

Title 13

PUBLIC SERVICES

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Chapter 13.04

WATER AND SEWER RATES

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13.04.001    Definitions.

A.    Classification of Customers. For the purpose of levying fair, reasonable, uniform and equitable charges, the following classifications and appropriate definitions are provided:

1.    "Equal quantity ration (EQR)" means that amount of water, in gallons per day, required by a single-family residence (average on a peak day, two hundred thirty gallons per day.
2.    "Exchange rate," as used within this title, means that a single EQR is equivalent to .000357 cubic foot per second (c.f.s.) of final adjudicated water for computation purposes.

3. "Final adjudicated water" means that amount of water, in c.f.s., as adjudicated by the water court.

4. "Single-family dwelling" shall be construed as a living unit suitable for occupancy of one or more individuals of a family, and forming a separate and unattached structure from any other dwelling unit.

5. "Convenience unit" means a separate dwelling unit situated in or attached to a single-family residence. Qualification of a convenience unit will be determined by the board on a case-by-case basis.

6. "Multiple-family dwelling" shall consist of a single structure or structures otherwise unattached to any other dwelling unit, and wherein more than one family unit exists. Examples of multiple-family dwellings shall include, but are not limited to, apartments, condominiums and duplexes.

7. Hotel, Motel, Lodge or Bed and Breakfast. A "hotel, motel or lodge" shall be defined as a unit providing overnight sleeping facilities for transient usage. The charges shown in this chapter for hotel, motel or lodge units shall be charges levied for sleeping accommodations, with or without kitchens but do not include or reflect charges for attendant facilities included at the hotel, motel or lodge, such as, but not limited to, restaurants, bars, swimming pools, automatic laundries, etc. The charges shown in this chapter shall be on a per room basis.

8. "Retail business outlet" means any structure providing for normal commerce or business services, except for those business services otherwise defined in this chapter, and where said outlet is provided only with the required sanitary convenience for the personnel employed at that business outlet. Where more than one business outlet is used in one structure, the board, at its sole discretion, shall determine the number of equivalent business outlets used therein.

9. "Cafes, restaurants, bars and private clubs" means and includes any establishment providing food or beverage service to the general public or to private membership, and whereby charges for such service of goods and beverages are secured. Such units shall be classified by the seating capacity in increments of twenty individual seats.

10. "Filling stations and garages" means service outlets providing for the servicing of vehicular units. Under the basic definition of filling stations and garages, no provision is made for automatic washing or wash rack facilities. The charges established therefor are for filling stations and garages without washing facilities.

The definition shown herein, and the charges provided for filling stations and garages, do not apply to automatic or mechanical auto or vehicular washing facilities for which special charges shall be determined by the town.

11. "Public laundries," as used in this chapter, means coin-operated laundries and drying facilities for clothing and textile usage.

12. "Schools" means any private or public institution established and utilized for the instruction of any individuals.

Charges may be based on student enrollment as determined from the school records and representing the average enrollment during the last full school year, or projected annually if new school.

13. "Hospitals" means either private or public institutions with overnight facilities provided for serving of patients. Charges shall be based on a per bed basis.

14. Pool. Based on pool volume in twenty thousand gallon increments or fraction thereof.

B. Classification of Accounts for Differential Charges.

1. "Residential account" means an individually metered service account, whose sole customer is the owner. The facility shall be for single-family occupancy and for a single purpose. The property shall have one less EQR allocated to it.

2. "Commercial account" means any other purpose, purposes or combination of purposes which has allocated to it one or more EQRs. The purposes may be separately or collectively metered. (Ord. 168 (part), 1992)

13.04.003 Main line extension. A. Compliance with Rules and Regulations. The requirements of these rules and regulations, including engineering standards, are applicable to the construction of all main line extensions.

B. Main Line Extensions by the Town. The town has the right to construct all main lines within the town. Developers who desire to construct such main lines prior to the date planned by the town for construction, may do so as provided in subsection D of this section.

C. Procedure for Main Line Extension by the Town. The town may construct any main lines, if the board deems it in the best interest of the town to do so. All main line extensions which are so authorized shall be bid, as provided by state law, and contracted for by the board, with the contractor installing the main lines being responsible to the board. The town, through its engineer, shall supervise construction activity and coordinate all matters pertaining to the completion of the subject project, including periodic and final payments to the contractor, inspection, and as-constructed drawings. The town at its discretion may install its own lines with its own equipment and personnel.

Performance and payment bonds equal to the contract price, at a minimum, shall be furnished to the town by the contractor on all construction contracted by the town. All main lines constructed shall be accepted by the town upon completion of construction, subject to a one-year warranty period during which the contractor shall promptly, without cost to the town, correct any defective work.

Contractors who have completed construction of main line extensions shall, before the main lines are accepted

by the town, deed the main lines and all appurtenances to the town, free and clear of all liens and encumbrances, and furnish to the town bonds which shall cover all maintenance for one year from the date of acceptance of the main lines by the town. Prior to the acceptance of the main lines by the town, the contractor shall provide the town with reproducible as-built drawings.

D. Procedure for Main Line Extension by Developers. The town has no obligation to extend any main line. At the discretion of the board, the board may permit a developer (applicant) to construct, at the sole expense of the applicant, main lines prior to their construction by the town. The applicant shall enter into written main line extension agreement with the town. The town assumes no responsibility for the processing of, or decision not to process, an application for main line extension before the Colorado Department of Health or any other agency. The decision to process or not to process such application rests solely with the applicant, and the town assumes no responsibility or liability for that decision.

1. All applicants desiring to construct a main line within the town shall first make formal application to the town for approval. This application shall be in writing, and shall contain a legal description of the property to be served by the main line and plans for such extension. Said plans shall be reviewed for compliance with the town's specifications (engineering standards) and with other specifications and requirements appropriate to the situation. The cost of such review for compliance shall be borne by the applicant.

2. Prior to the execution of the main line extension agreement with the town, the applicant shall deposit with the town an amount sufficient to compensate the town for engineering fees, legal fees, and other costs, except direct construction costs, anticipated to be incurred by the town as a result of the application and the construction of the main line. This amount shall be a minimum of five hundred dollars, but may be a greater sum if the board determines that a greater sum is necessary. Any portion of the deposit not utilized shall be refunded to the applicant.

3. All contracts entered into by the applicant for construction of any part of a main line shall be assignable to the town. All such contracts that an applicant proposes to assign to the town shall include performance and payment bonds to be issued by the contractor to the town. Said bonds shall be, at a minimum, equal to the contract price for the construction contracted for by the applicant. All main lines shall be constructed according to applicable town, county and state specifications. All main line extensions within the town shall be made under the supervision of the town engineer and/or inspector, at the

applicant's expense. Similarly, all daily inspection fees on mains required by any governmental agency shall be paid by the applicant.

4. All special structures, such as pumping stations, pressure-reducing valves, meter vaults, etc., required to ensure proper operation of the extensions, shall be constructed from the designs of the town's engineers or such other engineers as may be approved by the board.

5. The applicant shall be responsible for "oversizing" main line extensions, as required by the town.

6. Applicants who have completed construction of main lines shall, before the main lines are accepted by the town, deed the main lines and appurtenances to the town, free and clear of all liens and encumbrances, and furnish to the town bonds which shall cover all maintenance for one year from the date of acceptance of the main lines by the town. Prior to the acceptance of the main lines by the town, the applicant shall provide the town, with (a) all easements necessary accompanying the main lines; (b) reproducible as-built drawings; and (c) a statement of the certified costs of the main lines.

7. No reimbursement or recovery of costs shall be permitted for main line extensions, except as provided by existing contracts. The town shall, in its sole discretion, determine when reimbursement may be made, if any is required under previous agreements, for main line extensions.

E. Main Line Sizes. The size of the main line required to serve any area served by the town shall be determined by the town.

F. Locations of Main Line Extensions. Main lines shall be installed in roads or streets which the county, State Highway Department, or other public agency has accepted for maintenance as a public right-of-way, as well as in easements granted to the town. Where required facilities must cross land not being subdivided, or where such land is under the applicant's control for the granting of public rights-of-way, each applicant who desires service will, in consultation with, and with the approval of the town, plat and grant to the town appropriate rights-of-way and easements in which will be constructed such facilities.

G. Areas Outside Original District Limits. This category includes all areas outside the original town limits and whose owners petition for utilities. Normally such service will only be provided when the areas are included within the town, or agree to petition for inclusion at an appropriate time determined by the board.

Procedures to be followed for providing service to these areas can be found in Title 17 of this code. (Ord. 168 (part), 1992)

13.04.004 Connection fees.

A. "Water taps," as used in this section, means the tapping to the town distribution lines. The town shall be responsible for supplying and installing the meter pit, meter, meter yoke, shutoff valve and all necessary plumbing from the main to the property line being serviced.

B. "Sewer taps," as used in this section, mean the tapping into the town's collection line. The town shall be responsible for supplying and installing the "Y" connection and all necessary plumbing from the property line being serviced to the sewer main.

C. The connection fee for each water and sewer connection shall not be less than the following:

1. Water: three-fourths inch, \$1,000.00;
2. Sewer: four inch, \$500.00.

D. Any tap requiring extraordinary expense for installation shall be an additional fee for the actual expense incurred by the town in installing the tap.

E. Denial of Application. The town reserves the exclusive right to deny application for service when, in the opinion of the board, the service applied for would create an excessive demand on the facilities and/or financial burden to the town. Denial may also be based upon an unresolved obligation between the town and the applicant, inadequate documentation of easements for main lines, serving the property, or any other reason as determined by the board. (Ord. 208 (part), 2001; Ord. 168 (part), 1992)

13.04.005 Tap fees.

A. 1. A charge of four thousand dollars per EQR shall be made by the town for each and every tap off the water main within the corporate limit of the town.

a. A charge of twelve thousand dollars shall be made, by the town, for each and every tap granted off the water main for use on building sites created by the subdivision of other previously platted lots or any unplatted lots or parcels within the corporate boundaries.

2. All applications for such taps are subject to review by all members of the board of trustees. The applicant shall connect to the shutoff valve and shall pay all costs of material and labor for the connection.

B. A charge of two thousand dollars per EQR shall be made by the town for each and every tap off the sewer main.

The applicant shall connect at the "Y" connection and shall pay all costs of material and labor for the "Y" connection. All applications will be reviewed by the board of trustees.

1. A charge of six thousand dollars shall be made for each and every tap granted off the sewer main for use on building sites created by the subdivision of previously platted lots or any unplatted lots or parcels within the corporate boundaries.

C. All applications for taps larger than three-fourths inch require prior approval and resolution by the board of trustees of the town. An EQR value shall be assigned by the board of trustees of each tap larger than three-fourths inch.

D. Water and Sewer Taps Granted to Lots Created by Subdivision of Previously Platted Lots or any Unplatted Lots or Parcels. Water and sewer taps granted to lots created by subdivision of previously platted lots or any unplatted lots or parcels within the corporate boundaries shall be assessed a tap fee equal to the current residential tap fee multiplied by a factor of three. (Ord. 227 (part), 2004; Ord. 208 (part), 2001; Ord. 168 (part), 1992)

#### 13.04.006 Payment of fees.

A. Any water or sewer tap fee is due within thirty days of approval by the town board. If a check is not able to be reduced to good funds within ten days of deposit by the town, the application is to be treated as void and the town board's approval shall be deemed to be automatically withdrawn. The applicant shall have the right to apply again for a permit and the town board may consider the circumstances of the previous application in approving or denying the application. (Ord. 190 (part), 1997)

#### 13.04.010 Nonmetered water rate schedule.

Nonmeter water rates shall be as follows:

A. Single-family residence: one-half-inch tap, thirty dollars per quarter;

B. Single-family residence: three-fourths-inch tap, sixty dollars per quarter;

C. Multifamily dwelling: single-family rate multiplied times number of units within the multifamily dwelling;

D. All others: thirty dollars per quarter.  
(Ord. 168 (part), 1992)



13.04.020 Metered water rate schedule.

A. Water used will be three dollars per one thousand gallons.

B. Additional gallons per EQR: six dollars per one thousand gallons from six thousand one gallons to sixteen thousand gallons; nine dollars per one thousand gallons over sixteen thousand gallons.

C. The minimum monthly debt service and/or fixed costs and depreciation fee shall be twenty-six dollars and eighteen cents per month, per EQR and is payable monthly whether or not the customer's water supply to any premises is turned off for any reason. (Ord. 236, 2007)  
(Ord. No. 259, § 1, 12-21-2010; Ord. No. 261, § 1, 5-17-2011; Ord. No. 264, §§ 1, 2, 4-3-2012)

13.04.030 Setting of meters.

A. The town shall meter, or cause to be metered, all new taps made to the town water distribution system. The board may, at its discretion, allow certain taps to remain unmetered as a service to the public.

B. Any user may request that a water meter be installed at his tap and that he be charged for water usage pursuant to the meter rates. The appropriate connection fee shall be paid by the applicant.

C. Pressure at the meters shall be controlled ahead of the meter by installation of any approved pressure-reduction device, with strainer, factory preset at not more than fifty psi. (Ord. 168 (part), 1992)

13.04.040 Billings.

A. Bills for service shall be rendered monthly.

B. Water meter readings shall be taken monthly, except during inclement months when it may be necessary to estimate at the established monthly minimum. When a bill is estimated at a monthly minimum, the bill shall include the word "estimated" printed on the customer receipt portion of the bill.

C. All accounts are due and payable at the office of the town clerk.

D. 1. All accounts shall become due by the fifteenth day of each month and delinquent if not paid in full by the twentieth day of each month. Delinquent accounts shall be assessed a delinquent charge not to exceed the amount of fifteen dollars or up to five percent per month or fraction

thereof not to exceed a total of twenty-five percent of the amount due, whichever is greater, and no more than this amount may be collected on any amount due regardless of

thereof not to exceed a total of twenty-five percent of the amount due, whichever is greater, and no more than this amount may be collected on any amount due regardless of the period of time during which the amount due remains in default. These limitations apply to each month as an individual charge due.

2. If for any cause any service fee shall become delinquent for more than thirty days, the service shall be turned off, unless arrangements for payment have been made in writing with the town clerk prior to the shut-off date. Notwithstanding the above, any arrangements for payment made in writing with the town clerk shall not extend beyond one full year from the original date that such account became delinquent.

3. The town clerk shall give written notice of any proposed discontinuance of service by either first class mail to the last known address of the service user, or personal service, at least ten days prior to the proposed date of discontinuance of service. The notice, at a minimum shall advise the service user of his/her right to request a hearing in writing with the town clerk within ten days of the date of the notice, protesting the proposed discontinuance of service. Should the service user file a written request for hearing within this time period with the town clerk, the town clerk shall hold the hearing as soon as practicable. Following the hearing, the town clerk shall issue a decision as to whether the discontinuance of service is justified. If the discontinuance of service is upheld, the town shall have the right to discontinue service within twenty-four hours of issuance of the decision. Any service user who fails to request a hearing waives the right to protest the discontinuance of service.

4. In the event that a notified service user fails to pay his delinquent bill by the shut-off date, and the maintenance department has shut off the service at the meter, the meter will not be turned back on until the fee established by resolution of the board of trustees, as well as all delinquent charges against the account have been paid.

5. A fee as established by resolution of the board of trustees will be charged by the town to have any meter turned off and/or on or otherwise checked. This charge does not apply to meters that are turned off and/or on due to repairs.

6. Equivalent Unit Schedule (EQR). All rates, fees and charges for service provided by the town shall be based upon Appendix A, set out at the end of this chapter. The charge for a specific service shall be computed by determining the EQR value of the service. However, no single service shall be assigned a value less than 1.0 EQR, except as expressly set forth in the following EQR schedule. If no class of user exists for a particular use, then the board shall determine an EQR value for the particular use.

E. Existing unmetered water taps which are incapable, without installation of meter apparatus, of delivering water to the owner, shall not be subject to monthly minimum usage fees; however, debt service charge will be charged on all taps.

F. Continuance of Service Fee. All rates, fees and charges for service provided by the town shall continue to be paid by the customer even after disconnection of the customer's water or sewer line from the town facilities. A customer may be released from the obligation to pay all rates, fees and charges for service provided by the town, if and only if, an actual disconnection of the customer's water and sewer private service line from the town facilities, and upon reconnection to the town facilities, the customer shall pay all applicable tap and connection fees.

G. Any water and sewer tap fees or monthly service fees that are delinquent may be referred to the town clerk or town attorney for collection in the municipal court or any competent court of record or such unpaid fees and charges may be certified by the town clerk to the board of county commissioners and shall become a lien upon the real property so served. The costs and fees (including reasonable attorney fees) associated with collection may be included in the amount due. The amount due shall be collected as if part of the taxes (refer in part to C.R.S. 31-35-617). (Ord. 227 (part), 2004; Ord. 200, 1999; Ord. 190 (part), 1997; Ord. 168 (part), 1992)  
(Ord. No. 251, §§ 8, 10, 6-16-2009)

13.04.041 Sewage.

A. The sewage service fee per EQR shall be sixteen dollars per month.

B. The minimum monthly debt service and/or capital reserve fee will be nineteen dollars and eighty-two cents per month per EQR.

C. The minimum monthly service fee, debt service and/or capital reserve fee shall be charged and is payable monthly whether or not the customer's sewer supply to any premises is turned off for any reason. (Ord. 208 (part), 2001; Ord. 168 (part), 1992) (Ord. No. 259, § 2, 12-21-2010; Ord. No. 294, § 1, 1-17-2017)

13.04.050 Extra-territorial water service.

A. There exists as of the passage of the ordinance codified in this section several extra-territorial water customers. Should the owner or the occupant of the premises desire additional service, fixtures or expand their use, or to apply the water for a purpose not stated at the time of the original connection to the system, or as being used as of the passage of the ordinance codified in this section, permission must be obtained therefor. Any expansion shall only be allowed pursuant to the provisions contained in Title 17, Subdivisions, of this code.

B. When additional fixtures are added or the use expanded and not reported or applied for, the user is subject to disconnection from the town's water system. (Ord. 168 (part), 1992)

13.04.060 Separate connections required.

Two or more separate premises cannot be supplied from one and the same connection unless provided with separate shutoff cocks located on the public street right-of-way line. (Ord. 168 (part), 1992)

13.04.070 Service by regulation.

No customers shall be permitted to conduct water pipes across lots or buildings to adjoining premises without permission of the town. Service must include all improvements on the property with no cross-connections to any other supply. Service pipes must be laid at least five feet below the surface of the ground. The town shall not be responsible for the service pipes and fixtures. All owners, at their own expense, must keep service pipes and lines from their property line to the residence or structure, and all related apparatus in good working order and properly protected from frost and other disturbances. No claims shall be made against the town on account of breaking of service pipes or apparatus for failure in the supply of water. No

reduction in rates will be made for any kind of part or  
fixture that may be frozen, leaking, or malfunctioning.

(Ord. 168 (part), 1992)

(Ord. No. 258, §§ 4, 5, 12-21-2010)

13.04.080 Regulation of water use.

In case of water shortage or scarcity, the board may, by resolution, place restrictions it deems necessary upon the use of water for any purpose. (Ord. 215, 2002)

13.04.090 Water account--Name of owner.

All accounts for water shall be kept in the name of the owner of the property and not in that of the tenant; and the owner only, or duly authorized agent, shall be held responsible for water fees. (Ord. 168 (part), 1992)

13.04.110 Expiration of water and sewer tap permits.

A. For all taps issued after June 1, 1997, if any proposed activity for which a water or sewer tap permit is issued pursuant to this chapter is not connected within three hundred sixty-five days from the date of issuance of such permit, the permit shall expire and become void, and fees paid shall be forfeited and nonrefundable and may not be applied to subsequent applications for water and sewer service. (Ord. 190 (part), 1997)

13.04.120 Damaging structures or equipment.

It shall be unlawful for any person to maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is part of the Town's water system including, but not limited to, water mains, water lines, and water taps or water meters.

(Ord. No. 258, § 2, 12-21-2010)

## APPENDIX A

## FEES, RATES AND CHARGES

Tap Fee Rate Per EQR	Water	\$ 4,000.00
	Sewer	\$ 2,000.00
Building sites created by subdivision of lots within corporate boundaries	Water	\$12,000.00
	Sewer	\$ 6,000.00
THE FOLLOWING EQUIVALENT UNIT SCHEDULE (EQR) IS ESTABLISHED FOR THE VARIOUS CAPACITY ALLOCATIONS		
Residential unit		1.00
Single-family living unit with kitchen and bathrooms.		
Multifamily unit (per unit)		1.00
Fixed mobile home park (per space)		0.50
Convenience unit (per unit)		0.50
Hotel, motel, lodge unit, bed and breakfast		
With kitchen (per unit)		0.20
Without kitchen (per unit)		0.15
Restaurant/bar (less than 20 seating capacity)		1.20
After first 20 seats, EQR value set by board of trustees review		
Retail, commercial business		
Minimum for each building/customer 1,500 square feet or less per building area		1.00
For each additional 1,000 square feet building area or part thereof, an EQR value set by the board of trustees review		
Auto service station		1.00



Car wash, coin and self-operated (per bay)	0.40
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Public laundry (per standard machine)	0.70		
Swimming pool			
Per 20,000 gallons or fraction thereof but not less than 1.0 EQR	1.00		
Transient campground, RV and trailer sites			
Per site with water and sewer	0.20		
Per site with water only	0.15		
Per site without water or sewer	0.10		
Hairdresser (per station)	0.40		
Hot tub			
Private--in conjunction with single-family residence	0.00		
Public--associated with guest/owner recreational area as found in multifamily, hotel, motel, lodge areas (per unit)	0.10		
TURN-ON FEE	\$25.00	CONNECTION FEE--WATER	\$1,000.00
TURN-OFF FEE	\$25.00	SEWER	\$ 500.00

(Ord. No. 258, § 6, 12-21-2010)

Chapter 13.08

SEWER SYSTEM REGULATIONS

Sections:

- 13.08.010 Definitions.
- 13.08.020 Connection with sanitary sewer required.
- 13.08.030 Private sewage disposal systems.
- 13.08.035 Connection to town systems.
- 13.08.040 Excavations.
- 13.08.050 Nonacceptable wastes prohibited.
- 13.08.060 Grease, oil and sand interceptors.
- 13.08.070 Abandoning building connection.
- 13.08.080 Excrement.

- 13.08.090 Discontinuance of service.  
 13.08.100 Damaging structures or equipment.  
 13.08.110 Violation--Penalty.

13.08.010 Definitions.

For the purpose of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

- A. "Nonacceptable waste" means:
1. Any gasoline, benzine, naphtha, fuel oil, or any other flammable or explosive liquid, solid or gas;
  2. Any garbage that has not been properly shredded;
  3. Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plaster, wood, grit, brick, cement, onyx, carbide or any other solid or viscous substance capable of obstruction of the flow of the sewers or any other interference with the proper operation of the sewer lines or sewage works;
  4. Any water or waste with a corrosive property capable of causing damage or hazard to structures, equipment or personnel of the sewage works;
  5. Any water or waste containing a toxic or poisonous substance in sufficient quantities to injure or interfere with sewage process, constituting a hazard to humans or animals or creating any hazard in the receiving waters of the sewage treatment plant;
  6. Any water or waste containing suspended solids of such a character or quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant.
- B. "Sanitary sewage" means the waste from water closets, urinals, lavatories, sinks, bathtubs, showers, household laundries, cellar or basement floor drains, bars, soda fountains, cuspidors, refrigeration drips, drinking fountains and any other waterborne waste not constituting an industrial waste. (Ord. 168 (part), 1992)

13.08.020 Connection with sanitary sewer required.

- A. No person shall maintain within the town any privy vault, septic tank, cesspool or other facility intended for use for disposal of sewage, except for the use of a private sewage disposal system as provided in Section

13.08.030. Effective May 28, 1988, all sanitary sewer service connections shall be equipped with an approved check valve to prevent backup of sewage in the sewer main into the service connection.

B. Denial of Application. The town reserves the exclusive right to deny application for service when, in the opinion of the board, the service applied for would create an excessive demand on the facilities and/or financial burden to the town. Denial may also be based upon an unresolved obligation between the town and the applicant, inadequate documentation of easements for main lines serving the property, or any other reason as determined by the board. (Ord. 168 (part), 1992)

13.08.030 Private sewage disposal systems.

A. Where a public sanitary sewer is not available within the town or in any area under the jurisdiction of the town, the building sewer shall be connected to a private sewage disposal system complying with the provisions and recommendations of the Colorado Department of Health. Such private sewage disposal system shall be constructed, maintained and operated at all times in a sanitary manner. At such time as a public sewer becomes available to property served by a private sewage disposal system, a direct connection shall be made to the public sanitary sewer and any septic tank, cesspool or similar sewage disposal facilities shall be abandoned and filled with suitable material.

B. The customer shall connect to the town system when a sewer main is within four hundred feet of his property line and to pay a tap and connection fee when the main is installed. (Ord. 168 (part), 1992)

13.08.035 Connection to town systems.

No sewage disposal system shall be constructed within the town unless it is connected with a town sewer main. The board may grant specific authorization for an exemption only if the following conditions are met:

A. Extension to the town's sewer system would create an unreasonable financial burden;

B. A private disposal system is constructed to meet all the State Health Department standards. (Ord. 168 (part), 1992)

13.08.040 Excavations.

It shall be unlawful for any person to open, uncover or in any manner make connection with any sewer main or line of the town, or to lay drain or sewer pipes on any premises or in any street or alley in the town without first obtaining permission therefor from the town board of trustees. (Ord. 168 (part), 1992)

13.08.050 Nonacceptable wastes prohibited.

The discharge of nonacceptable wastes into the town sewer system, whether directly or indirectly, is prohibited, and where investigation reveals the presence in the system of nonacceptable wastes emanating from any lot, land, building or premises, the owner, lessor, renter or occupant of such lot, land, building or premises shall be at his own expense required to treat, neutralize or in other ways prepare the noxious substance therein to the satisfaction of the town board of trustees, in order to convert the same into acceptable waste. (Ord. 168 (part), 1992)

13.08.060 Grease, oil and sand interceptors.

Grease, oil and sand interceptors shall be provided when in the opinion of the town board of trustees they are necessary for the proper handling of any liquid waste containing grease in excessive amounts or any flammable waste, sand or any other harmful ingredients; except, that such interceptor shall not be required for private living quarters or dwelling units. All interceptors shall be a type and capacity approved by the town board of trustees, and shall be located as to be readily and easily available for cleaning and inspection. (Ord. 168 (part), 1992)

13.08.070 Abandoning building connection.

No person shall abandon any building connection without first obtaining permission therefor. Such building connection shall be effectively sealed with a suitable stopper inserted in the bell of the sewer extending to the property line. No person shall dig up or cause to be dug up any street or alley in the town for the purpose of connecting with the sewer system of the town, without first obtaining permission, and no person having permission shall dig up any portion of any street or alley of the town for the purpose of connecting with the sewer system of the town and

fail or neglect to place the street or alley in its original condition. (Ord. 168 (part), 1992)

13.08.080 Excrement.

No person shall deposit or permit to be deposited in any unsanitary manner upon public or private property within the town or within any area within the jurisdiction of the town any human or animal excrement. (Ord. 168 (part), 1992)

13.08.090 Discontinuance of service.

The town may, without notice, discontinue the sanitary sewer service to any premises discharging nonacceptable wastes into the sanitary sewer system. (Ord. 168 (part), 1992)

13.08.100 Damaging structures or equipment.

It shall be unlawful for any person to maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is part of the Town's sanitary sewer and sewage works including, but not limited to, sewer mains, or sewer service lines. (Ord. 168 (part), 1992)  
(Ord. No. 258, § 3, 12-21-2010)

13.08.110 Violation--Penalty.

A. Any person found to be violating any provision of this title shall be served by the town with a written notice stating the nature of the violation and providing a reasonable time limit for the correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

B. It is unlawful for any person to continue to violate any provision of this title after the expiration of the time limit provided for in the written notice as provided for in subsection A. above.

C. Any person violating any of the provisions of this title shall become liable to the town for any expense, loss or damage occasioned the town by reason of such violation. (Ord. 168 (part), 1992)  
(Ord. No. 250, § 11, 6-16-2009)

Chapter 13.12SEWER ENTERPRISE\*Sections:

- 13.12.010 Establishment of enterprise.
- 13.12.020 Governing body.
- 13.12.030 Maintenance of enterprise status.
- 13.12.040 Issuance of bonds.
- 13.12.050 Enterprise fees and charges.
- 13.12.060 Sewer enterprise annual budget.
- 13.12.070 Sewer revenue fund established.
- 13.12.080 Ratification and approval of prior actions.

13.12.010 Establishment of enterprise.

There is hereby established the "Town of La Veta Sewer Enterprise" (the "enterprise"). The Enterprise shall consist of the town's sewer and wastewater operations and properties, now owned or hereafter acquired, whether situated within or without the town boundaries, including all present or future improvements, extensions, enlargements, betterments, replacements, or additions thereof or thereto. The enterprise shall have all of the authority, powers, rights, obligations, and duties as may be provided or permitted by Colorado Law and the Colorado Constitution, and as may be further prescribed by ordinance or resolution of the town.

(Ord. No. 273, § 1, 10-1-2013)

13.12.020 Governing body.

The governing body of the enterprise (the "governing body") shall be the board of trustees of the town, and shall be subject to all of the applicable laws, rules, and regulations pertaining to the board of trustees. Whenever the board of trustees is in session, the governing body 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 trustees, nor shall it be necessary for the governing body to specifically

\* Ord. No. 273, §§ 1--8, adopted Oct. 1, 2013, enacted provisions not specifically amendatory of this Code. Said provisions have been included herein as Ch. 13.12 at the discretion of the editor.

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 trustees for the same or similar matters; provided that in accordance with § 37-45.1-104(2), C.R.S., the governing body may authorize the issuance of bonds by adoption of a resolution.

(Ord. No. 273, § 2, 10-1-2013)

13.12.030 Maintenance of enterprise status.

The enterprise shall at all times and in all ways conduct its affairs so as to continue to qualify as an enterprise within the meaning of Article X, Section 20, Colorado Constitution. Specifically, but not by way of limitation, the enterprise is not authorized, and shall not, receive ten percent or more of its annual revenue in grants from all Colorado state and local governments combined.

(Ord. No. 273, § 3, 10-1-2013)

13.12.040 Issuance of bonds.

The enterprise is authorized to issue bonds, notes, or other obligations payable from the revenues derived or to be derived from the system. The board of trustees may also authorize the issuance of such bonds, notes, or other obligations in accordance with the laws of the state of Colorado, and in so doing shall be deemed to be acting as both the governing body and the board of trustees.

(Ord. No. 273, § 4, 10-1-2013)

13.12.050 Enterprise fees and charges.

The board of trustees shall adopt by resolution for and on behalf of the enterprise the following rates, fees, and charges:

- a. Minimum and sufficient sewer rates;
- b. Plant investment fees; and
- c. Other fees and charges as the board of trustees deems necessary to cover the cost of inspection, testing fees for engineering design review, operations, maintenance, and extensions of the system.

(Ord. No. 273, § 5, 10-1-2013)



13.12.060 Sewer enterprise annual budget.

The board shall adopt an annual budget for the enterprise, separate from the town's general fund budget.  
(Ord. No. 273, § 6, 10-1-2013)

13.12.070 Sewer revenue fund established.

There is hereby established an enterprise fund, to be known as the "sewer revenue fund," in which shall be deposited all revenues from water and sewer billing and other revenues related to the system. All funds received from the sewer rates shall be used only for the operation, maintenance, debt service, replacement of and additions to the system. All amounts on hand in such fund shall be invested by the board of trustees in investments proper for public funds.

The enterprise may pledge all or any portion of the sewer revenue fund, including revenues anticipated to be collected, to the payment of principal, interest, premium, if any, and reserves for revenue bonds or any other obligations lawfully issued or otherwise contracted for by the enterprise for the payment or other financing of costs of the system, or for the purpose of refunding any obligations issued or otherwise contracted for such purpose.  
(Ord. No. 273, § 7, 10-1-2013)

13.12.080 Ratification and approval of prior actions.

All actions heretofore taken by the officers of the town and the members of the board of trustees, not inconsistent with the provisions of the ordinance codified in this chapter, relating to the operation or creation of the enterprise, are hereby ratified, approved, and confirmed.  
(Ord. No. 273, § 8, 10-1-2013)