property. Said notice shall reasonably describe the violation and order that it be abated, corrected or cured either immediately or within such time as specified in the notice. A copy of the notice shall also be provided to the office of the Town Administrator; however, a failure to do so shall not invalidate or otherwise affect the notice. If the order is not timely complied with as specified in the notice, water service to the property upon which the violation occurred, or is occurring, may be disconnected.

(b) Any person or entity wishing to contest a water service disconnection notice or order may appeal and seek a hearing concerning the same within ten (10) days of the date of the disconnection notice or a service disconnection. The request shall be submitted to the office of the Town Administrator in writing. The Town Administrator, or his or her authorized designee, shall promptly

schedule and conduct a hearing on the appeal and render a decision thereon, which decision shall be final.

(c) Violations of this Chapter shall be noncriminal in nature and punished by fine only. Any person found by the Municipal Court to have violated a provision of this section shall be fined not less than twenty-five dollars (\$25.00) for a first offense, fifty dollars (\$50.00) for a second offense, and one hundred dollars (\$100.00) for a third offense committed within a twelve-month period. Any person found to have committed more than three (3) previous violations, regardless as to when such violations occurred, shall be fined not less than three hundred dollars (\$300.00).

(d) In addition to any other fee or penalty as authorized under the Municipal Code, a fee of one hundred dollars (\$100.00) shall be paid for the reconnection of any water service disconnected pursuant to this Section.

(e) Neither the issuance of a notice or correction order as authorized in this Chapter, nor a water user's compliance therewith, shall be a prerequisite or bar to the initiation of a prosecution in the Municipal Court for a violation of this Section, or to the commencement of any other proceeding in law or equity to abate or remedy a violation. (Ord. 5 §1, 2002; Ord. 2 §1, 2003)

CHAPTER 13.70

Cross-Connection Control Regulations

13.70.010. Short title.

This Chapter is known and may be cited as the "Georgetown Cross-Connection Control Ordinance." (Ord. 03 §1, 2006)

13.70.020. Legislative intent; incorporated standards; conflicts with the Colorado Plumbing Code.

(a) It is the intent of the Board of Selectmen to protect the municipal water system from contamination or pollution by backflow from an owner's internal distribution system or private water system, and to provide for the maintenance of a continuing program of cross-connection control, which will systematically prevent the contamination or pollution of the municipal water system.

(b) The Colorado Cross-Connection Control Manual, endorsed by the Colorado Department of Public Health and Environment, and the International Plumbing Code are hereby adopted and incorporated by reference.

(c) In the event that this Chapter, the International Plumbing Code and the Colorado Cross-Connection Control Manual do not provide technical requirements, specifications or standards applicable to a particular matter, the Colorado Plumbing Code shall apply. In the event that the technical requirements, specifications or standards stated in this Chapter, the International Plumbing Code and the Colorado Cross-Connection Control Manual conflict with each other or with those stated in the Colorado Plumbing Code, whichever technical requirement, specification or standard is most restrictive shall apply. In the event that this Chapter, the International Plumbing Code, the Colorado Cross-Connection Control Manual and the Colorado Plumbing Code provide technical requirements,

specifications or standards on a single matter in terms so distinct that determining which provision is more restrictive is not readily apparent, the Colorado Plumbing Code shall apply. (Ord. 03 §1, 2006)

13.70.030. Responsibility.

(a) The Town Administrator is hereby delegated the responsibility for implementing a cross-connection control program in accordance with this Chapter and for enforcement thereof. If a backflow preventer is required at the municipal water service connection to any owner's premises for the protection of the municipal water system, the Town Administrator or designee shall give notice in writing to the owner to install an approved backflow preventer at each service connection to the premises. The owner shall install such required backflow preventers at the owner's sole expense.

(b) No provision of this Chapter exempts the owner from the cross-connection control provisions for internal water distribution systems as contained in the most recently adopted Plumbing Code, which has been adopted by reference in Title 15 of this Code. (Ord. 03 §1, 2006)

13.70.040. Definitions.

When not clearly otherwise indicated by the context, the following words and phrases in this Chapter have the following meanings. Definitions of terms used in this Chapter are those contained in the most recently adopted International Plumbing Code and the Colorado Cross-Connection Control Manual.

Administrative authority means the individual official, board, department or agency established and authorized by a state, county, municipal or other political subdivision created by law to administer and enforce the provisions of the regulations and codes as adopted or amended. This definition shall include the administrative authority's duly authorized representative.

Approved means accepted or acceptable under an applicable specification or standard stated or cited as suitable for the proposed use under procedures and authority of the water supplier or administrative authority.

Approved backflow prevention assembly means an assembly listed or approved by any of the following:

- a. University of Southern California, Foundation for Cross-Connection Control and Hydraulic Research list of approved backflow prevention assemblies.
- b. An assembly listed and approved by The American Society of Sanitary Engineering.
- c. An assembly meeting the requirements of the American Water Works Association's Standards C510 or C511, which are hereby adopted by reference in the present form as the municipal standard.

Approved testing agency means an organization primarily established for purposes of testing to approved standards and approved by the administrative authority.

Auxiliary water supply means any water supply on or available to the premises other than the municipal-approved public potable water supply. These auxiliary waters may include water from another purveyor's public potable water supply or any natural source such as a well, spring, river,

stream, pond, lake, etc., or "used waters" or "industrial fluids." These waters may be polluted or contaminated or may be objectionable and constitute an unacceptable water source over which the Town does not have sanitary control.

Backflow means the undesirable reversal of the direction of flow of the water or mixtures of water and other liquid, gases or other substances into the distribution pipes of the potable water supply from any source or sources caused by back-pressure, back-siphonage or both.

Backflow connection means any arrangement whereby backflow can occur.

Backflow preventer means any device, assembly, method or type of construction designed to prevent backflow into the public water supply by containing the owner's water system from the public water system, including any of the following:

a. *Air-gap (AG)* means the unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture or other device and the flood level rim of said vessel. An approved air-gap will be at least double the diameter of the supply pipe, measured vertically, above the top of the rim of the vessel; and, in no case, less than one (1) inch. When an air-gap is used at the service connection to prevent the contamination or pollution of the public potable water system, an emergency bypass shall be installed around the air-gap system and an approved reduced pressure principal assembly will be installed in the bypass system.

b. *Double check valve assembly (DC or DCVA)* means an assembly of two (2) independently operating approved 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. The entire assembly shall be an approved backflow prevention assembly. The entire backflow preventer shall meet the design and performance specifications and approval of a recognized and Town-approved testing agency for backflow preventers. To be approved, these backflow preventers must be readily accessible for in-line testing and maintenance.

c. *Reduced pressure principal assembly (RP or RPPA)* means an assembly of two (2) independently operating approved check valves with a hydraulic automatic operating differential relief valve between the two (2) check valves. The assembly shall be located between two (2) tightly closing (resilient seated) shut-off valves, and have four (4) properly located test cocks for the testing of the check and relief valves. The entire assembly shall be an approved backflow prevention assembly. The assembly 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 assembly. 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 backflow preventer. 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. To be approved, these backflow preventers must be readily accessible for in-line testing and maintenance, and be installed in a location where no part of the backflow preventer will be submerged.

d. *Spill-proof vacuum breaker* means an assembly consisting of one (1) check valve force-loaded closed and an air-inlet vent valve force-loaded open to atmosphere, positioned

downstream of the check valve, and located between and including two (2) tightly closing shutoff valves and a test cock.

e. *Vacuum breaker, atmospheric non-pressure type* means a vacuum breaker consisting of an air inlet opening and a nonloaded floating check disk valve designed to prevent back-siphonage only. The assembly shall not be subjected to continuous static line pressure or back-pressure or be installed where it would be under pressure for more than twelve (12) continuous hours.

f. *Vacuum breaker, pressure type* means a vacuum breaker designed to prevent back-siphonage only, consisting of a spring-loaded check valve, a spring-loaded air inlet opening, a tightly closing shutoff valve on each side of the assembly and two (2) appropriately located test cocks. The assembly shall not be subjected to back-pressure. The entire assembly shall be an approved backflow prevention assembly.

Back-pressure means the backflow of water or other contaminated fluids caused by a pump, elevated tank, boiler or other means that could create pressure within the owner's system greater than the municipal supply pressure.

Back-siphonage means the backflow of potentially contaminated water into the potable water supply as a result of the pressure in the potable water system falling below atmospheric pressure of the plumbing fixtures, pools, tanks or vats connected to the potable water distribution piping.

Building supply means all piping and fittings carrying potable water from the water meter or other source of water supply to a building or other point of use or distribution on the lot. *Building supply* shall also mean water service.

Certified backflow preventer inspector and tester means a person who has passed a Colorado Department of Public Health and Environment approved or sponsored inspection tester course, and who meets the requirements of the Colorado Primary Drinking Water Regulations under Chapter 12.2 Cross-Connection Control Technician Certification as a certified inspector/tester. The certified backflow prevention assembly inspector/tester shall show competence to test and maintain backflow prevention assemblies to the satisfaction of the administrative authority having jurisdiction.

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

Code. The word *Code* or *this Code*, when used alone, shall mean these regulations, subsequent amendments thereto or any emergency rule or regulation which the administrative authority having jurisdiction may lawfully adopt.

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

Containment protection means the installation of an approved backflow prevention assembly, or method, on the water service line(s) serving any premises, location, facility or area. Protection by

containment shall be used when the potable water system may be contaminated or polluted by substances used or stored within a building or premises.

Contamination means any impairment of the quality of the potable water by pollution from sewage, industrial fluids or waste liquids, compounds or other materials to a degree, which creates an actual hazard to the public health through poisoning or through the spread of disease, any physical, chemical, biological or radiological substance or matter that has an adverse effect on water.

Critical level means the critical level C-L or C/L marking on a backflow prevention assembly or vacuum breaker, which is a point conforming to approved standards and established by the testing laboratory (usually stamped on the assembly by the manufacturer), which determines the minimum elevation above the flood-level rim of the fixture or receptacle served at which the assembly may be installed. When a backflow preventer does not bear a critical level marking, the bottom of the vacuum breaker, combination valve or the bottom of any such approved backflow preventer (valve body) shall constitute the critical level.

Cross-connection means any physical arrangement whereby a public water supply is connected, directly or indirectly, with any other water supply system, sewer, drain, conduit, pool, storage reservoir, plumbing fixture or other assembly which contains, or may contain, contaminated water, sewage or other waste or liquid of unknown or unsafe quality which may be capable of imparting contamination to the public water supply as a result of backflow. Bypass arrangements, jumper (swing) connections, removable sections, swivel or changeover devices, 4-way valves or other temporary or permanent devices through which, or because of which, backflow could occur are considered to be cross-connections.

Cross-connections, controlled means a connection between a potable water system and a nonpotable water system with an approved backflow preventer properly installed and tested in accordance with approved procedures that will demonstrate operational protection commensurate with the degree of hazard.

Department having jurisdiction means the administrative authority, including any other law enforcement agency affected by any provision of this Code, whether such agency is specifically named or not.

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

Hazard, degree of, is determined from an evaluation of the potential risk to public health and the adverse effect of the hazard upon the public potable water system and includes the following types:

a. *Hazard, health* means any condition, assembly or practice in the water supply system and its operation, which could create, or in the judgment of the Town Administrator, may create a danger to the health and the well-being of the water consumer. An example of a health hazard is a structural defect, including cross-connections, in a water supply system or a direct connection of a potable water supply line to a sanitary sewer.

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

backflow preventer. Unprotected plumbing-type cross-connections are considered to be a health hazard.

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

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

Industrial fluids system means any system containing a fluid or solution, which may be chemically, biologically or otherwise contaminated or polluted in a form or concentration such as would constitute a health, system, pollution or plumbing hazard if introduced into an approved water supply. This may include, but not be limited to, polluted or contaminated waters; all types of process water and "used waters" originating from the public water system which may have deteriorated in sanitary quality; chemicals in fluid form; cooling tower and/or cooling towers that are chemically or biologically treated or stabilized with toxic substances; contaminated natural waters such as from wells, springs, streams, rivers, lakes, dams, ponds, retention pits, irrigation canals or systems, etc.; oils, gases, glycerins, paraffins, caustic and acid solutions and other liquid and gaseous fluids used in industrial or other purposes or for fire-fighting purposes.

Isolation means the control of a cross-connection within a building's plumbing system by the installation of an approved backflow prevention assembly or method at or near the potential sources of pollution or contamination.

Main means the principal artery of any system of continuous piping to which branches may be connected.

Multi-story building means any building having two (2) or more levels, excluding the basement, or over forty (40) feet in height. Single-family units are excluded from this definition.

Nonpotable water means water that is not safe for human consumption or that does not meet the requirements set forth in the Colorado Primary Drinking Water Regulations. This includes water that is unsafe or unpalatable to drink because it contains pollutants, contaminants, minerals or infectious agents.

Plumbing system means and includes all potable water supply and distribution pipes, all plumbing fixtures and traps, all drainage and vent pipes, all building drains, including their respective joints and connections, devices, receptacles and appurtenances within the property lines of the premises and shall include potable water piping, potable water treating or using equipment, fuel gas piping, water heaters and vents for the same.

Pollution means an impairment of the quality of the potable water to a degree which does not create a hazard to the public health, but which does adversely and unreasonably affect the aesthetic qualities of such potable 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 to the Colorado Primary Drinking Water Regulations and be satisfactory for drinking, culinary and domestic purposes.

Submerged inlet means a water pipe or extension thereto from the public water supply terminating in a tank, vessel, fixture or appliance, which may contain water of questionable quality, waste or other contaminant, and which is unprotected against backflow.

Superintendent means the person appointed by the Town Administrator to supervise the operation of the municipal water utility and who is charged with certain duties and responsibilities by this Chapter.

Town means the Town of Georgetown.

Vacuum means any pressure less than atmospheric pressure.

Vacuum breaker is a type of backflow preventer.

Water-distributing pipe means a water-distributing pipe in a building or premises, which conveys potable water from the building supply pipe to the plumbing fixtures and other water outlets.

Water service connection means the terminal end of the municipal's service connection from the municipal water system, i.e., at the owner's stop box shutoff valve or meter. If a meter is installed at the end of the water service connection, then the *service connection* means the downstream end of the meter. There will be no unprotected takeoffs from the service line ahead of any meter or backflow preventer located at the point of delivery to the owner's water system. This shall include irrigation systems and fire sprinkler systems. Water service connection includes water service connection from a fire hydrant and all other temporary or emergency water service connections from the public potable water system.

Water supplier means any person or group owning and/or operating a public potable water supply.

Water supply system means the building supply pipe, the water distributing pipes and the necessary connecting pipes, fittings, control valves and all appurtenances carrying or supplying potable water in or adjacent to the building or premises.

Water utility main is a water supply pipe or system of pipes installed and maintained by the Town, township, county, public utility company or other public entity, on public property, in the street or in an approved dedicated easement of public or community use. (Ord. 03 §1, 2006)

13.70.050. Water system.

The municipal water system consists of the source and distribution facilities of the water system to the point of the owner's system. The source includes all components of the facilities utilized in the production, treatment, storage and delivery of water to the distribution system. The distribution system includes the network of conduits used for the delivery of water from the source to the owner's system.

The owner's system begins at the point where the water leaves the meter service connection. (Ord. 03 §1, 2006)

13.70.060. Installation.

(a) An approved backflow preventer shall be installed at or near the property line or immediately inside the structure being served; but, in all cases, before the first branch line leading off the service line wherever any of the following conditions exist:

(1) In the case of premises having an auxiliary water supply which is not or may not be of safe bacteriological or chemical quality and which is not acceptable as an additional source by the Town Administrator, the public water system will be protected against backflow from the premises by installing a backflow preventer in the service line appropriate to the degree of hazard.

(2) In the case of premises in which any industrial fluids or any other objectionable substance is handled in such a fashion as to create an actual or potential hazard to the public water system, the public water system shall be protected against backflow from the premises by installing a backflow preventer in the service line appropriate to the degree of hazard. This will include the handling of process waters and waters originating from the public water system which have been subject to deterioration in quality.

(3) In the case of premises having internal cross-connections that cannot be permanently corrected and controlled or having intricate plumbing and piping arrangements, or where entry to all portions of the premises is not readily accessible for inspection purposes making it impracticable or impossible to ascertain whether or not dangerous cross-connections exist, the public water system shall be protected against backflow from the premises by installing a backflow preventer in the service line.

(b) Backflow preventers shall be installed in an accessible location to facilitate inspection, testing and maintenance. Adequate drainage area for the backflow preventer must be provided for in the event that water is discharged. (Ord. 03 §1, 2006)

13.70.070. Inspections, testing and repair.

(a) It is the responsibility of the owner to have certified inspections and operational tests made on backflow preventers upon installation and at least once per year thereafter. The Town Administrator may require certified inspections at more frequent intervals.

(b) These inspections and tests shall be made at the expense of the owner and will be performed by a certified inspector or tester approved by the Town Administrator or his or her designee. A backflow preventer will be repaired or replaced at the expense of the owner whenever a backflow preventer is found to be defective.

(c) All equipment used in the testing of backflow preventers shall be calibrated and checked for accuracy at least yearly, and proof of compliance shall be submitted to the Town Superintendent upon request.

(d) The Town Superintendent retains the right to test or otherwise check the installation and operation of any backflow preventer at any time to assure proper installation and operation.

(e) Upon presentation of proper credentials, the Town Superintendent and any other person authorized by the Town Administrator shall have the right to enter and inspect all buildings and premises for cross-connections to determine whether hazards exist. This right of entry shall be a condition of water service in order to protect the health, safety and welfare of the people of the Town. Throughout the Town's water distribution system, where building security is required, the backflow prevention assemblies shall be located in an area not subject to security. In the event that entry is denied, the Town Administrator may seek a search warrant, terminate water service or both. (Ord. 03 §1, 2006)

13.70.080. Compliance.

(a) The compliance period for installation, inspection, and testing, or repair of backflow preventers, including air-gap ("AG"), double check valve assembly ("DC"), or reduced pressure principal assembly ("RP"), shall be as follows:

Type of Premises or Specific Application	Backflow Prevention Device	Compliance Period
<i>Existing Facilities:</i>		
Any establishment with a backflow incident (suspect occurrence or documented)	AG or RP	10 days from date of occurrence
Automotive service station or repair shop	AG or RP	60 days
Auxiliary water supply	AG or RP	60 days
Boilers; nondomestic	AG or RP	60 days
Carbonators	AG or RP	60 days
Carwash	AG or RP	60 days
Commercial service line greater than four-inch diameter	AG or RP	90 days
Food processing and packing plant	AG or RP	60 days
Greenhouse	AG or RP	60 days
Hospital, outpatient care and long-term facility	AG or RP	60 days
Hotel or lodging facility	AG or RP	60 days
Irrigation - lawn and landscaping	AG OR RP60 days	
Kennel - boarding only	AG or RP	60 days
Laboratory - clinical and chemical	AG or RP	60 days

Laundry or dry-cleaning service	AG or RP	60 days
Manufacturing and industrial facility (to be determined on an individual basis)	AG or RP	60 days
Medical office	AG or RP	60 days
Morgue and mortuary	AG or RP	60 days
Multi-storied building	AG or RP	60 days
Photographic studio and laboratory	AG or RP	60 days
School with laboratory	AG or RP	60 days
Sewage treatment plant	AG or RP	60 days
Shell business development space	AG or RP	60 days
Solar heating system with make-up water	RP	60 days
Swimming pool	AG or RP	60 days
Veterinary office	AG or RP	60 days
Water treatment plant	AG or RP	60 days
<i>New Construction:</i>		
Fire line - no chemicals added Fire line - chemicals added	AG, RP, or DC AG OR RP	Prior to Certificate of Occupancy or final inspection by the Building Division
<i>New Construction or Alteration Requiring a Building Permit:</i>		
Any establishment with a backflow incident (suspect or occurrence documented)	AG or RP	10 days from date of occurrence
Automotive service station or shop	AG or RP	Prior to Certificate of Occupancy or final inspection by the Building Division
Auxiliary water supply	AG or RP	Prior to Certificate of Occupancy or final inspection by the Building Division
Boilers; nondomestic	AG or RP	Prior to Certificate of

		Occupancy or final inspection by the Building Division
Carbonators	AG, RP or Dual Check	Prior to Certificate of Occupancy or final inspection by the Building Division
Carwash	AG or RP	Prior to Certificate of Occupancy or final inspection by the Building Division
Commercial service line greater than 4-inch diameter	AG or RP	Prior to Certificate of Occupancy or final inspection by the Building Division
Fire line - chemicals added Fire line – no chemicals added	AG OR DC OR RP AG or RP	Prior to Certificate of Occupancy or final inspection by the Building Division
Food processing and packing plant	AG or RP	Prior to Certificate of Occupancy or final inspection by the Building Division.
Greenhouse	AG or RP	Prior to Certificate of Occupancy or final inspection by the Building Division
Hospital, outpatient care and long-term facility	AG or RP	Prior to Certificate of Occupancy or final inspection by the Building Division
Hotel and lodging	AG or RP	Prior to Certificate of Occupancy or final inspection by the Building Division
Irrigation - lawn and landscaping	AG OR RP	Prior to Certificate of

		Occupancy or final inspection by the Building Division
Kennel - boarding only	AG or RP	Prior to Certificate of Occupancy or final inspection by the Building Division
Laboratory - clinical and chemical	AG or RP	Prior to Certificate of Occupancy or final inspection by the Building Division
Laundry and cleaning service	AG or RP	Prior to Certificate of Occupancy or final inspection by the Building Division
Manufacturing and industrial facility (to be determined on an individual basis)	AG or RP	Prior to Certificate of Occupancy or final inspection by the Building Division
Medical office	AG or RP	Prior to Certificate of Occupancy or final inspection by the Building Division
Morgue and mortuary	AG or RP	Prior to Certificate of Occupancy or final inspection by the Building Division
Multi-storied building	AG or RP	Prior to Certificate of Occupancy or final inspection by the Building Division
Photographic studio and lab	AG or RP	Prior to Certificate of Occupancy or final inspection by the Building Division
School with laboratory	AG or RP	Prior to Certificate of

		Occupancy or final inspection by the Building Division
Sewage treatment plant	AG or RP	Prior to Certificate of Occupancy or final inspection by the Building Division
Shell business development space	AG or RP	Prior to Certificate of Occupancy or final inspection by the Building Division
Solar heating system with make-up water system	RP	Prior to Certificate of Occupancy or final inspection by the Building Division
Swimming pool	AG or RP	Prior to Certificate of Occupancy or final inspection by the Building Division
Veterinary office	AG or RP	Prior to Certificate of Occupancy or final inspection by the Building Division
Water treatment plant	AG or RP	Prior to Certificate of Occupancy or final inspection by the Building Division

Unless otherwise noted in this Section, compliance periods are from the date this Section becomes effective.

(b) The owner of any building or facility not listed in the foregoing table may be required by the Town Superintendent to install a backflow preventer as provided in Section 13.70.060 of this Code if the Town Superintendent determines that the water supply system or contaminants in the system present a hazard. The Town Superintendent will determine the compliance period and backflow preventers required. (Ord. 03 §1, 2006)

13.70.090. Reporting and recordkeeping.

(a) The certified backflow prevention inspector or tester will report on approved report forms the results of inspections, tests and maintenance to the Town Superintendent and the water property owner. This report will be submitted to the Town Superintendent within five (5) days following the completion of the inspection, test or maintenance of the backflow preventer.

(b) The certified inspector or tester shall also, on a form approved by the Town, attach a card or tag to the backflow preventers following each inspection, test or maintenance activity to document and date the activities performed.

(c) The certified inspector, the property owner and the Town Superintendent shall keep records of all inspections, tests or maintenance activities, including materials and replacement parts, for a period of not less than three (3) years. (Ord. 03 §1, 2006)

13.70.100. Backflow prevention devices.

(a) Only approved backflow prevention assemblies shall be used.

(b) Each backflow prevention assembly must have a unique serial number attached to the backflow preventer by the manufacturer.

(c) Any backflow prevention assembly already installed, which is not an approved backflow prevention assembly under the provisions of this Chapter, shall be replaced with an approved backflow prevention assembly within ninety (90) days after adoption of this Chapter, unless the backflow prevention assembly fails an annual operational test. If the backflow prevention assembly fails any such test, it will be replaced with an approved backflow prevention assembly in accordance with Sections 13.70.060 and 13.70.070 of this Chapter.

(d) The following references have been approved by the Town Administrator for testing, certifying and approving backflow prevention assemblies:

(1) The American Society of Sanitary Engineering, 901 Canterbury, Suite A, Westlake, OH 44145.

(2) The University of Southern California Foundation for Cross-Connection Control and Hydraulic Research, University of Southern California, KAP-200 University Park MC-2531, Los Angeles, CA 90089-2531.

(3) American Water Works Association Standards C510 and C511, 6666 West Quincy Avenue, Denver, CO 80235.

The Town Administrator may create a list of additional approved references.

(e) Backflow prevention assemblies that may be subjected to back-pressure or back-siphonage that have been fully tested and granted a seal of approval and are listed on the current list of "approved backflow prevention assemblies," and newly installed backflow prevention assemblies which have been inspected and installed to the satisfaction of the Town Administrator, are deemed to be in compliance with this Chapter. (Ord. 03 §1, 2006)

13.70.110. Violation.

(a) It shall be unlawful to fail to comply with any provision of this Chapter. Any person who violates any provision of this Chapter shall be subject to the penalties set forth in Chapter 1.24 of this Code. Each day that such violation occurs or continues shall constitute a separate offense.

(b) Failure of the customer to cooperate in the installation, maintenance, testing or inspection of backflow preventers required by this Chapter, or who violates any provision of this Chapter, shall be subject to the penalties set forth in Chapter 1.24 of this Code, and after notice and hearing, may be subject to termination of water service.

(c) Service of water to any premises may be discontinued if unprotected cross-connections exist on the premises. The water service may be discontinued if the backflow preventer has been removed or bypassed or when any defect is found in an installed backflow preventer. Service shall not be restored until such conditions or defects are corrected.

(d) Discontinuance of water service may be summary, immediate and without written notice whenever, in the judgment of the Town Administrator, such action is necessary to protect the public potable water supply or the distribution system from an imminent threat to public health. (Ord. 03 §1, 2006)

13.70.120. Variances.

(a) In the event that strict application of the requirements of this Chapter would inflict an unnecessary and unreasonable hardship and unreasonable practical difficulty upon the owner, and other means of accomplishing the purposes of this Chapter are available, then the owner may seek and be granted a variance from that portion of the regulations creating the hardship and unreasonable practical difficulty. Additional expense alone shall be insufficient to create a hardship and unreasonable practical difficulty for purposes of this Section.

(b) The owner shall submit a request for a variance to the Town Administrator on a form prescribed by the Town Administrator. The Town Administrator may submit the application to staff for review and comment. The Town Administrator shall review the variance application for completeness and in light of the purposes of this Chapter and departmental staff comments and recommendations. The Town Administrator may grant the application, grant the application with conditions or deny the application. The grounds for denial shall be specified in writing.

(c) The Town Administrator may approve the application for variance if he or she finds all of the following:

(1) Special circumstance (such as physical limitations on construction, or inaccessibility of utility lines) that are not common to the structures or buildings as they currently exist, such that strict compliance with this Chapter would be impractical because of the physical nature of the building or structure; and

(2) There is an alternative identifiable, viable and verifiable means to protect the municipal water system from contamination or pollution by backflow from the owner's internal distribution system or water system; and

(3) The variance is not needed as a result of the actions of the owner or because of the owner's failure to otherwise comply with the requirements of this Chapter.

(d) A variance shall not be permanent, but shall lapse or be terminated under any of the following conditions:

(1) The building or structure to which the variance applies remains uncompleted or unoccupied for more than one hundred eighty (180) consecutive days after issuance of the variance;

(2) The building or structure is demolished, or undergoes a substantial remodeling that does or could alleviate the conditions giving rise to the original variance;

(3) The owner fails to comply with the conditions or requirements of the variance, or fails to comply with any other requirement of this Chapter not otherwise excused or abated by the variance;

(4) The owner modifies or alters the owner's internal water or distribution system as approved by the Town variance without first obtaining approval by the Town.

(e) Except for the matters provided for in the variance, an owner shall not be otherwise excused from compliance with the requirements of this Chapter as a consequence of grant of a variance. (Ord. 03 §1, 2006)

13.70.130. Non-Town-owned water systems.

(a) Any owner receiving water service from a non-Town-owned water system located entirely or partially within the Town boundaries shall have all cross-connections controlled and backflow prevention that is comparable to that which is otherwise required in this Chapter.

(b) No certificate of occupancy shall be issued for any new construction, or for substantial reconstruction of any existing building or structure, unless the owner presents evidence of compliance with this Chapter. *Substantial reconstruction* shall mean any construction for which a building permit is required by the Town. The Town Administrator shall promulgate the form of, and require completion of, a certificate of compliance which the owner shall present to the Town prior to, and as a condition of, issuance of a certificate of occupancy.

(c) In lieu of a certificate of compliance promulgated by the Town, the Town Administrator may accept a verified certificate of compliance or comparable document issued by the directors or managers of the non-Town-owned water system, which document attests that a backflow prevention assembly acceptable to the owner of the water system has been duly installed. Provided that the document is authentic and provides the information otherwise required by the Town for issuance of a certificate of occupancy, the Town Administrator may accept such alternate proof of compliance.

(d) In addition to examination of the written documentation of compliance, the Town Administrator may require that any backflow prevention assembly be physically inspected by the Town prior to issuance of a certificate of occupancy. The Building Inspector may deny issuance of a certificate of occupancy if the backflow prevention assembly is not properly installed, tested and operational at the time of inspection. The owner shall be required to submit copies of any test of the backflow prevention assembly to the Building Inspector for examination prior to issuance of a certificate of occupancy. (Ord. 03 §1, 2006)

