

ORDINANCE NO. 2016-11

**AN ORDINANCE AMENDING THE TOWN OF MOUNTAIN VILLAGE MUNICIPAL CODE
CHAPTER 13.10 WATER AND SEWER RULES, REGULATIONS AND RATES**

RECITALS

- A. The Town of Mountain Village, in the County of San Miguel and State of Colorado, is a home rule municipality duly organized and existing under the laws of the State of Colorado and the Town Charter (the "Town").
- B. The Town Council finds that in order to preserve the health, safety and welfare of the citizens of the Town, rules, regulations, rates and fees relating to the water and sewer systems are necessary.
- C. The Town Council finds that section 13.10 should be amended as set forth herein to be consistent with the State of Colorado regulations regarding cross connection and backflow prevention.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MOUNTAIN VILLAGE, COLORADO AS FOLLOWS:

Section 1. Amendment of Community Development Code

- A. The Town of Mountain Village Municipal Code is hereby amended as set forth in Exhibit A which is attached hereto and incorporated herein.
- B. The Clerks Office is directed to codify the amendments in Exhibit A into the Municipal Code
- C. The Clerks Office may correct typographical and formatting errors in the amendments or the adopted Municipal Code.

Section 2. Ordinance Effect

- D. This Ordinance shall have no effect on pending litigation, if any, and shall not operate as an abatement of any action or proceeding now pending under or by virtue of the ordinances repealed or amended as herein provided and the same shall be construed and concluded under such prior ordinances.
- E. All ordinances, of the Town, or parts thereof, inconsistent or in conflict with this Ordinance, are hereby repealed, replaced and superseded to the extent only of such inconsistency or conflict.

Section 3. Severability

The provisions of this Ordinance are severable and the invalidity of any section, phrase, clause or portion of this Ordinance as determined by a court of competent jurisdiction shall not affect the validity or effectiveness of the remainder of this Ordinance.

Section 4. Effective Date

This Ordinance shall become effective on October 22, 2016.

Section 5. Public Hearing

A public hearing on this Ordinance was held on the 22nd day of September, 2016 in the Town Council Chambers, Town Hall, 455 Mountain Village Blvd, Mountain Village, Colorado 81435.

INTRODUCED, READ AND REFERRED to public hearing before the Town Council of the Town of Mountain Village, Colorado on the 18th day of August, 2016.

TOWN OF MOUNTAIN VILLAGE

**TOWN OF MOUNTAIN VILLAGE,
COLORADO, A HOME-RULE
MUNICIPALITY**

By: 
Dan Jansen, Mayor

ATTEST:


Jackie Kennefick, Town Clerk

HEARD AND FINALLY ADOPTED by the Town Council of the Town of Mountain Village, Colorado this 22nd day of September, 2016.

TOWN OF MOUNTAIN VILLAGE

**TOWN OF MOUNTAIN VILLAGE,
COLORADO, A HOME-RULE
MUNICIPALITY**

By: 
Dan Jansen, Mayor

ATTEST:


Jackie Kennefick, Town Clerk

Approved As To Form:


Jim Mahoney, Assistant Town Attorney

I, Jackie Kennefick, the duly qualified and acting Town Clerk of the Town of Mountain Village, Colorado ("Town") do hereby certify that:

1. The attached copy of Ordinance No.2016-11 ("Ordinance") is a true, correct and complete copy thereof.
2. The Ordinance was introduced, read by title, approved on first reading with minor amendments and referred to public hearing by the Town Council the Town ("Council") at a regular meeting held at Town Hall, 455 Mountain Village Blvd., Mountain Village, Colorado, on August 18, 2016, by the affirmative vote of a quorum of the Town Council as follows:

Council Member Name	"Yes"	"No"	Absent	Abstain
Dan Jansen, Mayor	X			
Cath Jett	X			
Laila Benitez	X			
Dan Caton	X			
Michelle Sherry			X	
Martin McKinley, Mayor Pro-Temp	X			
Bruce MacIntire	X			

3. After the Council's approval of the first reading of the Ordinance, notice of the public hearing, containing the date, time and location of the public hearing and a description of the subject matter of the proposed Ordinance was posted and published in the Telluride Daily Planet, a newspaper of general circulation in the Town, on August 24, 2016 in accordance with Section 5.2b of the Town of Mountain Village Home Rule.

4. A public hearing on the Ordinance was held by the Town Council at a regular meeting of the Town Council held at Town Hall, 455 Mountain Village Blvd., Mountain Village, Colorado, on September 22, 2016. At the public hearing, the Ordinance was considered, read by title, and approved without amendment by the Town Council, by the affirmative vote of a quorum of the Town Council as follows:

Council Member Name	"Yes"	"No"	Absent	Abstain
Dan Jansen, Mayor	X			
Cath Jett	X			
Laila Benitez	X			
Dan Caton	X			
Michelle Sherry	X			
Martin McKinley, Mayor Pro-Temp	X			
Bruce MacIntire	X			

5. The Ordinance has been signed by the Mayor, sealed with the Town seal, attested by me as Town Clerk, and duly numbered and recorded in the official records of the Town.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town this 22nd day of September, 2016.



(SEAL)


 Jackie Kennefick, Town Clerk

TITLE 13

UTILITIES

CHAPTER

SUBJECT

13.05

Cable Television (Ord. No. 07-01 Repealed by
Ord. No. 2009-11 and Replaced by Resolution No.
2009-1015-16)

13.1

Water and Sewer Rules, Regulations and Rates

13.1 GENERAL PROVISIONS

13.1.1 PURPOSE

The purpose of this Chapter is to ensure a uniform regulation, administration, construction, maintenance and use of water and sewer facilities and operations within the Town of Mountain Village, Colorado, and any area outside of the Town that is provided service by the Town pursuant to this Chapter.

13.1.2 POLICY

The Town hereby declares that the Rules and Regulations hereinafter set forth shall serve a public use and are necessary to promote the health, safety, prosperity, security and general welfare of the inhabitants of the Town.

13.1.3 SCOPE

This Chapter shall be treated and considered as new and comprehensive regulations governing the operations and functions of the Town and shall supersede all prior Rules and Regulations of the Town.

13.1.4 INTENT OF CONSTRUCTION

It is intended that this Chapter shall be liberally construed to affect the general purposes set forth herein, and that each and every part thereof is separate and distinct from all parts. No omission or additional material set forth in this Chapter shall be construed as an alteration, waiver or deviation from any grant of power, duty or responsibility, or limitation or restriction, imposed or conferred upon the Town by virtue of statutes now existing or subsequently amended, or under any contract between the Town and any other governmental entity. Nothing contained herein shall be so construed as to prejudice or affect the right of the Town to secure the full benefit and protection of any law that is now enacted or may subsequently be enacted by the Colorado General Assembly pertaining to the governmental or proprietary affairs of the Town.

13.1.5 AMENDMENT

It is specifically acknowledged that the Town shall retain the power to amend this Chapter to reflect those changes determined to be necessary by the Town. Prior notice of these amendments shall not be required to be provided by the Town exercising its amendment powers pursuant to this section.

13.2 DEFINITIONS

Unless the context specifically indicates otherwise, the meaning of the terms used herein shall be as follows:

- A **Applicant.** “Applicant” means any person who applies to the Town for a service connection or service disconnection, main line extension or other such service agreement, or who attempts to have real property included within, or excluded from the Town, as the case may be.
- B **Authorized Plumber.** “Authorized Plumber” means a person authorized by the Town to perform services that physically affect the water or sewer system of the Town.
- C **Bedding.** “Bedding” shall be material of class B bedding or equivalent, such as crushed glass.
- D **Board.** “Board” or “Board of Directors” means the Town Council of the Town of Mountain Village.
- E **Commercial Customer.** “Commercial Customer” shall mean any premises where an industrial or commercial enterprise is conducted on or multifamily residences of seven (7) or more units.
- F **Constructor.** “Constructor” means the landowner, developer, subdivider or agency actually paying for the construction of the lines.
- G **Contractor.** “Contractor” means any person, firm or corporation authorized by the Town to perform work and to furnish materials related to the water and sewer lines and facilities within the Town of Mountain Village.
- H **Customer.** “Customer” means any person, company, corporation, homeowner’s association or similar entity authorized to connect to and use the Town’s water and sewer system under a permit issued by the Town.
- I **Developer.** “Developer” means any person who owns land and/or is subdividing land for resale and seeking to have the land served by the Town’s water and sewer system.
- J **Director of Public Works.** “Director of Public Works” shall be Town staff directed to administer and supervise the construction, maintenance and operations of the water and sewer system of the Town. Any reference to Manager shall mean the Director of Public Works.
- K **Dwelling Unit.** “Dwelling Unit” means one or more habitable rooms arranged, occupied, or intended or designed to be occupied by not more than one family with facilities for living, sleeping, cooking and eating.
- L **Equivalent Dwelling Unit.** “Equivalent Dwelling Unit” or “Single Family Equivalent Dwelling Unit” means a use that is estimated to have an impact upon the water or sewer system equal to that of the average dwelling unit.
- M **Food Service Establishment (FSE).** “Food Service Establishment” means any commercial, institutional or food processing facility that discharges kitchen or food preparation wastewaters and that is required to have a grease control device pursuant to the International Building Code.
- N **Grease Control Device.** “Grease Control Device” means a device used to collect, contain and remove food waste and grease from wastewater, while allowing the remaining wastewater to be discharged to

the Town's wastewater collections system. Devices include grease interceptors, grease traps, automatic grease removal devices or other devices approved by the Town Manager.

- O **Inspector.** "Inspector" means that person under the direction of the Director of Public Works, who shall inspect all water and sewer connections, excavations, installations of, and repairs to the Town's water and sewer system and facilities to ensure compliance with the Rules and Regulations.
- P **Licensed Contractor.** "Licensed Contractor" means that person authorized by the Town to perform services that physically affect the public water or sewer system of the Town.
- Q **Lot.** "Lot" means any lot within the Town of Mountain Village or a Lot outside of the Town of Mountain Village for which the Town provides water and/or sewer services.
- R **Main Line.** "Main Line" or "Main" means any main or sewer interceptor used as a primary conduit for water or sewage in the Town's water or sewer system and is owned exclusively by the Town
- S **Permit.** "Permit" means the written permission to connect to the water or sewer system of the Town pursuant to the provisions of this Chapter, and shall be revocable upon the change of use of the property being served by a water or sewer main line.
- T **Person.** "Person" means any individual, firm, partnership, corporation or other entity of any nature, whether public or private.
- U **Pretreatment Facilities.** "Pretreatment Facilities" means structures, devices or equipment used for the purpose of removing from the sewer system any wastes that would be harmful to the Town's sewer mains or to the sewer treatment works.
- V **Service Line.** "Service Line" means any pipe, line, conduit, curbstop or other equipment used as a connection to a main line that is used or may be used in whole or in part to provide water and/or sewer service to a lot. All service lines shall be privately owned and maintained regardless of who installed or has performed any maintenance on such equipment.
- W **Sewer Interceptor.** "Sewer Interceptor" means any pipe, piping or system of piping used as conduit for sewage in the Town. Unless otherwise provided by the Board, a sewer interceptor shall be six inches (6") or more in diameter.
- X **Sewer System.** "Sewer System" means any sewer interceptor, sewer collection line, appurtenances, accessories or portions thereof.
- Y **Shall-May.** Whenever "shall" is used herein, it shall be construed as a mandatory direction; whenever "may" is used herein, it shall be construed as a permissible, but not mandatory, direction.
- Z **Storm Sewer System.** "Storm Sewer System" means any interceptor, sewer collection line, appurtenances, accessories or portion thereof for the collection of runoff water.
- AA **Stub-Out.** "Stub-Out" means any connection to a main line that extends from the main line and that is intended to facilitate connection to the water or sewer system, either directly to the main line or indirectly through a private line, provided that a stub-out may extend to, but not through, the foundation or exterior walls or floor of any structure intended to be served.

- BB **Superintendent.** “Superintendent” means that person appointed by the Manager to supervise the operation and maintenance of Town facilities.
- CC **Tap or Connection.** “Tap” or “Connection” means the connecting of the service line to the Town’s water or sewer system, either directly to a public main line, or stub-out from the main line, or indirectly through a private main line, which service line extends beyond the easement line or property line into the structure intended to be served, whether or not actually connected to the structure’s water or sewer system.
1. **Tap Fee and Connections Charge.** “Tap Fee” means the payment to the Town of a fee for the privilege of connecting a particular use to the water or sewer system. The Tap Fee may also be known as a “User Fee” and is dependent upon the impact of a use or expanded use. Physical tapping is not necessarily the criteria for the obligation of paying a Tap Fee.
 2. **“Connection Charge”** means the payment to the Town of a charge for the actual physical connection by the Town of a particular use to the water or sewer system. The connection charge is dependent upon the cost of making the actual connection.
 3. **“Inspection Charge”** means the payment to the Town of a charge for the actual inspection of the physical connection to the water and sewer system.
- DD **Town.** “Town” means the Town of Mountain Village.
- EE **Town Engineer.** “Town Engineer” means that person or firm that has been authorized by the Town to perform engineering services for the Town.
- FF **Town Sewer or Water System.** “Town Sewer System or Water System” means any sewer or water line, appurtenances, accessories or portion thereof owned and maintained by the Town.
- GG **Water Main.** “Water Main” means any pipe, piping or system of piping used as a conduit for water in the Town’s water system and owned by the Town. Unless otherwise provided by the Board, a water main shall be six inches (6”) or more in diameter.
- HH **Water Systems.** “Water Systems” means any water main, line, appurtenances, accessories or portion thereof owned and maintained by the Town.
- II **Watering or Irrigation.** “Watering or Irrigation” means any use of exterior domestic water.
- JJ **Any Other Term.** Not herein defined shall be defined as presented in the “Glossary-Water & Sewer Control Engineering” A.P.H.A., A.W.W.A., A.S.C.E. and F.W.S.A., latest editions.

13.3 OWNERSHIP AND OPERATION OF FACILITIES

13.3.1 RESPONSIBILITIES OF THE TOWN

Except as otherwise provided by these Rules and Regulations, the Town is responsible for the sewer and water systems, which operation and maintenance shall be carried out in a sound and economical manner, in accordance with this Chapter. It shall not be liable or responsible for inadequate treatment or interruption of service brought about by circumstances beyond its control.

13.3.2 LIABILITY OF TOWN

It is expressly stipulated that no claim for damage shall be made against the Town by reason of the following: Blockage in the system causing the backup of effluent; damage caused by "smoking" of the lines to determine drainage connections to Town lines; breakage of service mains by Town personnel; interruption of water or sewer service and the conditions resulting therefrom; breaking of any service or collection line, pipe, cock or meter by any employee of the Town; failure of the water supply; shutting off or turning on water; making of connections on extensions; damage caused by water running or escaping from open or defective faucets; burst service lines or other facilities not owned by the Town; damage to water heaters, boilers or other appliances resulting from shutting water off or turning it on, or from inadequate, sporadic or increased pressures; failed pressure release valves; or for doing anything to the systems of the Town deemed necessary by the Town or its agents. The Town shall have no responsibility for notification to customers of any of the foregoing conditions. The Town hereby reserves the right to temporarily discontinue service to any property, at any time, for any reason deemed appropriate by the Town. The Town shall have the right to revoke service to any property for violations of this Chapter in accordance with the procedures set forth in this Chapter.

13.3.3 OWNERSHIP OF FACILITIES

All existing and future mains and treatment works connected with and forming an integral part of the water or sewage system shall become and are the property of the Town, unless any contract with the owner or customer provides otherwise. Said ownership will remain valid whether the mains and treatment works are constructed, financed, paid for or otherwise acquired by the Town, or any other persons.

13.3.4 That portion of all existing or future service lines extending from the main line to each unit or building for each customer that is connected with and forms an integral part of the Town's water or sewer system shall become and is the property of the customer. This principle shall not be changed by the fact the Town might construct, finance, pay for, repair, maintain or otherwise affect the customer's ownership of the service line. The construction of any service line shall be done in compliance with Section VI of this Chapter. The customer's ownership of the service line shall not entitle the customer to make unauthorized uses of the Town's systems once the service line has been connected to Town's main line. All uses of the service line or any appurtenances thereto at any time after the initial connection to the Town's systems shall be subject to this Chapter.

13.3.5 Notwithstanding the above, all water meters and shut-off valves shall become and are the property of the Town. Said ownership shall remain valid whether the meter and/or shut-off valves are installed, financed, paid for, repaired or maintained by another person or whether the meters and/or valves are located on a privately owned and maintained service line.

13.3.6 Inspection Powers and Authority of Town Agents: The Manager, Superintendent and other duly authorized employees of the Town, bearing proper credentials and identification, shall be permitted to enter upon all properties for the purpose of inspection, observation, measurement, sampling and testing, in accordance with the provisions of this Chapter. Failure to permit such inspections, observations, measurements, sampling and/or testing upon the request in writing of the Town shall result in the immediate disconnection of service to the property of the party failing to permit such activity.

13.3.7 MODIFICATION, WAIVER AND SUSPENSION OF RULES

The Town Council shall have the sole authority to amend this Chapter, by passing a Chapter amending these rules and regulations.

13.4 USE OF SEWER AND WATER SYSTEM

13.4.1 CLASSIFICATION OF SEWAGE WASTES

- A. Policy Statement. It shall be the policy of the Town to classify wastes into three main categories, termed "Normal Sewage," or "Special Sewage" and "Prohibited Sewage," which are generally defined herein. The classification of wastes shall be the responsibility of the President and shall follow recommended procedures of the State Board of Health, and, subject to approval of the Board, shall be final and binding.
1. Normal Sewage. Normal Sewage shall mean sewage that can be treated at the Town's Sewage Treatment Works without pretreatment and within normal operating procedures, and that, when analyzed, shows by weight a daily average of not more than 250 (new) parts per million of suspended solids and are not more than 250 parts per million five (5) day Biochemical Oxygen Demand (BOD).
 2. Special Sewage. Special Sewage shall mean any sewage that does not conform to the definition for Normal Sewage, but that can be treated by the Town after pretreatment by the user or by utilization of special operating procedures by the Town at the Sewage Treatment Works.
 3. Prohibited Sewage. Prohibited sewage shall mean any of the following:
 - i. Any sewage that may reasonably be anticipated to have a deleterious effect upon the sanitary sewage system or any persons or property, and therefore, in the opinion of the Town, cannot be serviced by the Town.
 - ii. Any water injected into the sewage system by means of a drainage collection system. Said drainage water is detrimental to the sewage system since it interferes with the Town's volume capacity and with the biological process necessary for proper treatment.
 - iii. Any solid or liquid substance capable of obstructing the flow in the sewer or otherwise interfering with the proper operation of the sewage system, including but not limited to: ashes, cinders, sand, mud, shavings, feathers, tar, plastics, rags, glass, metal, fats, oils and greases.
- B. Analysis of Sewage. The Town shall be responsible for all sampling, testing, analysis and classifying of sewage.

Testing and analysis shall be determined in accordance with "Standard Methods for the Examination of Water and Wastewater," latest edition. Results of tests shall be made available to the customer at the Town's office.

13.4.2 UNAUTHORIZED TAMPERING WITH SYSTEM

- A. No unauthorized person shall uncover, make any connection with or opening onto, use, alter or disturb the sewer or water system without first obtaining a written permit from the Town. Unauthorized uses of the Town's systems include, but are not limited to, an unauthorized turn-on or turn-off of water or sewer service, or a tampering with or in any way modifying any meter, even though the same may be located on a privately owned and maintained service line.
- B. No person shall maliciously, willfully or negligently, break, damage, destroy, uncover, deface or tamper with any portion of the Town's systems.
- C. Any person who shall violate the provisions of this Section IV shall be prosecuted to the full extent of Colorado law.
- D. Any person violating any of the provisions of this Chapter shall become liable to the Town for any expense, loss or damage occasioned by the reason of such violation, and upon fifteen (15) days after nonpayment thereof shall be assessed a penalty of One Thousand Dollars (\$1,000), which penalty shall be a lien upon the violator's property, as allowed by C.R.S. 31-35-708, as amended.

13.4.3 RESPONSIBILITIES OF CUSTOMER

A. Use of the Sewer System

- 1. The customer is required to notify the Town upon any change in the customer's equipment, service or use of the property served by the Town and upon any change of ownership of the property. Every customer shall have additional responsibilities for constructing and maintaining the entire length of the service line serving his property, including all costs therefore. Leaks or breaks in the service line shall be repaired by the property owner within seventy-two (72) hours of obtaining knowledge of a leak or from the time of notification of such condition by the Town. If satisfactory progress toward repairing the said leak or break has not been completed within the same time period, the Town shall shut off the service until the leaks or breaks have been repaired; in addition, the Town shall have the right to effect the repair and the cost therefore shall constitute a lien on or against the property of such customer, securing payment of such cost as provided for by C.R.S. 31-35-708.
- 2. No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage, cooling water or industrial process waters to any sanitary sewer. No public or private swimming pool shall be connected with the sanitary sewer system without first obtaining a special permit therefore from the Town, which permit shall define and specify the hour or hours during which water may be discharged from such pools into the sanitary sewer system and prescribe the fees and charges therefore, if any.
- 3. No person shall discharge or cause to be discharged to the sewer system any Special or Prohibited Sewage or harmful waters or wastes, whether liquid, solid or gas, capable of causing obstruction to the flow in sewers, damage or hazard to structures, equipment and personnel of the Sewage Treatment Works, or other interference with the proper operation of the Sewage Treatment Works.

4. No person shall permit prohibited wastes to enter, directly or indirectly, into the Sewage Treatment Works. The Town Manager may require the owner or user to install, at his or her own expense, grease, oil or sand interceptors to be installed wherever necessary.

Fats, Oils, and Grease ("FOG"). To aid in preventing the introduction and accumulation of fats, oils and grease (FOG) into the municipal wastewater system, causing, tending to cause or contributing to sanitary sewer blockages and obstructions and maintenance problems at the regional wastewater facility, all food service establishments are required to install and maintain grease control devices and manage used fryer oil according to the provisions below.

- a. Grease Control Devices
 - i. **New Food Service Establishments (FSEs)** shall be required to install, operate and maintain a grease control device in compliance with the requirements of the International Building Code and this Chapter.
 - ii. **Existing FSEs** in operation as of the effective date of this Chapter may continue to operate and maintain their existing grease control devices, provided such grease control devices are in proper operating condition. An existing FSE shall install a new grease control device that complies with the requirements of the International Building Code if its grease control device is determined not to be in proper operating condition. Existing FSEs that do not currently have a grease control device, shall install a grease control device that complies with the requirements of the International Building Code whenever there is a change of ownership of the real property or issuance of a building permit for remodel of the FSE kitchen.
 - iii. **Installation**. Grease control devices shall be installed by a licensed plumber. Where possible, a grease control device shall be located outside. When installed inside, a grease control device shall be located away from the food preparation area. Every grease control device shall be installed and connected so that it is readily accessible for inspection, cleaning and removal of the intercepted food waste and grease at any time.
 - iv. **Registration**. Each grease control device shall be registered with the Mountain Village Public Works Department within ninety (90) days of the effective date of this Chapter or upon the date of installation. Public Works will provide a registration form.
 - v. **Maintenance**. Grease control devices shall be properly maintained at all times. Maintenance shall include the complete removal of all contents, including floating materials, wastewater and settled solids. Decanting or discharging of the removed waste back into the grease control device or private sewer line or into any portion of the Town's wastewater collection system is prohibited. In no event shall the content of food solids and FOG exceed twenty-five percent (25%) of the overall liquid depth of the device.
 - vi. **Evidence of Maintenance**. The Public Works Director or their designee shall have the authority to make such inspections as are authorized by law during reasonable hours for the purpose of inspecting, observing, taking measurement, sampling, testing or reviewing the records of the grease control device(s) installed in an FSE. Upon request, FSEs must show evidence of an active contract to service all grease control devices

on the premises and haul the waste. Alternatively, the FSE itself must provide evidence of regular maintenance and proper waste disposal. In either case, a copy of a Grease Control Device Maintenance & Waste Disposal Affidavit shall be required and will include the following information: date, time, volume and responsible person or contractor. The original affidavit, as well as originals of all contracts and evidence, will remain at all times on the premises of the FSE.

b. Stored Used Fryer Oil

- i. Evidence of Proper Disposal. The Public Work's Director or their designee shall have the authority to require evidence of an active contract to haul used fryer oil from an FSE. Alternatively, the FSE itself must provide evidence of proper disposal, such as a receipt from a disposal facility. In either case, a copy of a Used Fryer Oil Disposal Affidavit shall be required and include the following information: date, time, volume and responsible person or contractor.
 - ii. Used Fryer Oil Storage. The Town Manager shall have the authority to inspect all areas where used fryer oil is stored. Proper storage criteria shall include: (1) sealed storage, (2) spill containment, and (3) a spill response plan. Used fryer oil is considered to be refuse and, pursuant to Ord. No. 2011-07, must be collected once a week.
5. This subsection of the Rules and Regulations shall provide the basic policies of the Town for classification of wastes and for control of discharge of wastes into the system.
 6. The admission into the Town's sewers of any Special Sewage shall be subject to the review and approval of the Board, which may prescribe limits on the strength and character of such sewage. Where necessary, in the opinion of the Board, the owner shall provide, at his expense, such pretreatment facilities as may be necessary to treat such Special Sewage prior to discharge to the sewer main. Grease, oil and sand interceptors of a design recommended by the International Plumbing Code shall be provided at all restaurants or food establishments that prepare food and all parking garages that are connected to the Town sewer system. Grease oil and sand interceptors may also be required in any other situation that in the opinion of the Town Manager is necessary for the proper handling of Special Sewage or liquid wastes containing grease in excessive amount, or any flammable wastes, sand or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. Where installed, they shall be maintained by the owner, at his expense, in continuously effective operation at all times. Plans, specifications, and any other pertinent information relating to purposed pretreatment facilities shall be submitted for the approval of the Town and of the State Board of Health, and no construction of such facilities shall be commenced until such approval is obtained in writing. Where pretreatment facilities are provided for any Special Sewage, they shall be maintained continuously in satisfactory and effective operation by the owner, at his own expense.
 7. When required by the Town, the owner of any property served by a service line carrying Special Sewage shall install and maintain, at his expense, a suitable control manhole in the service line to facilitate observation, sampling and measurement of the wastes. The manhole shall be installed by the customer and maintained at his own expense. All measurements, tests and analysis of the characteristics of water and wastes shall be

determined in accordance with "Standard Methods for the Examination of Water and Sewage," latest edition, or by methods approved by the United States Environmental Protection Agency for NPDES permit reporting and the Colorado State Health Department, and shall be determined at the control manhole, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest down-stream manhole in the sewer main to the point at which the service line is connected.

B. Use of the Water System

1. The customer shall notify the Town prior to any change in the customer's equipment, service or use of the property served by the Town, upon any change of ownership of said property. Each customer shall be responsible for constructing and maintaining and all costs thereof of the entire length of the service line serving his property. Service lines shall be constructed in accordance with this Chapter. Leaks or breaks in customers' service lines that occur or appear to occur in a section of the service line that cannot be shut off by the service valve and can only be shut off by shutting down the main line shall be considered an emergency, and such repairs may be undertaken immediately and without notice to the customer. Notwithstanding the foregoing, the Town reserves the right to determine if additional emergency situations arise and to undertake such emergency repairs without notice to the customer. All costs of such emergency repairs shall be billed to the customer, and any unpaid costs shall constitute a lien on the property of such customer, securing payment of such costs as provided by CRS 31-35-101 et seq. Leaks or breaks in the service line that are not emergencies shall be repaired by the customer within seventy-two (72) hours of obtaining knowledge of a leak or from the time of verbal or written notification of such condition by the Town. If satisfactory progress toward repairing said leak has not been completed within the same time period, the Town shall shut off the service until the leaks or breaks have been repaired, and the cost therefore shall constitute a lien on or against the property of such customer, securing payment of such cost, as provided for by CRS 31-35-101 et seq. All curbstops shall be maintained by the owner at all times; this includes all phases of construction. Any owner of any curbstop that must be repaired or raised shall have seventy-two (72) hours from the verbal or written notice of the Town to repair or raise the curbstop. If satisfactory progress toward repairing or raising the curbstop has not been completed within the same time period, the Town shall repair or raise the curbstop, and the cost therefore shall be billed to the customer, and any unpaid costs shall constitute a lien on or against the property of such customer, securing payment of such cost, as provided for by CRS 31-35-101 et seq.
2. Each customer is responsible for complying with the Town's Cross-Connection and Backflow Regulations.
3. Every customer shall take note that there is no waste-way in the shut-off at the curb box, nor at the main, and that any water standing in the pipes when water is turned off, if any, will remain there unless drained out by the customer. Except as otherwise provided in this Chapter or directed by the Town, employees of the Town are expressly forbidden to do any other plumbing work whatsoever except on facilities owned by the Town.

Each person having boilers and/or other appliances on his premises, depending on pressure or water in pipes or on a continual supply of water, shall provide, at his own expense, suitable

safety devices to protect himself and his property against a stoppage of water supply or loss of pressure.

The Town expressly disclaims any liability or responsibility for any damage resulting from a customer's failure to so equip his property.

- a. It shall be unlawful for any person other than authorized personnel to have in his or her possession a hydrant wrench or valve shut-off key; any police officer, personnel of the Town or fire department is hereby authorized to confiscate any hydrant wrench or valve shut-off key found in the possession of any unauthorized person. Use of fire hydrants is prohibited at all times to anyone except authorized personnel.
 - b. No connection shall be made to the Town's systems without a Sensus or approved Water Meter with an Electronic Communications Register (ECR) having been installed to serve the subject unit. All water meters shall have a radio read remote (MXU) only. The locations of the meter and the radio read remote shall be subject to the approval of the Town. All water meters shall be controlled by the Town. The Town shall, at the customer's expense, have the right to test, remove, repair or replace any and all water meters. It shall be the duty of each customer to notify the Town office if his water meter is operating defectively. If any meter shall fail to register in any period, the customer shall be charged the average period consumption during the two preceding periods as shown by the meter when deemed by the Town to be in working order.
4. Water Conservation Measures
- a. In the event of a water shortage, the Town has the right to enforce a limitation on the use of water for outside irrigation and, if necessary, domestic consumption.
 - b. Notice shall be sent to all water customers of the Town notifying them that water conservation measures are being implemented and enforced. The notice shall include specific details of the conservation program, including days and hours for irrigation.
 - c. Customers found to be in non-compliance with the conservation program shall be contacted, either in person, if possible, or in writing at their billing address. If compliance has not been secured within twenty-four (24) hours of personal contact or within seven (7) days of written notice, the customer shall be fined One Hundred Dollars (\$100) per day until compliance has been secured. If compliance has still not been secured after ten (10) days, the fine shall be capped at One Thousand Dollars (\$1,000), and the water shall be turned off. Water shall be turned on again only after payment of the One Thousand Dollar (\$1,000) fine, water service fees owing, if any, and a One Hundred Dollar (\$100) fee for the return of service.
 - d. A repeat violation of the conservation program shall cause the fine to double to Two Hundred Dollars (\$200) per day for up to ten (10) days, for a maximum fine of Two Thousand Dollars (\$2,000) at which time the water shall be turned off, as above.

C. Use of the Storm Sewer

1. No person shall discharge or cause to be discharge, any sanitary sewer, garage area water, surface or ground water or industrial process waters to any storm sewer.

2. No connections or extensions shall be allowed to the storm sewer system without an approved plan and express permission of the Town.
3. All main line extensions, taps and service lines must be inspected by a Town representative prior to backfilling.

D. Warranty

1. All work being warranted to the Town shall be the owner/developer's or contractor's responsibility to maintain at their cost throughout the duration of the warranty period.
2. The warranty period shall start at the completion of the approved project or at the time the Town accepts ownership of utilities, whichever is later.
3. All aspects of construction of water and sewer lines shall be warranted for one year; this includes, but is not limited to, the materials used, labor, installation and the backfill of the sewer lines.
4. All aspects of construction performed on any Town roads shall be warranted for one (1) year, which includes, but is not limited to, road surfaces, shoulders, ditches and drainage.
5. All construction performed under asphalt, concrete or pavers shall be warranted for two (2) years.

13.5 APPLICATION FOR SERVICE

13.5.1 INCLUSIONS. Subject to this Chapter, service shall be furnished only to property included within and subject to this Chapter and taxation by the Town. It shall be incumbent upon the applicant to furnish satisfactory evidence of inclusion whenever such evidence is requested by the Town. Satisfactory evidence shall consist of a tax receipt, or certification in lieu thereof, received from and signed by the County Treasurer. A person owning land within or without the exterior boundaries of the Town who desires service must include all of his land serviceable by the system contiguous to the parcel on which service is desired into the Town. A formal request for inclusion within the Town shall be made to the Town, on its standard form, by the applicant, accompanied by a non-refundable payment of One Thousand Dollars (\$1,000) for legal fees and the estimated costs of publication. Any additional costs or fees that may occur shall be assessed and paid prior to approval from the Town.

13.5.2 WATER METER REQUIRED. No connection shall be made to the Town's system without a Sensus or approved Water Meter with an Electronic Communications Register (ECR) having been installed to serve the subject unit. All water meters shall have been installed to serve the subject unit. All water meters shall have a Sensus Touchread Radioread and touchpad remotes. Meter sizes of 5/8", 3/4", and 1" shall be Sensus SR/II Positive Displacement or approved meters. Meters of 1 1/2" shall be Sensus SR Positive Displacement or approved Meters. Meters of 2" or larger shall be Sensus SRH Compound or approved meters. The locations of the meter and the Touchread remote shall be subject to the approval of the Town.

13.5.3 WATER SAVING DEVICE REQUIRED. All new connections are required to install water saving devices as follows:

- A. All toilets shall have maximum flush of 1.6 gallons per flush.
- B. All showers shall have a shower restrictor device installed, which shall have a measured flow, at 60 pounds per square inch, of not greater than 2.5 gallons per minute.
- C. All appliances shall be an Energy Star qualified product.
- D. All faucets shall be equipped with aerators.
- E. All irrigation systems shall be equipped with a rain sensor.

13.5.4 SERVICE OUTSIDE THE TOWN. No service shall ever be provided to property outside of the Town, except upon the express written notice of the Town. Charges for furnishing service outside of the Town shall be at the discretion of the Town, but no service shall be furnished to property outside of the Town unless the charge therefore equals at least the cost of service, plus the estimated mil levy and tap fee for which such property would be responsible if it were a part of the Town. In every case where the Town furnishes service to property outside the Town, the Town reserves the right to discontinue the service when, in the judgment of the Town, it is in the best interests of the Town to do so. A duplicate copy of the receipt or approved application must be filed with the Building Department of the County of San Miguel.

13.5.5 APPLICATION FOR SERVICE. Application for service must be filed with the Town on forms provided by the Town and accompanied by appropriate fees prior to any action to connect to the system. Only upon authorized approval of the application and a receipt therefore may a connection to the system be made. The location of the water meter and the remote reading device shall be indicated on all applications for service.

If a fire protection water sprinkler system is to be used, a plan of the system is to accompany the application and is subject to the approval of the Town. All fire sprinkler systems shall meet NFPA requirements and additionally shall meet the requirements of all applicable County and State building and fire protection codes. If a water sprinkler system for lawn irrigation is to be used, it must be metered.

No taps will be permitted or made between November 1 and April 15, without specific, written approval of the Town.

All information requested on the tap application form must be completed, and a diagram of the stop box location included. Should any information disclosed on the application prove at any time to be false, or should the applicant prove at any time to be false, or should the applicant omit any information, the Town shall have the right to reassess the tap fee originally charged at the rate current to the discovery by the Town of the false or omitted information, and/or disconnect the service in question, and/or 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 specified in this Chapter, as amended. Any reassessment shall be due and payable, together with any penalties or other additional fees charged, together with interest at the maximum legal rate on the entire balance, upon and from the date of the original application.

13.5.6 DENIAL OF APPLICATION. The Town reserves the right to revoke any prior approval of an application before service has been provided, and thereafter for any violation of this Chapter.

13.5.7 MOVED OR DESTROYED BUILDINGS. When buildings are moved or destroyed, the original tap authorization shall terminate and no credit shall be authorized for tap fees paid previously with respect to said building. However, the original tap shall remain in good standing, providing uninterrupted payment of the Town's minimum service charge (as same may be amended from time to time) is made. If payment of the minimum service charge ceases for any reason, said tap shall be in violation of this Chapter, and the tap shall be revoked. Non-payment within thirty (30) days of the billing shall be considered cessation of payment of minimum service charge.

13.5.8 CHANGE IN CUSTOMER'S EQUIPMENT SERVICE OR USE OF PROPERTY. No change in the customer's equipment, service or use of property served shall be made without the prior notification of and approval by the Town. Any such change that, in the opinion of the Town, will increase the burden placed on the Town's systems by the customer shall require a redetermination of the tap fee and monthly service charge and a payment by the customer of any additional tap fee and monthly service charge resulting from the redetermination. Subject to Section 5.7 above, tap fees previously paid with respect to the property in question shall be credited against the redetermined tap fee so that only the unpaid portion of any redetermined tap fee shall be due; provided, however, that redetermination resulting in a conclusion that the tap fee, if assessed currently, would be in an amount less than originally paid, shall not result in a refund or credit of any kind to the customer.

- A. Any violation of this section shall result in the assessment of an unauthorized connection fee, as provided by Section 4.2 of this Chapter, and the Town shall take those steps authorized by this Chapter and Colorado law regarding the collection of said fees.

13.5.9 Any customer believed to have changed the equipment, service or use of their property in violation of this section shall be notified of such belief by the Town, and shall be notified of the Town's intent to assess any additional tap, service or unauthorized connection fees, and shall be afforded ten (10) days in which to respond to the Town's notice. Failure to respond as required herein within the ten (10) day period shall be deemed to establish the Town's belief concerning the nature and extent of the change, and such additional tap, service and unauthorized connection fees as are deemed appropriate by the Town shall be assessed against the property in question and shall be collected as provided under this Chapter and Colorado law. To defer the collection of said fees, and as a prerequisite to the right to hearing as provided for and described in Section 9 of this Chapter, any response by the customer must, in addition to being provided in ten (10) days, include permission to make such inspection of the property in question as the Town's representatives deem necessary to clearly establish the nature of equipment, service and use of the property in question. Any such connection, enlargement or change

shall be deemed an unauthorized connection.

13.5.10 UNAUTHORIZED CONNECTIONS AND FEES. No person shall be allowed to connect onto the sewer or water systems or to enlarge or otherwise change equipment, service or use of property without prior payment of tap fees, approval of application for service and adequate supervision and inspection of the tap by Town employees. Upon the discovery of any unauthorized connection, the then current tap fee shall become immediately due and payable, and the property shall automatically be assessed an unauthorized connection fee. The unauthorized connection fee is an amount equal to twice the then current tap fee that would be due for such property. The Town shall send written notice to the owner(s) of the property benefited by such connection stating that an unauthorized connection has been made between the owner(s)' property and the Town facilities. The owner(s) shall then have ten (10) days from the date of the notice to pay the then current tap fee. If that fee is paid within ten (10) days, the unauthorized fee shall be waived by the Town. In the event the then current tap fee is not paid within ten (10) days, a notice of revocation of service shall be sent, and service shall be disconnected pursuant to Section 4.2 of this Chapter. Once discontinued, service may be returned to the property only upon receipt by the Town of both the unauthorized connection fee and any turn-on/turn-off service charges and any other charges that may be provided by law for the collection of unpaid fees and charges of the Town.

13.5.11 REVOCATION OF SERVICE. Service shall be revocable by the Town upon non-payment of any valid fees or charges owing to the Town. In the event of non-payment, the customer shall be given not less than ten (10) days advance notice in writing of the revocation, which notice shall set forth:

- A. The reason for revocation;
- B. That the customer has the right to contact the Town, and the manner in which the Town may be contacted for the purpose of resolving the obligations; and
- C. That there exists an opportunity for a hearing in accordance with Section 9 of this Chapter.

If the obligation is not resolved within the time prescribed, service to the property shall be revoked by blocking or disconnecting the appropriate line serving the property. The cost of disconnection shall be assessed to the customer. The customer may request a hearing in accordance with Section 9 of this Chapter.

If payment of the outstanding obligation or a request for a hearing with the accompanying deposit is not received by the Town within ten (10) days of the date of mailing of the revocation notice, the Town shall disconnect the service and the customer shall be assessed the cost of the disconnection. Deposit for service, if any, shall be applied against the outstanding obligation.

13.5.12 REVOCATION OF TAP RIGHTS. The right to connect to the Town's system and receive services under Section 5.5 above, shall be revocable by the Town upon non-payment of any Town fees owing to the Town and remaining unpaid for a period of ninety (90) days, whether or not the customer owning the right to connect has actually connected to the Town's system. Such revocations shall be conducted in accordance with Section 5.11 above. If the right to connect to the Town's system is revoked, the customer may reacquire such tap rights only by reapplying for service in accordance with Section 5.5 above and after paying all fees due and owing the Town and the then current tap fees charged by the Town under this Chapter.

13.5.13 TURN-ON/TURN-OFF OF SERVICE. All turn-on or turn-off of water or sewer service through a shut-off 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 shut-off valve or service line and regardless of the circumstances respecting the turn-on or turn-off. The Town shall assess a single charge of One Hundred Dollars (\$100) for each such turn-off and turn-on performed except when the service is performed for customers requiring maintenance to their service line, in which case there shall be no charge. The Town shall provide this service only for (1) a tap for new construction, one time, prior to the occupancy of the building served, and (2) for customers requiring service to be turned off for maintenance of a service line. All other requests for a turn-off or turn-on of Town service may be granted or denied by the Town at its sole discretion. Violation of this section and/or failure to pay the One Hundred Dollars (\$100) shall result in the assessment against the property served of a penalty of One Thousand Dollars (\$1,000), in addition to the turn-on/turn-off fee and in addition to the penalties provided for unauthorized tampering with the Town's system in Section 4.2 of this Chapter.

13.5.14 FAILURE TO CONNECT. The customer's right to connect to the Town's system shall terminate and any tap fee paid shall be forfeited if the tap is not connected within twenty-four (24) months of the payment of the tap fee unless (1) the tap fee is transferred pursuant to Section 8.5 (Transfer of Tap Fee), or (2) the property owner begins to pay and continues to pay the minimum service charge for that tap for each and every month, commencing with the first billing cycle after the twenty-four (24) month period has passed, or (3) the property owner pays the turn-off/turn-on fee provided by and pursuant to Section 8.6 of this Chapter.

13.6 CONSTRUCTION OF SERVICE LINES

13.6.1 COMPLIANCE WITH CHAPTER. The requirements of this Chapter and Appendices attached hereto shall be applicable to the construction of all service lines.

13.6.2 INSPECTION AND TAPPING CHARGES. All service lines shall be inspected by a representative of the Town. All water service lines shall be tested under normal operating pressure. Constructors of service lines shall call the Town for an open ditch inspection of all service lines. There shall be a charge for all inspections as determined from time to time by the Board. Further information regarding inspections and the charges for inspections may be obtained at the Town office.

13.6.3 SEPARATE SERVICE LINES REQUIRED. A separate and independent service line shall be provided for every lot, also for each half of a duplex, and shall be installed at the expense of the property owner. Existing service lines may be used in connection with new buildings only when found, on examination by the Town, to meet all requirements of this Chapter. There shall be one Sensus or approved water meter installed for each separate building served. A curbstop shall be located at the property line, or as directed by the Town, on all water service lines. Each half of a duplex shall have a curbstop at the property line and shall have a separate water meter and service line. The Board may, in the exercise of its sole discretion, provide an exemption from the above requirements for buildings that are part of a condominium or homeowner's association. In such a case, the Town shall bill the association for the service charges assessed by the Town for water and sewer usage in the association.

13.6.4 CONSTRUCTION AND CONNECTION. All connections shall be made under the Town's supervision. All contractors, plumbers and others doing work on any main, service lines or structures in the Town shall comply with the County, State Highway Department, Town or local regulations on excavation, bedding, backfill, compaction and restoration of surfacing. All permits, fees and licenses shall be paid for by the owner/developer, plumber or others doing work in the Town prior to the start of construction. All excavations for service installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public or private property disturbed in the course of the work shall be restored in a manner satisfactory to the Town. All daily inspection fees on water and sewer construction required by any government agency, including the Town, shall be paid by the owner/developer, plumber, constructor or others doing the work in the Town.

13.6.5 WETLAND PROTECTION. All service line construction shall use Best Management Practices to protect wetlands and drainages. A site walk must be scheduled with the Town Public Works Department prior to start of construction.

13.6.6 REVOCATION OF PLUMBER/CONTRACTORS AUTHORIZATION. The violation of any provision of this Chapter or the Town's installation specification shall constitute sufficient grounds for revocation of the authorization to do work in the Town. Whenever it appears a violation has been committed, the contractor shall be sent a written notice of violation and revocation of the authorization. In emergency situations as deemed by the Manager or Superintendent, verbal notice of a violation and revocation of authorization may be made by the Manager or Superintendent with a written notice to follow.

13.6.7 SEWER SERVICE LINE CONSTRUCTION

- A. The service line shall be a minimum of four inch (4") P.V.C. pipe with minimum wall thickness meeting SDR 35 thickness. The line shall be water tight and on a constant grade, not less than six feet (6') in depth. No service lines shall be laid parallel to any bearing wall that might be thereby weakened. The sewer line shall not have a minimum grade less than one-quarter inch per foot (1/4")

per 1') of fall. All service lines must have a tracer wire laid with the pipe at the same depth and must have a warning ribbon installed between one foot (1') and two feet (2') above the pipe. All service line ditches must be properly compacted and inspected. Colorado State plumbing code requires a two-way cleanout outside of all residences. Any service line longer than one hundred feet (100') must have a clean-out every one hundred feet (100').

- B. The connection of the service line to the sewer main shall be as follows:
If the sewer service line is four inches (4") or six inches (6"), a saddle tap shall be used to hook to the sewer main line. No straight down taps shall be allowed. The saddle tap shall be located at least ten feet (10') away from any manhole. Whereas if the service sewer tap is eight inches (8") or greater, the constructor shall make the connection into an existing manhole or install a new manhole at the owner/developers' expense. All service lines for buildings with sewer mains running through the building must tie into a manhole unless approved otherwise by the Town.
- C. All excavations required for the installation of service lines shall be open-trench work, unless otherwise approved by the Town. Pipe laying and backfill shall be performed in accordance with the Town's standard specifications. The use of bedding material to protect the service line shall be required. No excavations shall remain open for more than forty-eight (48) hours. The top two feet (2') of trenches in roads or paved surfaces must be flow filled.
- D. A Town representative must inspect all sewer lines before being backfilled. This includes all stub-outs. The connection to a main line must be done under the supervision of a Town representative. All inspections must have a twenty-four (24) hour notice.
- E. All possible sewer infiltration points in the service line and in the building during the construction phase must be sealed from construction debris. All exterior points such as cleanouts and also stub-outs, not yet hooked into the building, must have a glued cap installed during installation. All interior points such as floor drains, toilets, sinks or other connections to the sewer must be securely plugged off from any construction debris. A Town representative must approve all capping and plugging off.
- F. Town road right-of-way work permits and accompanying obligations is solely the responsibility of the applicant. Town road right-of-way permits are required before digging in any Town road right-of-ways. Applications for Town road right-of-way permits require locates and locators signatures; therefore, constructors shall allow two (2) days after the day the locates are called in to receive locates. Applications may be picked up from the Public Works Department office or on the Town's website. The completed application and a Forty Dollar (\$40) fee must be returned to the Public Works Department office, and, if approved, permits shall be issued by the Town within twenty-four (24) hours.
- G. Maintenance of Backfill and Surface Warranty. All backfill shall be maintained in satisfactory condition, and all places showing signs of settlement shall be filled and maintained during construction and for a period of one (1) year following the completion of construction, except that the warranty period for settlement in asphalt surface streets and other paved surfaces shall be two (2) years. When the applicant is notified by the Town that any backfill is hazardous, he shall correct such hazardous conditions at once. If settlement occurs and is not deemed hazardous, applicant shall correct the condition within seventy-two (72) hours.
- H. Infiltration. Any infiltration into sewer manholes, new or existing, caused by a constructor shall be repaired within seventy-two (72) hours of obtaining knowledge of infiltration.

- I. Mains. The Town is the sole entity authorized to supervise or install main lines or extend existing main lines. Main lines shall be installed at a minimum depth of six feet (6'). A warning ribbon must be installed between one foot (1') and two feet (2') above the pipe. All main lines must have a locate wire installed at the depth of the pipe, brought up at all manholes. All main lines shall use SDR 35 thickness pipe. Manholes shall be precast manholes with precast or poured inverts. No main lines shall be within ten feet (10') of footers or walls. Main lines shall not have any mechanical joints, only manholes to change direction and elevation. All main line pipes must be bedded with class B bedding six inches (6") below the pipe and twelve inches (12") above the pipe. Before any main line can become active, all sections of new pipe must be inspected by a camera at the cost of the contractor. All sewer mains installed in buildings or under roads must be re-inspected by a camera at the time of final completion of the project. An as-built is required by the Town from the contractor of all main lines and extensions at completion of the work.
- J. Repairs. The Town is the sole entity authorized to supervise or repair main lines unless a third party is authorized by written approval signed by the Town Manager or Mayor. All couplers used to repair main lines shall be 226 Ductile iron lug repair clamps 8.85-8.94." Similar couplers may be used with the prior written approval of the Town.

13.6.8 STORM SEWER LINE CONSTRUCTION. General: All storm sewers, either new lines or extensions, shall be reviewed on an individual basis. Upon review, materials and method of construction shall be determined. All work must be inspected by the Town.

13.6.9 WATER SERVICE LINE CONSTRUCTION. General: All water service line construction shall be done in accordance with these specifications and all other Rules and Regulations of the Town. The scope of these specifications shall include all new service line installations from the Town's mains to the associated plumbing of the building or any other facility requiring water use. It shall be the builder/contractor's responsibility to protect the meter from freezing or other physical damage during construction. It shall be the builder/contractor's responsibility to protect and maintain the curbstop during construction. After completion of the construction and acceptance by the owner, it shall be the owner's responsibility to protect the meter from freezing or other physical damage. It shall also be the owner's responsibility to keep the curbstops at above grade level and in working condition. Any curbstop found to be improperly maintained shall be the owner's responsibility to have repaired within seventy-two (72) hours of notice by the Town. All main lines, valves and man holes within a construction site or staging area shall be protected by the contractor. Any damage shall be considered a violation of this Chapter and shall be repaired within seventy-two (72) hours of notice of damage.

- A. Licenses and Permits Required. Excavation permits and accompanying obligations are solely the responsibility of the applicant. Excavation permits are required before digging in any Town road right-of-way. Applications for excavation permits require locates and locators signatures; therefore, constructors shall allow two (2) days after the day locates are called in to receive locates. Applications may be picked up from the Public Works Department office or on the Town website. The completed application and a forty dollar (\$40) fee must be returned to the Town office. If approved, permits shall be issued within twenty-four (24) hours. When a street cut is required for water service, the contractor shall rebuild the road base in accordance with applicable regulations on excavation, backfill, compaction and resolution of servicing. Two feet (2') of flow fill is required until asphalt can be restored. All permit fees and licenses shall be paid by the owner/developer, contractor, plumber or others doing work in the Town prior to start of construction.
- B. Inspections. All work shall be inspected by the Town's representative who shall have the authority to halt construction when, in his opinion, the specifications of this Chapter or proper

construction practices are not being adhered to. Whenever such violation occurs, the Town's representative shall, in writing, order further construction to cease until all deficiencies are corrected. No pipe shall be covered without the Town representative's approval; this includes all stub-outs. That person making the installation without such approval shall be required to remove all topsoil or any other covering placed over this facility to be inspected at his expense. No changes shall be made to a service line after the Town's representative has inspected such service.

13.6.10 INSTALLATION

- A. Remote Readout. All water service installation shall include a radio read remote (MXU) only. The location of the radio read remote shall be subject to approval of the Town.
- B. Location and Alignment of Service. Water service lines shall be located so as to take the shortest, most direct route (preferably perpendicular to the main) from the water main to the building. The water lines are not recommended to be located under paved driveways or laid along foundations. Conduits are recommended for all water lines installed under pavement. All water service lines shall have a minimum cover of eight feet (8'). No service lines shall be laid parallel to any bearing wall that might be thereby weakened. The water service shall be laid at uniform grade and in straight alignment.
- C. Abandoning Service Line. All existing water service lines that will not be used to service the lot or structure shall be considered abandoned. Abandoned service lines shall be dug up and shut off at the corporation (corp) stop at the sole expense of customer. When the Town determines, in its sole and absolute discretion, that a service line cannot be properly abandoned, the customer shall sign a waiver in the form prescribed by the Town taking full responsibility and shall indemnify and hold the Town harmless for all future costs and damages due to leaks caused by the failure of an abandoned service line.
- D. Inspection of Meters and Remote Readouts. No connection shall be made to the Town's system without a Sensus or approved meter with an Electronic Communications Register (ECR) having been installed to serve the subject unit. All water meters shall have a radio read remote (MXU) only. Meter sizes of 5/8" 3/4", and 1" size shall be a Sensus SR/II Positive Displacement or approved meters. Meters of 1 1/2" size shall be Sensus SR Positive Displacement or approved meters. Meters of 2" or larger shall be Sensus SRH Compound or approved meters. The location of the meter and the radio read remote shall be subject to approval of the Town. All meter installations must be in freeze proof areas.
- E. Service Lines and Control Valves. Service lines must be installed at a depth of eight feet (8'). All service lines must be installed with a locate wire at the depth of the pipe, to be brought up at all curbstops. A warning ribbon must be installed between one foot (1') and two feet (2') above the pipe. All service lines must be pressure tested the day of installation, whether they are tested with water or air.

The water service line shall be: Type K copper or purecore polyethylene pipe up to two inches (2") O.D.; electrical conductivity maintained by running a continuous piece of copper pipe twenty feet (20') outside the structure; provisions made for draining in the building, if required; connections and service lines shall be buried at least eight inches (8") in depth; two feet (2") bedding and six feet (6") compacted cover; no buried solder or welded fittings; all copper connections must be grip ring compression joints, which includes corporation and curbstop

valves; stop box tops must be McDonald, accessible from the surface and located at the property line; stop boxes shutoff valve stems must be within two feet (2') of the top of the box; all runs of copper service lines must be full-length pieces before a splice can be installed (i.e. 100' for ¾ and 1" copper, 60' for 1 ½" copper and 40' for 2" copper).

Polyethylene pipe: Polyethylene pipe used for water service only shall meet the requirements of AWWA C 901, shall be HDPE 3408 material, CTS, made of virgin resin, and conform to ASTM D2737. The pipe shall also be stamped and listed by NSF International. It shall be O.D. based (CTS) on sizes three-quarters of an inch (¾") through two inches (2"), conforming to the outside diameter of copper tubing. All joints must be compression grip ring type with stainless steel inserts. All service lines must use full lengths of pipe (i.e. 300' for ¾ and 1", 250' for 1 ½" and 200' for 2"). There must be a locate wire installed at the depth of the pipe that is brought up on the curbstop.

The purecore polyethylene pipe must be of a SDR7 rating or better. If the purecore polyethylene is run in to the building, it must be anchored to the wall or floor. Otherwise, Type K copper must be run into the building with a coupler a minimum of ten feet (10') from the edge of the finished building.

- F. **Pressure Reducing Valves.** Individual pressure reducing valves (PRV) are required on all services. In the case of a service that serves multiple structures/buildings, a PRV shall be required for each building of such service. On all new construction, the PRV shall be upstream from the meter and backflow preventer. The PRV must be able to withstand a minimum of 400 psi spikes.
- G. **Backflow Preventers.** All new water/service connections must have a minimum of a double check valve backflow preventer assembly. The double check valve assembly shall be furnished with test cocks and quarter turn valve shut-offs for in line testing. When the cross-connection hazard is deemed high by the Town's Operator and Responsible Charge, a Reduced Pressure Zone ("RPZ") backflow preventer shall be used. RPZ backflow preventers must be plumbed with a drain line that is at least twice the size of the supply line. A "Y" strainer shall be installed upstream of the backflow preventer. The owner shall not install a bypass around any backflow preventer unless there is a backflow preventer of the same type on the bypass. All backflow preventers must be inspected once per year by a certified inspector and/or tester, and a copy of the test results supplied to the Town.
- H. **Excavation.** All excavations required for the installation of water service lines shall be open-trench work, unless otherwise approved by the Town. Pipe laying and backfill shall be performed in accordance with the Town's standard specifications. No excavations shall remain open for more than forty-eight (48) hours. All excavations for service installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public or private property disturbed in the course of the work shall be restored in a manner satisfactory to the Town.
- I. **Tapping the Main.** The Town is the sole entity authorized to supervise or make taps on the Town's water mains. All service taps into the main line must be done live and installed with a saddle tap or threaded for a corporation valve. All four inch (4") or greater taps in the main line are required to be of a wet tap type. All Town general inspection rules shall apply.
- J. **Surface Restoration.** Paving, curb and gutters, sidewalk, improved services or other street improvements removed, damaged or destroyed during construction shall be replaced to the same

elevation and alignment with the same type and dimensions as units removed and shall be equal to and consistent with the undisturbed portions of the improvements existing prior to trench excavation. Debris shall be removed from the site of work at the expense of the contractor. All restoration and cleanup must be completed within forth-eight (48) hours after completion of installing utilities.

- K. Maintenance of Backfill and Surface Warrantee. All backfill shall be maintained in satisfactory condition, and all places showing signs of settlement shall be filled and maintained during construction and for a period of one (1) year following the completion of construction, except that the warranty period for settlement in asphalt surface streets or paved surfaces shall be two (2) years. When the owner/developer is notified by the Town that any backfill is hazardous, he shall correct such hazardous condition at once. If settlement occurs and is not deemed hazardous, owner/developer shall correct the condition within seventy-two (72) hours.
- L. Town Road Right-of-Way Work Permit. Town road right-of-way permits and accompanying obligations are solely the responsibility of the applicant. Town road right-of-way permits are required before digging in any Town road right-of-ways. Applications for Town road right-of-way permits require locates and locators signatures; therefore, constructors shall allow two (2) days after the day the locates are called in to receive locates. Applications may be picked up from the Public Works Department office or on the Town website. The completed application and a Forty Dollar (\$40) fee must be returned to the Town office, and, if approved, the Town shall issue permits within 24 hours.
- M. Potable Water Epoxy Coated Pipe. Solid steel, epoxy coated pipe will only be allowed upon review of the Town. All pipe must be lined inside and out, and all welded joints must be welded by a certified welder and coated with an approved sealant. All coated pipe must have manufacturers' specifications provided with the pipe before being allowed into the system. There shall be no taps permitted on any solid steel pipe, unless specifically approved by TMV.
Acceptable types of coats:
1. Heat applied powder products (i.e. Nap-Guard by O'Brien Products, Inc.). This is an epoxy.
 2. Plastic flame coat products (i.e. Plastic Flame Coat Systems). This is a plastic.
- N. Main Lines. The Town is the sole entity authorized to supervise or install main lines or extend existing main lines. Main lines shall be installed at a depth of eight feet (8'). All main lines must have a locate wire installed at the depth of the pipe and brought up on all valves and fire plugs. A warning ribbon must be installed between one foot (1') and two feet (2') feet above the pipe. All water mains shall be Class 52 ductile iron pipe. No main lines shall be installed within ten feet (10') of footers or walls. If there is an area where the main is at least six feet (6'), it must be encased in insulation. All mechanical joints must be megalugged and have thrust blocks. All four inch (4") or greater taps into the main line are required to be of a wet tap type. All main line valves must have a valve box adapter installed between the valve and first section of the standpipe to help keep standpipe straight and contaminate free. An as-built provided by the contractor of all main lines and extensions is required by the Town at the completion of the work.
- O. Field Quality Control

1. Town's Observation: Notify the Town at least twenty-four (24) hours in advance of pipe being laid in any trench. No pipes shall be covered until observed by a Town Inspector. Notification to the Town of at least twenty-four (24) hours before a pipe is to be tested is required.
2. Procedure: Water mains shall be tested by the Town's Water Department only. Test results shall not be considered valid without the presence of the Town's inspector or representative throughout the test. No testing shall be performed until all thrust blocks have been placed and cured for at least seven (7) days and the pipeline backfilled adequately to prevent any movement or lifting of the pipe. Pavement or other permanent surfaces shall not be placed until all leakage tests are satisfactorily completed.
3. Test: A onetime only water leakage test shall be provided free of cost by the Town. A twenty-four (24) hour notice is required for all tests. All re-inspection tests will be charged at Thirty-five Dollars (\$35) per hour.
4. Procedure: All lines shall be filled with water and kept under existing pressure. Each section shall be isolated and tested separately by means of an electronic listening device. This test shall be performed only by the Town's Water Department with their equipment.

P. Flushing and Disinfecting

After completion of pressure and leakage testing and prior to being placed into service, all new water mains and repair portions of or extensions of existing mains shall be chlorinated by the Contractor in accordance with AWWA Standard C-651.

1. Initial Flushing: Sections of pipe to be disinfected shall first be flushed to remove any solids or contaminated material that may have entered the pipe. If no hydrant is installed at the end of the main, then a two inch (2") tap shall be installed in order to flush the line.
2. Point of Application: The preferred point of application of chlorination agent is at the beginning of the pipeline extension or any valved section of it, and through a corporation stop inserted in the pipe. The water injector for delivering the chlorine-bearing water into the pipe shall be supplied from a tap made on the pressure side of the gate valve controlling the flow into the pipeline extension. Alternate points of application may be used when approved or directed by the Town.
3. Preventing Reverse Flow: Valves shall be manipulated so that the strong chlorine solution in the line being treated will not flow back in the line supplying the water
4. Retention Period: Treated water shall be retained in the pipe at least twenty-four (24) hours. After this period, the chlorine residual at pipe extremities and at other representative points shall be at least 4 ppm mg/l.
5. Chlorinating Valves and Hydrants: In the process of chlorinating newly laid pipe, all valves or other appurtenances shall be operated while the pipeline is filled with chlorinating agent and under normal operating pressure.
6. Final Flushing and Testing: Following chlorination, all treated water shall be thoroughly flushed from the newly laid pipe at its extremity until the replacement water throughout its length shows upon test a chlorine residual of less than 1 mg/l. In the event chlorine is normally used in the source of supply, then the test shall show a residual of not in excess of that carried in the system. Water samples taken shall show no coliform organisms. If water in the pipe does not meet the governing agency requirements, the disinfection procedure shall be repeated until meeting these requirements. Acceptance forms from governing agencies shall be furnished to the Town.

13.7 MAIN LINE EXTENSIONS

13.7.1 COMPLIANCE WITH RULES AND REGULATIONS. The requirements of this Chapter shall be applicable to the construction of all main line extensions.

13.7.2 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 their construction may do so as provided in Section 7.4 herein.

13.7.3 PROCEDURE FOR MAIN LINE EXTENSION BY THE TOWN. The Town may construct any main line 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 constructed by the Town or 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 all work pertaining to the completion of the subject project, including periodic and final payments to the contractor, inspection and as-constructed drawings.

Pursuant to C.R.S. Section 38-256-105 and -106, as amended, performance 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 the construction, subject to a one (1) year warranty period during which the contractor shall promptly, without cost to the Town, correct any defective work.

Constructors 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 warranties that shall cover a one (1) year period from the date of acceptance of the main lines by the Town. Prior to the acceptance of main lines, the Constructor shall provide to the Town (1) all easements necessarily accompanying the main lines and (2) reproducible as-built drawings.

13.7.4 PROCEDURE FOR MAIN LINE EXTENSION BY DEVELOPERS. The Town shall have 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 a 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 liability for that decision.

- A. All applicants desiring to construct a main line within the Town shall first make a formal application to the Board 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. The staff shall then submit the recommended plans, with appropriate documentation, to the Board for final approval. Said plans shall be reviewed for compliance with the Town's specifications and with other specifications and requirements appropriate to the situation. The cost of such study for compliance shall be borne by the applicant.
- B. Prior to the execution of the main line extension agreement with the Town, 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 (\$500), but may be a greater sum if the Board determines that a greater sum is necessary.

- C. 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 bonds to be issued by the contractor to the Town pursuant to C.R.S. Sections 38-26-015 and -106 as amended. 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 contracted 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 at the applicant's expense. Similarly, all daily inspection fees on mains required by any governmental agency, including the Town, shall be paid by applicant.
- D. Special structures, such as pumping stations, pressure reducing valves, meter vaults, etc., required to ensure proper operation if the extension, shall be constructed from designs of the Town's engineers or such other engineers as may be approved by the Town.
- E. The applicant shall be responsible for "over sizing" main line extensions as required by the Town.
- F. 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 that shall cover all maintenance for one (1) 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 (1) all easements necessarily accompanying the main lines, (2) reproducible as-built drawings, and (3) a statement of the certified costs of the main lines.
- G. No reimbursement or recovery of costs shall be permitted for main line extensions, except as provided by existing contracts. The Town shall, at its sole discretion, determine when reimbursement may be made, if any is required under previous agreement, for main line extensions.

13.7.5 WETLAND PROTECTION. All main line construction shall use Best Management Practices to protect wetlands and drainages. A site walk must be scheduled with the Town of Mountain Village Public Works Department prior to the start of construction.

13.7.6 MAIN LINE SIZES. The size of the main line required to serve any area served by the Town shall be determined by the Town.

13.7.7 LOCATIONS OF MAIN LINE EXTENSIONS. Main lines shall be installed in roads or streets within the County, State Highway Department, or other public rights-of-way, as well as in easements granted to the Town. When 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 shall, in consultation with and with the approval of the Town, plat and grant to the Town rights-of-way and easements in which will be constructed such facilities.

13.8 RATES AND CHARGES

13.8.1 GENERAL. The information contained in this article shall be pertinent to all charges of whatever nature to be levied for the provision of sewer and/or water services. Said rates and charges as herein established are in existence and effect at this time, and shall remain in effect until modified by the Board under the provisions of this Chapter and under the applicable statutes of the State of Colorado. Nothing contained herein shall limit the Board from modifying rates and charges, or from modifying any classification.

13.8.2 APPLICATION OF THIS ARTICLE. The rates, charges and other information shown herein shall apply only to customers inside the Town and shall in no way obligate the Town with respect to services provided outside the Town boundaries.

13.8.3 CLASSIFICATION OF CUSTOMERS. These classifications and definitions are as follows in Appendix A.

13.8.4 TAP FEE. A tap fee shall be a charged to all customers of the Town, which shall be assessed and paid before a building permit is issued. Tap fees shall be assessed as provided for in the schedule of fees and charges attached hereto provided, however, that: if an application, in the opinion of the Town, does not properly reflect the nature and use of the structure, then:

- A. A representative of the Town shall report said opinion and facts supporting the same to the Town;
- B. The Town shall, upon receipt of said report and upon a determination that said report is supported by sufficient facts to justify a hearing, provide notice to the applicant of a hearing to be held at the convenience of the Board to determine the true facts and circumstances surrounding the application. The Board shall hold a hearing in accordance with the notice provided and shall hear any person who may wish to come before the Board to provide the Board with information concerning the facts and circumstances surrounding the application; and
- C. After hearing all who come before it at said hearing, the Board shall determine whether the application properly reflects the nature and use of the structure and fulfills the purposes of this section, and, if not, the Board shall assess the tap fee that is appropriate for the applicant, which tap fee shall be collected in accordance with this Chapter and the laws of the State of Colorado.

13.8.5 TRANSFER OF TAP FEES. No tap fee paid on behalf of one property, or any portion thereof, may be transferred to any other property unless:

- A. The owner requesting the transfer is the common owner of the property of which the tap fee has been paid and the property to which the transfer of the tap fee, or portion thereof, is being requested.
- B. The owner requesting the transfer has no outstanding unpaid accounts with the Town and has previously maintained a good credit record with the Town.
- C. The property to which the tap fee initially applied has never been connected to the Town's system.
- D. The owner requesting the transfer shall pay to the Town the difference between the tap fee that would otherwise be charged on the date the transfer is being sought and the tap fee previously paid, but in no event shall the Town make a credit or refund. In the event an owner transfers only a portion of the total sum previously paid as a tap fee, the owner shall retain a credit, subject to the

provisions of Section 5.14, for any non-transferred portion of the previously paid fee. Notwithstanding the foregoing, in the event a lot for which a tap fee has been paid is subdivided in any manner, the resulting lots may be credited the previously paid tap fee in a proportionate share for each resulting lot.

E. Any approval of a request for a transfer of a tap or fees shall be at the sole discretion of the Town.

13.8.6 SERVICE CHARGE. Service charges shall be as reflected in the schedule of fees and charges attached hereto as Appendix A and C. No charge shall begin until connection is made to the system and a Certificate of Occupancy has been issued.

Monthly service charges shall be suspended during any month(s) in which service through a newly constructed tap to a building prior to its occupancy has been turned-off in accordance with Section 5.13 of this Chapter.

13.8.7 AMENDED TAP FEES. In those situations where a prospective user applies for a permit for service to a structure or use not defined in the preceding articles, or where, in the Board's opinion, said structure represents a classification not contemplated in the establishment of the previously defined tap fees, the Board shall, in its sole discretion, establish a fair, reasonable and equitable tap fee for said structure.

13.8.8 AMENDED SERVICE CHARGES. In those situations where, in the Board's sole discretion, the service charges shown in the previous articles do not represent a fair, reasonable and equitable charge for the intended use, the Board, in its sole discretion, may adjust said rates.

13.8.9 PAYMENT OF SERVICE CHARGES. It is the policy of the Town to bill all minimum monthly service charges in advance; charges for water usage in excess of the allotted usage for such minimum payments shall be billed after the close of each month. When a condominium or homeowner's association exists for a number of units receiving service from the Town, said association shall receive an invoice for all units serviced by the association. In no instance shall the Town bill individual owners within an association. The Town shall have the right to issue only one bill for a multi-unit structure or development. Any structure with more than one (1) living unit off the service line, which is not separately metered, shall establish one (1) responsible party for water and sewer bills.

13.8.10 PENALTY FOR LATE PAYMENT. At any time the customer is twenty (20) days late in payment of any charges due the Town, the Town shall have the right to assess an interest charge at a rate of one percent (1%) per month on the unpaid balance, and a Five Dollar (\$5) administrative late charge shall be added. The Town shall further have the right, in its sole discretion, to terminate service to any customer who becomes thirty (30) days or more late in payment for scheduled services, following the opportunity for a hearing as outlined herein.

The Town shall have the right to assess to any customer who is late in payment of his account all legal, court, disconnection and other costs necessary to or incidental to the collection of said account.

13.8.11 PENALTIES LIEN. At any time it becomes necessary for the Town, following efforts to collect late payment of any charge assessed by the Town under this Chapter and/or Colorado law, the Town shall be entitled to collect as a tax lien pursuant to the provisions of C.R.S 31-35-708, as amended.

13.9 HEARING AND APPEAL PROCEDURES

13.9.1 APPLICATION. The hearing and appeal procedures established by this article shall apply to all complaints concerning the interpretation, application or enforcement of this Chapter. The hearing and appeal procedures established by this article shall not apply to the following complaints:

- A. Complaints that arise out of the interpretation of the terms of Town contracts;
- B. Complaints that arise with regard to personnel matters, which complaints shall be governed exclusively by the Town's personnel rules as the same may be amended from time to time; and
- C. Any other complaint that does not concern the interpretation, application or enforcement of this Chapter.

13.9.2 INITIAL COMPLAINT - INFORMAL RESOLUTION. Complaints concerning the interpretation, application or enforcement of Rules and Regulations of the Town must be presented to the Manager or such representative as he may designate. Upon receipt of a complaint, the Manager or his representative, after a full and complete review of the allegation contained in the complaint, shall take such action and/or make such determination as may be warranted and shall notify the complainant of the action or determination by mail within fifteen (15) days after receipt of the complaint.

13.9.3 FORMAL HEARING. In the event the decision of the Manager or his representative is deemed unsatisfactory to the complainant, a written request for Formal Hearing may be submitted to the Town Manager or such Hearing Officer as the Town Manager may appoint within fifteen (15) days from the date written notice of the decision was mailed. Upon receipt of the request, if it be timely and if any and all other prerequisites prescribed by this Chapter have been met, the Town Manager or Hearing Officer shall conduct a Formal Hearing at the Town's convenience, but in any event not later than fifteen (15) days after submission of the request for Formal Hearing. The Formal Hearing shall be conducted in accordance with and subject to all pertinent provisions of this Chapter.

13.9.4 CONDUCT OF HEARING. At the hearing, the Town Manager or Hearing Officer shall preside. The complainant and representatives of the Town shall be permitted to appear in person, and the complainant may be represented by any person of his choice or by legal counsel. The complainant or his representative and the Town representative shall have the right to present evidence and arguments, the right to confront and cross examine any person and the right to oppose any testimony or statement that may be relied upon in support of or in opposition to the matter in the complaint. The Town Manager or Hearing Officer may receive and consider any evidence that has probative value commonly accepted by reasonable and prudent persons in the conduct of their affairs. The Formal Hearing shall be electronically recorded and preserved in the event of any appeal under these rules. Any physical exhibits or other evidence offered, received and considered during the Formal Hearing shall be retained and preserved in the same manner as the electronic record of the Formal Hearing.

13.9.5 ALTER/AMEND/DEFER OR CANCEL INTERPRETATION. The Town Manager or Hearing Officer shall determine whether clear and convincing grounds exist to alter, amend, defer or cancel the interpretation, application and/or enforcement of this Chapter. The decision shall be based upon evidence presented at the Formal Hearing. The burden of showing that the required grounds exist to alter, amend, defer or cancel the action shall be upon the complainant.

13.9.6 FINDING. Subsequent to the Formal Hearing, the Town Manager or Hearing Officer shall make written findings and an Order disposing of the matter and shall mail a copy thereof to the complainant not later than fifteen (15) days after the date of the Formal Hearing.

13.9.7 APPEALS TO THE BOARD. In the event the complainant disagrees with the findings and Order of the Town, the complainant may, within fifteen (15) days from the date of their mailing, file with the Town Council a written request for an appeal thereof. The request shall set forth with specificity the facts or complainant's reasons for the appeal. The Town shall in response compile a written record of the appeal consisting of (1) a transcript of the recorded proceedings of the Formal Hearing, (2) all exhibits or other physical evidence offered and reviewed at the Formal Hearing, and (3) a copy of the written findings and Order. The Town Council shall consider the complainant's written request and the written record of appeal at the next regularly scheduled meeting held not earlier than ten (10) days after the filing of the complainant's request for appeal. No further evidence shall be presented by any party to the appeal, and there shall be no right to a hearing de nova before the Town Council.

13.9.8 DISPOSITION. The Town Council shall make written findings and an Order concerning the disposition of the appeal presented to it and shall cause notice of the decision to be sent by certified mail to the complainant within thirty (30) days after the hearing.

13.9.9 NOTICE. A complainant shall be given notice of any hearing of the Town Council by certified mail at least seven (7) calendar days prior to the date of the hearing, unless the complainant requests or agrees to a hearing in less time. When a complainant is represented by an attorney, notice of any action, finding, determination, decision or order affecting the complainant shall also be served upon the attorney.

13.10 CROSS-CONNECTION AND BACKFLOW CONTROL REGULATION

13.10.1 GENERAL POLICY

Purpose:

~~A. Purpose: To protect the Water System from contaminants or pollutants that could enter the distribution system by backflow from a customer's water supply system through the service connection. To protect the Town water system from the possibility of contamination or pollution by isolating within its customers' internal distribution system(s) or its customers' private water system(s) such contaminants or pollutants that could backflow or back-siphon into the water system.~~

~~A. _____~~

~~B. Authority: The Town shall have the authority to survey all service connections within the Water System to determine if the connection is a cross-connection. The Town shall have the authority to control all service connections within the distribution system if the connection is a cross-connection. The Town may control any service connections within the distribution system in lieu of a survey as long as the service connection is controlled with an air gap or reduced pressure zone backflow prevention assembly. The Town may collect fees for the administration of this program as set forth in a resolution of the Town Council setting such fees. The Town shall maintain records of cross-connection surveys and the installation, testing and repair of all backflow prevention assemblies installed for containment and containment by isolation purposes. Except as otherwise provided herein, the Town shall administer, implement and enforce the provisions of this Chapter. To promote the elimination or control of existing cross-connections, actual or potential, between its customer's inplant potable water system(s) and non-potable water systems, plumbing fixtures and industrial piping systems.~~

~~B. To provide for the maintenance of a continuing program of cross-connection control that will systematically and effectively prevent the contamination or pollution of the water system.~~

~~C. This Ordinance applies to all commercial, industrial and multi-family residential service connections within the Town and to any persons outside the Town who are, by contract or agreement with the Town users of the Water System. This Chapter does not apply to single-family residential service connections unless the Town becomes aware of a cross connection at the single family connection.~~

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13.10.2 DEFINITIONS

Unless defined otherwise herein, all terms contained in this section shall have the meaning assigned to such terms by this section.

- A. ~~"ACTIVE DATE" means the first day that a backflow prevention assembly or backflow prevention method is used to control a cross-connection in each calendar year. "Approved" means accepted by the Town as meeting the applicable specification stated or cited in this Chapter, or as suitable for the proposed use.~~
- B. ~~"AIR GAP" is a physical separation between the free flowing discharge end of a potable water supply pipeline and an open or non-pressure receiving vessel installed in accordance with standard AMSE A112.1.2. "Auxiliary Water Supply" shall mean any water supply on or available to the premises other than the Town's approved public potable water supply. These auxiliary waters may~~

include water from another purveyor's public potable water supply or any natural source(s), such as a well, spring, river, stream, etc., or "used waters" or "industrial fluids." 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.

- C. "BACKFLOW" means the undesirable reversal of flow of water or mixtures of water and other liquids, gases or other substances into the public water systems distribution system from any source or sources other than its intended source. "Backflow Preventer" shall mean a device or means designed to prevent backflow or back-siphonage.
1. "Air Gap" shall mean 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 shall be at least double the diameter of the supply pipe, measured vertically above the top of the rim of the vessel, in no case less than one inch (1"). All air gaps shall be required to be plumbed into a drain.

— When an air gap is used at the service connection to prevent the contamination or pollution of the water system, an emergency bypass shall be installed around the air gap system, and an approved reduced pressure principle device shall be installed in the bypass system.
 2. "Reduced Pressure Principle Device" shall mean an assembly of two (2) independently operating approved check valves with an automatically operating differential relief valve between the two (2) check valves, tightly closing shut-off valves on either side of the check valves, plus properly located test cocks for the testing of the check and relief valves. The entire assembly shall meet the design and performance specifications and approval of a recognized and Town approved testing agency for backflow prevention assemblies. The device shall operate to maintain the pressure in the zone between the two (2) check valves at a level less than the pressure on the public water supply side of the device. At cessation of normal flow, the pressure between the two (2) check valves shall be less than the pressure on the public water supply side of the device. In case of leakage of either of the check valves, the differential relief valve shall operate to maintain the reduced pressure of the zone between the check valves by discharging to the atmosphere. To be approved, these devices must be readily accessible for in-line maintenance and testing and be installed in a location where no part of the device will be submerged.
 3. "Double Check Valve Assembly" shall mean 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 testing of each test valve. The entire assembly shall meet the design and performance specifications and approval of a recognized and Town approved testing establishment for backflow prevention devices. To be approved, these devices must be readily accessible for in-line maintenance and testing.
- D. "BACKFLOW CONTAMINATION EVENT" means backflow into the Water System from an uncontrolled cross connection such that the water quality no longer meets the Colorado Primary Drinking Water Regulations or presents an immediate health and/or safety risk to the public. Back Pressure" shall mean backflow caused by a pump, elevated tank, boiler or other means that could create pressure within the system greater than the supply pressure.
- E. "BACKFLOW PREVENTION ASSEMBLY" means any mechanical assembly installed at a water service line or at a plumbing fixture to prevent a backflow contamination event, provided that the mechanical assembly is appropriate for the identified contaminant at the cross connection and is an

in-line field-testable assembly“Back-siphonage” shall mean the flow of water or other liquids, mixtures or substances into the distribution pipes of a water system from any source other than its intended source caused by the sudden reduction of pressure in the water system.

- F. “BACKFLOW PREVENTION METHOD” means any method and/or non-testable device installed at a water service line or at a plumbing fixture to prevent a backflow contamination event, provided that the method or non-testable device is appropriate for the identified contaminant at the cross connection“Certified Inspector and/or Tester” shall mean a person who has passed a State approved and/or sponsored testing and/or inspection course and who is listed by the State as a certified inspector and/or tester.
- G. “CERTIFIED CROSS-CONNECTION CONTROL TECHNICIAN” means a person who possesses a valid Backflow Prevention Assembly Tester certification from one of the following approved organizations: American Society of Sanitary Engineering (ASSE) or the American Backflow Prevention Association (ABPA). If a certification has expired, the certification is invalid“Check Valve” shall mean a self-closing device that is designed to permit the flow of fluids in one direction and to close if there is a reversal of flow.
- H. “CONTAINMENT” means the installation of a backflow prevention assembly or a backflow prevention method at any connection to the public water system Water System that supplies an auxiliary water system, location, facility, or area such that backflow from a cross connection into the Water System is prevented“Colorado Department of Health Cross-Connection Control Manual” shall mean a manual that has been published by the State addressing cross-connection control practices that shall be used as a guidance document for the agency in implementing a Cross-Connection Control Program.
- I. “CONTAINMENT BY ISOLATION” means the installation of backflow prevention assemblies or backflow prevention methods at all cross connections identified within a customer’s water system such that backflow from a cross connection into the Water System is prevented“Contamination” shall mean an impairment of the quality of the potable water by sewage, industrial fluids or waste liquids, compounds or other materials to a degree that they create an actual hazard to the public health through poisoning or through the spread of disease.
- J. “CONTROLLED” means having a properly installed, maintained, and tested or inspected backflow prevention assembly or backflow prevention method that prevents backflow through a cross connection“Critical Level” shall mean the critical level C-L or C/L marking on a backflow prevention device or vacuum breaker, which is a point conforming to approved standards and established by the testing laboratory (usually stamped on the device by the manufacturer), that determines the minimum elevation above the flood-level rim of the fixture or receptacle served at which the device may be installed. When a backflow prevention device does not bear a critical level marking, the bottom of the vacuum breaker, combination valve or the bottom of any such approved device shall constitute the critical level marking.
- K. “CROSS CONNECTION” means any connection that could allow any water, fluid, or gas such that the water quality could present an unacceptable health and/or safety risk to the public, to flow from any pipe, plumbing fixture, or a customer’s water system into the Water System’s distribution system or any other part of the Water System through backflow“Cross-Connection” shall mean any unprotected, actual or potential connection or structural arrangement between the Town’s water system or a consumer’s potable water system and any other source or system through which it is possible to introduce into any part of the potable system any substance other than the intended potable water with which the system is supplied. Bypass arrangements, jumper connections;

removable sections, swivel or changeover devices and other temporary or permanent devices through which or because of which "backflow" can or may occur are considered to be cross-connections.

- L. "MULTI-FAMILY" means a single residential connection to the public water system's distribution system from which two or more separate dwelling units are supplied water~~"Cross-Connections – Controlled" shall mean a connection between a potable water system and a non-potable water system with an approved backflow prevention device properly installed that shall continuously afford the protection commensurate with the degree of hazard.~~

M. "Flood-Level Rim" shall mean the edge of the receptacle from which water overflows.

N. "SINGLE-FAMILY" means:

N. – A single dwelling which is occupied by a single family and is supplied by a separate service line; or A single dwelling comprised of multiple living units where each living unit is supplied by a separate service line.~~Hazard, Degree of" is a term derived from an evaluation of the potential risk to public health and the adverse effect of the hazard upon the water system.~~

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O. "Hazard – Health" shall mean any conditions, device or practice in the water system and its operation that could create, or in the judgment of the Town may create, a danger to health or that is a structural defect, including cross-connections, in a water system.

P. "Hazard – Plumbing" shall mean 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 prevention device. Unprotected plumbing type cross-connections shall be considered to be a health hazard.

Q. "Hazard – Pollutional" shall mean an actual or potential threat to the physical properties of the Town's or the consumer's potable water system that would constitute a nuisance or be aesthetically objectionable or that could cause damage to the system or its appurtenances, but would not be dangerous.

R. "Hazard – System" shall mean an actual or potential threat of severe damage to the physical properties of the Town's water system or the consumer's potable water system or of a pollution or contamination that would have a protracted effect on the quality of the potable water in the system.

- O. "UNCONTROLLED" means not having a properly installed and maintained and tested or inspected backflow prevention assembly or backflow prevention method, or the backflow prevention assembly or backflow prevention method does not prevent backflow through a cross connection~~"Industrial Fluids System" shall mean any system containing a fluid or solution that may be chemically, biologically or otherwise contaminated or polluted in a form or concentration such as would constitute a health, system, pollutional 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 waters and "use waters" originating from the water system that may have deteriorated in sanitary quality; chemicals in fluid form; plating acids and alkalizes; circulated cooling waters connected to an open 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, irrigation canals or systems, etc.; oils, gases, glycerin, paraffins, caustic and acid solutions and other liquids and gaseous fluids used for industrial or other purposes or for fire-fighting purposes.~~

- P. “WATER SUPPLY SYSTEM” means a water distribution system, piping, connection fittings, valves and appurtenances within a building, structure, or premises. Water supply systems are also referred to commonly as premise plumbing systems. ~~“Non-Potable Water” shall mean water that is not safe for human consumption or that is of questionable portability.~~
- Q. ~~“Pollution” shall mean the presence of any foreign substance (organic, inorganic, radiological or biological) in the water that may degrade the water quality so as to constitute a hazard or impair its usefulness.~~
- R. ~~“Potable Water” shall mean water free from impurities in amounts sufficient to cause disease or harmful physiological effects. The bacteriological, chemical and radiological quality shall conform to the State of Colorado Drinking Water Regulations.~~
- S. ~~“Submerged Inlet” shall mean a water pipe or extension thereto from a public water supply terminating in a tank, vessel, fixture or appliance that may contain water of questionable quality, waste or other contaminant and that is unprotected against backflow.~~
- T. ~~“Vacuum” shall mean any pressure less than that exerted by the atmosphere.~~
- U. ~~“Vacuum Breaker, Atmospheric Non-pressure Type” shall mean a vacuum breaker designed so as not to be subject to static line pressure or installed where it would be under pressure for not more than twelve (12) hours in any twenty-four (24) hour period.~~
- V. ~~“Vacuum Breaker, Pressure Type” shall mean a vacuum breaker designed so as not to be subjected to static line pressure.~~
- W. ~~“Water Service Connection” means the terminal end of a service connection from the water system; i.e., where the Town loses jurisdiction and sanitary control over the water at its point of delivery to the customer’s water system. If a meter is installed at the end of the service connection, then the service connection shall mean the downstream end of the meter. There shall be no unprotected takeoffs from the service line ahead of any meter or backflow prevention device located at the point of delivery to the customer’s water system. Service Connection shall also include water service connection from a fire hydrant and all other temporary or emergency water service connections from the water system.~~

13.10.3 REQUIREMENTS

- A. Commercial, industrial and multi-family service connections shall be subject to a survey for cross connections. If a cross connection has been identified an appropriate backflow prevention assembly and or method shall be installed at the customer’s water service connection within 120 days of its discovery. The assembly shall be installed downstream of the water meter or as close to that location as deemed practical by the public water system. If the assembly or method cannot be installed within 120 days the Town must take action to control or remove the cross connection, suspended service to the cross connection or receive an alternative compliance schedule from the Colorado Department of Public Health and Environment. ~~Water System.~~
- B. In no case shall it be permissible to have connections or tees between the meter and the containment backflow prevention assembly. In instances where a reduced pressure principle backflow preventer cannot be installed, the owner must install approved backflow prevention devices or methods at all cross-connections within the owner’s plumbing system.

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- C. Backflow prevention assemblies and methods shall be installed in a location which provides access for maintenance, testing and repair.
- D. Reduced pressure principle backflow preventers shall not be installed in manner subject to flooding.
- E. Provisions shall be made to provide adequate drainage from the discharge of water from reduced pressure principle backflow prevention assemblies. Such discharge shall be conveyed in a mater which does not impact waters of the state.
- F. All assemblies and devices shall be protected to prevent freezing. Those assemblies and methods used for seasonal services may be removed in lieu of being protected from freezing. The devices must be reinstalled and then tested by a certified cross-connection control technician prior to the service being activated.
- G. Where a backflow prevention assembly or method is installed on a water supply system using storage water heating equipment such that thermal expansion causes an increase in pressure, a device for controlling pressure shall be installed.
- H. All backflow prevention assemblies shall be tested at the time of installation and on an annual schedule thereafter. Such tests must be conducted by a Certified Cross-Connection Control Technician.
- I. The Town shall require inspection testing, maintenance and as needed repairs and replacement of all backflow prevention assemblies and methods, and of all required installations within the owner's plumbing system in the cases where containment assemblies and or methods cannot be installed.
- J. All costs for design, installation, maintenance, testing and as needed repair and replacement are to be borne by the customer.
- K. No grandfather clauses exist except for fire sprinkler systems where the installation of a backflow prevention assembly or method will comprise the integrity of the fire sprinkler system.
- L. For new buildings, all building plans must be submitted to the Town and approved prior to the issuance of water service. Building plans must show:
- i. Water service type, size and location
 - ii. Meter size and location
 - iii. Backflow prevention assembly size, type and location
 - iv. Fire sprinkler system(s) service line, size and type of backflow prevention assembly.
 - i. All fire sprinkling lines shall have a minimum protection of an approved double check valve assembly for containment of the system.
 - ii. All glycol (ethylene or propylene), or antifreeze systems shall have an approved reduced pressure principle backflow preventer for containment.
 - iii. Dry fire systems shall have an approved double check valve assembly installed upstream of the air pressure valve.

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~~A. iv. In cases where the installation of a backflow prevention assembly or method will comprise the integrity of the fire sprinkler system the Town will not require the backflow protection. The Town will measure chlorine residual at the service connection once a month and perform periodic bacteriological testing at the site. If the Town suspects water quality issues the Town will evaluate the practicability of requiring that the fire sprinkler system be flushed periodically at the owners expense and may require the fire sprinkler system to be flushed in the Town's sole and absolute discretion.~~

- ~~1. The water system shall be considered as made up of two parts: The Utility System and the Customer System.~~
- ~~2. The Utility System shall consist of the Town's water system, including the source facilities and the distribution system, and shall include all those facilities of the water system under the complete control of the utility, up to the point where the Customer's System begins.~~
- ~~3. The source facilities shall include all components of the facilities utilized in the production, treatment, storage and delivery of water to the distribution system.~~
- ~~4. The distribution system shall include the network of conduits used for the delivery of water from the source to the Customer's System.~~
- ~~5. The Customer's System shall include those parts of the facilities beyond the termination of the distribution system that are utilized in conveying utility-delivered domestic water to points of use.~~

B. Policy

- ~~1. No water service connection shall be installed or maintained by the Town unless the water supply is protected as required by state laws and regulations and this Chapter. Service of water to any premises shall be discontinued by the Town if a backflow prevention device required by regulations or this Chapter is not installed, tested and maintained.~~
- ~~2. The Customer's System shall be open for inspection at all reasonable times to authorized representatives of the Town to determine whether cross-connections or other structural or sanitary hazards, including violations of regulations or this Chapter, exist. When such a condition becomes known, the Town Manager shall deny or immediately discontinue service to the premises by providing for a physical break in the service line until the customer has corrected the condition(s) in conformance with state statutes and the regulations adopted pursuant thereto and Town's Rules and Regulations relating to plumbing and water supplies.~~
- ~~3. An approved backflow prevention device shall be installed depending on degree of hazard. Such a device shall be installed at or near the property line or immediately inside the building being served but, in all cases, before the first branch line leading off the service line wherever the following conditions exist:
 - ~~a. In the case of any premises having any auxiliary water supply that is not or may not have a safe bacteriological or chemical quality and that is not acceptable as an additional source by the Town, the public water system shall be protected against backflow from the premises by installing a backflow prevention device in the service line appropriate to the degree of hazard.~~~~

b. ~~In the case of any premises on 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 water system, the water system shall be protected against backflow from the premises by installing a backflow prevention device in the service line appropriate to the degree of hazard. This shall include the handling of process waters and waters originating from the Utility System that have been subject to deterioration in quality.~~

e. ~~In the case of any premises having (1) internal cross connections that cannot be permanently corrected and controlled, or (2) intricate plumbing and piping arrangements, or where entry to all portions of the premises is not readily accessible for inspection purposes, making it impractical or impossible to ascertain whether or not dangerous cross connections exist, the water system shall be protected against backflow from the premises by installing a backflow prevention device in the service line.~~

C. ~~The type of protective device required under Sections 4.3.A and B shall depend upon the degree of hazard that exists as follows:~~

1. ~~In the case of any premises where there is an auxiliary water supply as stated in subsection 4.3.A of this Chapter and it is not subject to any of the following rules, the water system shall be protected by an approved air-gap separation or any approved reduced pressure principle backflow prevention device.~~

2. ~~In the case of any premises where there is water or substance that would be objectionable but not hazardous to health if introduced into the water system, the water system shall be protected by an approved double check valve assembly.~~

3. ~~In the case of any premises where there is any material dangerous to health that is handled in such a fashion as to create an actual or potential hazard to the water system, the water system shall be protected by an approved air-gap separation or an approved reduced pressure principle backflow prevention device. Examples of premises where these conditions will exist include sewage treatment plants, sewage pumping stations, chemical manufacturing plants, hospitals, mortuaries and plating plants.~~

4. ~~In the case of any premises where there are "uncontrolled" cross connections, either actual or potential, the water system shall be protected by an approved air-gap separation or an approved reduced pressure principle backflow prevention device at the service connection.~~

5. ~~In the case of any premises where, because of security requirements or other prohibition or restrictions, it is impossible or impractical to make a complete in-plant cross connection survey, the water system shall be protected against backflow or back siphonage from the premises by the installation of a backflow prevention device at the service line. In this case, maximum protection shall be required; that is, an approved air-gap separation or an approved reduced pressure principle backflow prevention device shall be installed in each service to the premises.~~

D. ~~Any backflow prevention device required herein shall be of a model and size approved by the Town. The term "Approved Backflow Prevention Device" shall mean a device that has been manufactured in full conformance with the standards established by the American Water Works Association entitled: "AWWAC506-78 Standards for Reduced Pressure Principle and Double Valve Backflow Prevention Devices" and, has met completely the laboratory and field performance specifications of the Foundation for Cross-Connection Control and Hydraulic Research of the~~

University of Southern California established by "Specifications of Backflow Prevention Devices - #69-2," dated March, 1969, or the most recent issue.

Said AWWA and FCCC & HR Standards and specifications have been adopted by the Town. Final approval shall be evidenced by a "Certificate of Approval" issued by an approved testing laboratory certifying full compliance with said AWWA standards and FCCC & HR Specifications.

The following testing laboratory has been qualified by the Town to test and certify backflow preventers:

Foundation for Cross-X Connection Control & Hydraulic Research University of Southern California, University Park, Los Angeles, California 90007.

Testing laboratories other than the laboratory listed above shall be added to an approved list as they are qualified by the Town.

Only "Approved Backflow Prevention Devices" shall be used.

1. It shall be the duty of the customer/user at any premises where backflow devices are installed to have certified inspections and operational tests made at least once per year. In those instances where the Town deems the hazard to be great enough, it may require certified inspections at more frequent intervals. These shall be performed by a certified inspector and/or tester. These devices shall be repaired, overhauled or replaced at the expense of the customer/user whenever said devices are found to be defective. Records of such tests, repairs and overhauls shall be kept and made available to the Town. The attached form shall be submitted to the Town within thirty (30) days after the device has been tested and/or inspected.
2. All commercial customers shall provide annual copies of their backflow preventer tests to the Public Works Department via email (utilities@mtnvillage.org) no later than May 1st of each year.
3. Installation of New Devices. The Town shall be informed of all backflow prevention devices that are installed on any premises. Upon installation, the device shall be inspected and tested by a certified inspector and/or tester. The Town shall be informed in writing of the results of this inspection.

13.10.4 EXISTING CROSS CONNECTIONS, INSPECTION, TESTING AND REPAIR:-

- A. Backflow prevention devices or methods shall be tested by a Certified Cross-Connection Control Technician upon installation and tested at least annually, thereafter. The tests shall be made at the expense of the customer.
- B. Any backflow prevention devices or methods that are non-testable, shall be inspected at least once annually by a certified cross-connection control technician. The inspections shall be made at the expense of the customer.
- C. As necessary, backflow prevention devices shall be repaired and retested or replaced and tested at the expense of the customer whenever the devices are found to be defective.

13.10.4.D. Testing gauges shall be tested and calibrated for accuracy at least once annually. Within a reasonable time following the adoption of this regulation, existing cross-connections between the water system and any secondary water system shall be eliminated or protected by means of an approved

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backflow preventer.

13.10.5 VIOLATIONS AND PENALTIES REPORTING AND RECORDKEEPING:

13.10.5

A. Copies of records of test reports, repairs and retests, or replacements shall be kept by the customer for a minimum of three (3) years. The Town Manager shall notify the owner, or authorized agent of the owner, of the building or premises in which there is found a violation(s) of this Regulation. The Town Manager shall set a reasonable time for the owner to have the violation(s) removed or corrected. If the owner fails to correct the violation(s) in the specified time, the Town may, if in its judgment an imminent health hazard exists, request that the water service to the building or premise be terminated immediately without the necessity of a hearing as provided in the Town's Rules and Regulations.

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B. Copies of records of test reports, repairs and retests shall be submitted to the Town by mail, facsimile or e-mail by the testing company or testing technician.

C. Information on test reports shall include, but may not be limited to,

i. Assembly or method type

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ii. Assembly or method location

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iii. Assembly make, model and serial number

iv. Assembly size

v. Test date; and

vi. Test results including all results that would justify a pass or fail outcome

vii. Certified cross-connection control technician certification agency

viii. Technician's certification number

ix. Technician's certification expiration date

x. Test kit manufacturer, model and serial number

~~B. xi. Test kit calibration date~~ In addition to those remedies provide in Section 4.2, the Town may seek such criminal prosecution as authorized under the criminal tampering statutes (Section 18-4-506, C.R.S.).

13.10.6 DENIAL OF SERVICE RIGHT OF ENTRY. A properly credentialed representative of the Town shall have the right of entry to survey any and all buildings and premises for the presence of cross-connections for possible contamination risk to and for determining compliance with this section. This right of entry shall be a condition of water service in order to protect the health, safety and welfare of customers throughout the public water system's distribution system. Nothing in this regulation shall limit the Town's ability to deny an application for service when, in the Town's opinion, the connection of the system to the applicant's existing plumbing would constitute a connection to an unsafe water supply.

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13.10.7 SEVERABILITY COMPLIANCE. If any provision of this Regulation or its application to any person or circumstances is held invalid, the application of such provision to other persons or circumstances shall not be affected thereby.

A. Customers shall cooperate with the installation, inspection, testing, maintenance, and as needed repair and replacement of backflow prevention assemblies and with the survey process. For any identified uncontrolled cross-connections, the Town shall complete one of the following actions within 120 days of its discovery:

i. Control the cross-connection

ii. Remove the cross-connection

iii. Suspend service to the cross-connection

B. The Town shall give notice in writing to any owner whose plumbing system has been found to present a risk to the Waters System's distribution system through an uncontrolled cross connection. The notice and order shall state that the owner must install a backflow prevention assembly or method at each service connection to the owner's premises to contain the water service. The notice and order will give a date by which the owner must comply with the order.

C. In instances where a backflow prevention assembly or method cannot be installed, the owner must install approved backflow prevention devices or methods at all cross-connections within the owner's water supply system. The notice and order will give a date by which the owner must comply with the order.

13.10.8 VIOLATIONS AND PENALTIES: Any violation of the provisions of this ordinance, shall, upon conviction be punishable as provided in all applicable statutes, laws, and regulations including but not limited to the general penalty section of the Town's Municipal Code.

13.10.7—CONFLICT WITH OTHER CODES: If a dispute or conflict arises between the Colorado Plumbing Code as adopted by the Town and any plumbing, mechanical, building, electrical, fire or other code adopted by the Town, then the most stringent provisions of each respective code shall prevail.

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13.11 FIRE PROTECTION

13.11.11 All commercial and domestic structures requiring a fire protection system shall use a 300 PSI inlet Cla valve model 90-21 for their pressure reducing valve.

13.11.12 All fire protection systems shall have a minimum 400 PSI inlet pressure relief valve downstream of the pressure reducing valve.

13.11.13 All fire protection systems shall have a minimum 400 PSI inlet wye strainer upstream of the pressure reducing valve.

13.12 SEVERABILITY

The provisions of this Chapter are severable, and the invalidity of any section, phrase, clause or portion of this Chapter as determined by a court of competent jurisdiction shall not affect the validity or effectiveness of the remainder of this Chapter.

APPENDIX A
MOUNTAIN VILLAGE
WATER AND SEWER TAP FEE RATE SCHEDULE
Effective: December 12, 2013

CLASSIFICATION	RATE
1) <u>Residential Unit</u> Any living unit with a kitchen. A kitchen being defined as including, but not limited to, hot and cold water, stove and /or microwave, sink and refrigerator.	<u>\$10,000</u> per unit up to 3,000 sq. feet; then \$2,000 per additional 500 sq. feet. (including new construction and/or remodel additions)
2) <u>Efficiency Unit/Lodge</u> One or more rooms with separate bathrooms and a full kitchen.	<u>\$3,000</u> per Efficiency Unit for up to 750 sq. feet; \$250 per additional 50 sq. ft.
3) <u>Hospitality Suite</u>	<u>\$3,333</u> per Suite
4) <u>Hotel Room</u> A room without a kitchen but with a bathroom with private access to an central corridor or to the outside.	<u>\$2,000</u> per Room for up to 500 sq. ft.; \$250 per additional 50 sq. ft.
5) <u>Deed Restricted Affordable Housing</u> - Apts./Condos - Employee Dorms	<u>\$5,000</u> per Unit <u>\$2,500</u> per Unit
6) <u>Commercial /Industrial Space</u> Restaurants, Bars, Stores, Offices, and accessory areas such as lobbies, convention centers, ballrooms, auxiliary dining rooms and guest recreational facilities, but exclusive of mechanical rooms, stairs, elevators and hallways.	<u>\$10,000</u> (minimum) for up to 2,000 sq. ft. (plus \$5 per sq. ft.) for area over 2,000 sq. ft.)

APPENDIX B
MOUNTAIN VILLAGE GENERAL INFORMATION

General.

The applicant, connector and property owner shall be responsible for knowledge of all provisions of the Rules and Regulations of the Town of Mountain Village.

Service Charge.

A minimum fee plus excess usage charge shall begin as of the date of connection. No provision for reimbursement of service charge shall be afforded.

Connection or Use Fees shall be payable prior to the connection of a new structure to the system and prior to any changes in number of dwelling units or commercial use.

Any Change in Use.

Conversion of additional units or connection of new structure made without payment of a connection or use fee shall be considered an "Unauthorized Tap." The occurrence of an unauthorized tap requires the assessment of a charge equal to the tap fee, as well as payment of the appropriate tap fee. Other action may also be taken against the property owner.

Property Owner shall be held responsible in the event of non-payment of all fees and charges due to the Town.

Individual Pressure Reducing Valves must be installed on all service lines ahead of the meter and must be rated to withstand 400 psi.

Water Saving Devices shall be required, consisting of shower restrictors and maximum 3.5 gallon flush toilets.

Water Meters. No connection shall be made to the Town's system without a Sensus or approved Water Meter with an Electronic Communications Register (ECR) having been installed to serve the subject unit. All water meters shall have a radio read remote (MXU) only, Meter sizes of 5/8", 3/4", and 1" size shall be Sensus SR/II Positive Displacement or approved Meters. Meters of 1 1/2" size shall be Sensus SR Positive Displacement or approved Meters. Meters of 2" or larger shall be Sensus SRH Compound or approved Meters. The location of the meter and the radio read remote shall be subject to the approval of the Town. All meter installations must be in freeze proof areas.

Inspection of Water and Sewer Service Lines shall be required. Locations of service lines and stop boxes must be recorded with the Town.

Water Service Lines. The water service line shall be:

Type K copper or purecore polyethylene pipe up to 2" O.D.; Electrical conductivity maintained by running a continuous piece of copper pipe twenty feet (20') outside the structure; provisions made for draining in the building, if required; connections and service lines to be buried at least eight feet (8') in depth; two inch (2") bedding and six inch (6") compacted cover; no buried solder or welded fittings; all copper connections must be grip ring compression joints, which includes corporation and curbstop valves; stop box tops must be McDonald, accessible from the surface and located at the property line; stop boxes' shut-off valve stems must be within two feet (2') of the top of the box; all runs of copper service lines must be full-length pieces before a splice can be installed (i.e. 100' for 3/4" and 1" copper, 60' for 1 1/2" copper and 40' for 2" copper).

The purecore polyethylene pipe must be of a SDR7 rating unless it runs into the building, in which case it must be rated SDR9. If the purecore polyethylene is run into the building it must have a fusion type fitting at the

inside termination point. Otherwise, type K copper must be run into the building with a coupler a minimum of ten feet (10') from the edge of the finished building. There shall be a separation of a minimum of ten feet (10') between all sewer and water lines.

APPENDIX C
RECOMMENDED BEST MANAGEMENT PRACTICES AND ADVISEMENTS

The following are typically considered to be best management practices; however, they are not required by the Town:

1. All PRV's should be maintained and/or replaced depending on the type of PRV used. PRV's are important for protecting against bursts in your building. Being that the Town of Mountain Village has a significant elevation change in its water system, pressure spikes can occur. However, pressure spikes should not be significant enough, due to the Town's PRV's, to cause bursts with properly functioning PRV's at your building. It is important to note that PRV's do wear over time though, and most bursts occur as a result of faulty PRV's at each services building. Therefore, it is recommended that you periodically maintain or replace your PRV. Please contact your local plumber to assess the need to maintain or replace your PRV.
2. Backflow Prevention. The Town requires a double check valve as a backflow prevention system, as this is an accepted industry standard. However, there are other technologies available, such as a Reduced Pressure Zone, which may be used if a drain is readily available at the location of the RPZ.
3. External Shut-off Valves and Drains. The Town does not require the installation of external shut-off valves and drains for external water systems; however, an external shut-off valve and drain should be something to consider as it can allow a property manager or homeowner to easily shut off water in the event of a leak.
4. Flow Controls. Flow Controls are not mandated by the Town. However, they can also be helpful in the event of a leak by preventing a large loss of water and property damage. Flow control technology is improving, but can have an impact on your everyday water usage, thus they are not mandated. Contact your local plumber for a recommendation regarding the use of flow controls.
5. Rain Sensors for Irrigation Systems. Rain Sensors are required to be used for all irrigation systems. Rain sensors help in preventing over watering after rain storms and help in conservation efforts. However, it should be noted that rain sensor technology is not perfect, and your rain sensor may not prevent your system from turning on after a rain storm. Special attention should be paid to the location of the rain sensor as a drying of the sensors' sponge is often the reason for a rain sensor not working. Please consult your local irrigation expert for more information on rain sensors and what may be best for you.