**CHAPTER 13**

# Municipal Utilities

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**ARTICLE I**

# Utility Administration

**Sec. 13-1. Utilities Department created.**

There is hereby created and established a Utilities Department for the administration of public utilities for the Town and for the administration of the Natural Gas Department, Sewer Department and the Water Department of the Town. *(Ord. 215 §1, 2014)*

**Sec. 13-2. Adoption of rules and regulations governing sewers.**

The Board of Trustees shall make and enforce such rules and regulations as it may deem necessary for the safe, efficient and economical management of the Town utility system. Such rules and regulations, when not repugnant to this Code or any other ordinances of the Town and laws of the State, shall have the same force and effect as ordinances of the Town. *(Ord. 200 §2, 2014)*

**Sec. 13-3. Operation and maintenance.**

The Board of Trustees shall have the right and authority to hire all necessary employees for the proper maintenance and operation of the Utilities Department. The Board of Trustees shall have the power and authority to establish rules and regulations for the proper operation and maintenance of the Utilities Department. *(Ord. 190 §3, 2014)*

**Sec. 13-4. Rates for service.**

The Town may by resolution or ordinance establish, change or revise rates, fees and charges for gas, sewer and water services furnished by the Town. *(Ord. 215 §4, 2014)*

**Sec. 13-5. Monthly bills.**

1. All utility accounts are due and payable at the office of the Utilities Department. All accounts shall become delinquent if not paid in full within the first ten (10) days of the month the statement is rendered. Metered water service shall be billed on a monthly cycle basis, and the amount shall represent the difference in meter reading in one thousand (1,000) gallon units.
2. The sewer charges levied pursuant to this Section shall be payable monthly and shall be added to and made a part of the monthly water bill of the various properties in the Town. Properties outside the Town shall pay monthly and in advance, or as provided by agreement, and if the same are not paid within ten (10) days thereafter, a penalty of five percent (5%) of such charge shall be added to such bill.
3. Bills for service will be rendered monthly. The term month for billing purposes means the period between any two (2) consecutive regular readings by the Utilities Department of meters at the customer's premises and such readings to be taken as nearly as may be practicable every thirty (30) days. Should the Utilities Department be unable to read the meter or meters for one (1) or more months, the Utilities Department will presume that the consumption registered by the meter subsequent to the last previous meter reading was utilized, during two (2) or more intervening months, in proportion to the customer's previous consumption. If the next reading shows that the bill for the amount of water delivered since the last previous meter reading computed on the published water rates is not equal to as much as the minimum charge for each month that has passed since the last previous meter reading, then the customer agrees to pay the minimum charge for each month since the last regular reading. However, failure to receive a bill in no way exempts the customer from payment for service rendered. *(Ord. 200 §5, 2014)*

**Sec. 13-6. Delinquent accounts.**

Utility service to property accounts which remain delinquent at the end of the month during which the statement is rendered shall be discontinued and the utility shall be disconnected, provided that the Utilities Department shall first deliver or mail to said premises a notice of delinquency; and provided further that not less than ten (10) days shall elapse after the date of said notice of delinquency before service shall be disconnected. Utility service which has been disconnected for nonpayment may not be resumed until the account is paid in full, including all applicable delinquency fees, disconnect fees, reconnect fees and any required new or additional deposit.

1. Utility fees.
   1. Delinquency fee. A tell-dollar delinquency fee is hereby established. Each month a delinquency fee shall be assessed on each delinquent account.
   2. Disconnect fee. A disconnect fee of ten dollars ($10.00) is hereby established. The disconnect fee shall be assessed for each utility meter disconnected, removed or locked.
   3. Reconnect fee. A reconnect fee of ten dollars ($10.00) is hereby established. The reconnect fee shall be assessed for each utility meter reconnected following a disconnection or removal or is unlocked after being locked.
2. Municipal utility rental due dates and delinquency.
   1. The due date for all municipal utility rentals shall be the fifteenth (15th) of each month.
   2. The Town shall begin processing municipal utility delinquent notices on the sixteenth (16th) day of the month. A grace period shall be allowed from the 16th of the month until the 26th of the month or the next Town business day where the 26th falls on a weekend or a municipal holiday.
   3. Premises red tag notices will be issued the next business day after the 26th of the month.
   4. Utility service to all premises with municipal utility taps whose accounts remain delinquent three (3) days after being red tagged shall be disconnected unless appropriate payment arrangements as set forth below are requested by the occupant or owner and approved by the Town's utility department prior to the expiration of the three-day grace period. Where the Town disconnects a utility, the utility remains disconnected for a period of thirty (30) days and no payment arrangements exist, any remaining utility deposit shall be applied toward the delinquent account to the extent required to bring the account current.
   5. The Town may agree to accept payment arrangements upon request of the occupant of a premises having a delinquent account or by the owner of said premises. A payment agreement must provide the following minimum terms: (1) all current utility rents and the arrearage payment must be paid by the tenth of each month during the term of the payment plan; (2) the total arrearage, consisting of the sum of all past due amounts, all delinquency fees, all disconnect fees and all reconnect fees, must be satisfied within twelve (12) months of the delinquency date; (3) the occupant or owner agrees that where the premises is red tagged one (1) time during the term of the arrearage payment plan and no response acceptable to the Town is provided during the three (3) days after the premises was red tagged that the agreement shall terminate and utility services to the premises shall be disconnected.
   6. Where premises is red tagged a second time during the term of the arrearage payment plan, utilities shall be disconnected and any remaining deposits applied to the delinquent account to the extent required to bring the account current.
   7. Where the Town applies a utility deposit to a delinquent account, a new deposit shall be paid prior to reconnection. The new deposit amounts for Class A shall be three hundred dollars ($300.00) for the natural gas utility and seventy-five dollars ($75.00) for the municipal water utility. The new deposit amounts for Class B shall be seventy-five dollars ($75.00) for the natural gas utility. Any unapplied deposit balances shall count toward the new deposits and totals.
3. The Board of Trustees may amend the delinquency fee, disconnect fee, reconnect fee and new deposit amounts from time to time by resolution.
4. to the extent that any conflict exists between this Section and any previously adopted ordinance, all previously adopted ordinances are hereby amended to the extent necessary to conform to this Section*. (Ord. 204 §6, 2014)*

**Sec. 13-7. Collection of unpaid and overdue charges.**

1. Each utility charge levied pursuant to this Section shall be a lien therewith and if the same is not paid within sixty (60) days after it shall become due and payable, the Town Clerk shall certify such unpaid rates or charges to the County Treasurer to be placed by him or her upon the tax list for the current year, to be collected in the same manner as other taxes are collected, with ten percent (10%) penalty thereon to defray the cost of collection; and the same shall be collected and paid over by the County Treasurer to the Town in the same manner as taxes are authorized to be paid by the laws of the State for the assessment of general taxes, including the laws for the sale of property taxes and redemption of the same.
2. Such rates and charges may also be certified to the County Commissioners and shall become a lien upon the real property served by such utility connections and collected in the same manner as though they were part of the taxes. *(Ord. 200 §7, 2014)*

**Sec. 13-8. Discontinuance of utility service.**

In addition to the remedies provided in this Section, the Town may, without notice, discontinue utility service to any premises as to which the utility charges are delinquent for a period of ten (10) days. The Town may, without notice, discontinue the utility service to any premises discharging nonacceptable wastes into the sanitary sewer system. *(Ord. 200 §8, 2014)*

**Sec. 13-9. Purchasing and leasing.**

It is the responsibility of the purchaser of property to ascertain that the utility account is paid to the date of sale. Property owners who lease premises should ascertain whether the utility account is paid to date when a tenant vacates. Delinquent bills shall be the responsibility of the property owner. *(Ord. 204 §9, 2014)*

**Sec. 13-10. When utility service to a consumer may be shut off without notice.**

Utility service may be shut off to any consumer by the Utilities Department without notice if such consumer shall tamper or in any way interfere with any meter, connections, valves or other appurtenances belonging to the Town or for any violation by a consumer of the terms of these rules and regulations, any applicable ordinance of the Town or the statutes of the State. *(Ord. 204 §10, 2014)*

**Sec. 13-11. Access for employees.**

The customer will provide access to his or her premises at all reasonable times for authorized employees of the Utilities Department for any purpose incidental to the supplying of utility service. *(Ord. 204 §11, 2014)*

**Sec. 13-12. Violations.**

It shall be unlawful for any person to violate any of the rules and regulations provided and established for the Utilities Department, and it shall be unlawful for any person to in any manner tamper with the measuring devices and the meters of the Utilities Department, or to in any manner seek to defraud the Town in the use of such gas. Any person who shall be convicted for the breach or violation of the above shall be fined in accordance with the provisions of Section 1-72 of this Code. *(Ord. 190 §12, 1993)*

**Sec. 13-13. Utility classes.**

Two (2) classes of utility customers are hereby established:

1. Class A. A class of utility customers consisting of all utility customers not contained in Class B is hereby established.
   1. Utility deposits for Class A customers:
      1. Natural gas. Each dwelling unit lessee, occupant or owner shall pay a natural gas utility deposit in the amount of three hundred dollars ($300.00) prior to connection of the utility.
      2. Water. Each dwelling unit lessee or occupant shall pay a municipal water utility deposit in the amount of seventy-five dollars ($75.00) prior to connection of the utility.
   2. Connect fees for Class A customers:
      1. Natural gas. Each dwelling unit lessee or occupant shall pay a connect fee in the amount of ten dollars ($10.00) prior to connection of the municipal gas utility.
      2. Water. Each dwelling unit lessee or occupant shall pay a connect fee in the amount of ten dollars ($10.00) prior to connection of the municipal water utility.
2. Class B. A class of utility customer consisting of all residents of multiple-dwelling units, apartments or condominiums with eighteen (18) or more units is hereby established.
   1. Utility deposits for Class B customers:
      1. Natural gas. Each dwelling unit lessee or occupant shall pay a natural gas utility deposit directly to the Town in the amount of seventy-five dollars ($75.00) prior to connection of the utility.
      2. Water. Each dwelling unit lessee or occupant shall pay a municipal water utility deposit directly to the Town in the amount of zero dollars ($0.00) prior to connection of the utility.
   2. Connect fees for Class B customers:
      1. Natural gas. Each dwelling unit lessee or occupant shall pay a connect fee in the amount of one hundred fifty dollars ($150.00) directly to the Town prior to connection of the natural gas utility.
      2. Water. Each dwelling unit lessee or occupant shall pay a connect fee in the amount of fifty dollars ($50.00) directly to the Town prior to connection of the municipal water utility. *(Ord. 226 §13, 2014)*

**Sec. 13-15. MXU repair and maintenance.**

1. Definition.

*MXU* means any meter transceiver unit or other device installed at the location of the meter whose purpose is to allow the municipality to read the meter electronically or remotely.

1. The customer whose utility service uses the MXU shall pay for the maintenance and repair of the MXU and all its associated wiring according to the following schedule:
   1. First repair: $0.00
   2. Second repair: fifty percent (50%) of the replacement cost of an MXU based on the cost of one (1) MXU at the time of replacement or repair but not less than one hundred fifty dollars ($150.00) plus twenty dollars ($20.00) per man hour to uninstall and reinstall an MXU.
   3. Third repair: one hundred percent (100%) of the replacement cost of an MXU based on the cost of one (1) MXU at the time of replacement or repair, but not less than three hundred dollars ($300.00) plus twenty dollars ($20.00) per man hour to uninstall and reinstall an MXU.
2. MXU maintenance and repair costs not paid at the time of the repair shall be part of the customer's utility bill on the subsequent utility statement and shall be collected pursuant to all statutes, ordinances, rules and regulations then in effect with respect to the collection of municipal utility bills.
3. The MXU repair and maintenance rates may be amended from time to time by the Board of Trustees by ordinance or by resolution. *(Ord. 236 §14, 2014)*

**Secs. 13-15—13-30. Reserved.**

# ARTICLE II

# Natural Gas System

**Sec. 13-31. Department created.**

There is hereby created and established the Town Natural Gas Department, to be a part of the Utilities Department of the Town. *(Ord. 190 §1, 2014)*

**Sec. 13-32. Rates of service.**

The rates for use of such natural gas, and the terms and conditions under which such natural gas shall be sold to customers of the Utilities Department, shall be established and changed by resolution of the Town from time to time. *(Ord. 190 §2, 2014)*

**Secs. 13-33—13-50. Reserved.**

**ARTICLE III**

# Sewer System

**Sec. 13-51. Creation of Sewer Department.**

There is hereby created and established a Sewer Department for the purpose of the management, maintenance, care and operation of the sewer system of the Town. The Sewer Department shall be a part of the Utilities Department of the Town. *(Ord. 200 §1, 2014)*

**Sec. 13-52. Receipts and deposits.**

The Town Clerk shall keep a correct account of all receipts, make out all bills for sewer service and materials furnished to consumers, collect the same, and deposit the proceeds so collected with the Town Treasurer to the credit of the Sewer Utility Fund of the Town, and in accordance with the direction of the Board of Trustees. *(Ord. 200 §2, 2014)*

**Sec. 13-53. Definitions.**

For the purpose of this Article, the following words and phrases shall have the meanings respectively ascribed them by this Section:

1. *Nonacceptable wastes* means the following wastes:
   * 1. Any liquid or vapor having a temperature higher than one hundred fifty degrees Fahrenheit (150 °F).
     2. Any water or waste having a five (5) day biological oxygen demand which may contain more than one thousand (1,000) parts per million by weight as averaged during any twelve (12) hour period.
     3. Any gasoline, benzine, naphtha, fuel oil or other flammable or explosive liquid, solid or

gas.

* + 1. Any garbage that has not been properly shredded.
    2. Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, grit, brick, cement, onyx, carbide or any other solid or viscous substance capable of obstruction of the flow of the sewers or other interference with the proper operation of the sewage works.
    3. Any water or waste having a pH lower than five and one-half (5.5) or higher than nine (9) or having any other corrosive property capable of causing damage or hazard to structures, equipment or personnel of the sewage works.
    4. Any water or waste containing a toxic or poisonous substance in sufficient quantities to injure or interfere with sewage process, constituting a hazard to humans or animals or creating any hazard in the receiving waters of the sewage treatment plant.
    5. Any waters or wastes containing suspended solids of such character or quantity that

unusual attention or expense is required to handle such materials at the sewage treatment plant.

* + 1. Any noxious or malodorous gas or substance capable of creating a public nuisance.

1. *Sanitary sewage* includes the waste from water closets, urinals, lavatories, sinks, bathtubs, showers, household laundries, cellar flood drains, bars, soda fountains, cuspidors, refrigeration drips, drinking fountains and any other waterborne waste not constituting an industrial waste.

*(Ord. 200 §3, 2014)*

**Sec. 13-54. Connection with sanitary sewer required; exception; use of private sewage disposal system.**

1. Except where otherwise provided, no person shall maintain within the Town any privy, privy vault, septic tank, cesspool or other facility intended for use for the disposal of sewage.
2. Where a public sanitary sewer is not available within the Town or in any area under the jurisdiction of the Town, the building sewer shall be connected to a private sewage disposal system complying with the provisions and recommendation of the State Department of Public Health. Such private sewage disposal system shall be constructed, maintained and operated at all times in a sanitary manner.
3. At such time as a public sanitary sewer becomes available to property served by a private sewage disposal system, a direct connection shall be made to the public sanitary sewer in accordance with the provisions of this Article, and any septic tank, cesspool or similar sewage disposal facilities shall be abandoned and filled with suitable material.  *(Ord. 200 §4, 2014)*

**Sec. 13-55. Permit required.**

It shall be unlawful for any person to open, uncover or in any manner make connection with any sewer main or line of the Town, or to lay drain or sewer pipes on any premises or in any street or alley in the Town without first obtaining a written permit therefor from the Town Clerk. *(Ord. 200 §5, 2014)*

**Sec. 13-56. Application.**

The application for said permit shall be in writing and shall contain the following information:

* 1. Name and address of applicant;
  2. Name and address of owner of the premises where said connection is to be made or the

drain or line is to be laid;

* 1. Location of the proposed connection, drain or sewer pipes;
  2. Statement as to the type of connection and type of materials to be discharged into the sewer;
  3. Statement as to whether said connection is to be made to the storm sewer or the sanitary sewer. *(Ord. 200 §6, 2014)*

**Sec. 13-57. Issuance of permit.**

If the proposed connection does not violate any provision herein and does not violate any other laws of the Town, the Town Clerk shall issue a permit for such connection. Such permit shall contain all information contained in said application and shall specify the type and kind of grease and sand traps to be used. *(Ord. 200 §7, 2014)*

**Sec. 13-58. Tapping fee.**

At the time of filing the application, the applicant shall pay a tapping fee as established and changed by resolution of the Town from time to time for the connection to the sewer of any property within the corporate limits and for the connection to the sewer of any property located outside the Town limits. *(Ord. 200 §1-9, 1976; Ord. 215 §8, 2014)*

**Sec. 13-59. Construction of sewers.**

Any user of the sewer system, either inside or outside of the Town limits, must build his or her own sewer line if there is no line available for him or her to connect with. All connections to the Town's sewer system must be made by a licensed plumber, subject to the supervision and inspection of the Board of Trustees, and in compliance with the Uniform Plumbing Code. *(Ord. 200 §9, 2014)*

**Sec. 13-60. Discharge of nonacceptable wastes into sewer prohibited.**

The discharge of nonacceptable wastes into the Town sewer system, whether directly or indirectly, is prohibited, and where investigation reveals the presence in the system of nonacceptable wastes emanating from any lot, land, building or premises, the owner, lessor, renter or occupant of such lot, land, building or premises shall be required, at his or her own expense, to treat, neutralize or in other ways prepare the noxious substance therein to the satisfaction of the Board of Trustees in order to convert the same into acceptable wastes. *(Ord. 200 §10, 2014)*

**Sec. 13-61. Use of grease, oil, sand, etc., interceptors.**

Grease, oil and sand interceptors shall be provided when, in the opinion of the Board of Trustees, they are necessary for the proper handling of any liquid waste containing grease in excessive amounts or any flammable waste, sand or other harmful ingredients; except that such interceptor shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Board of Trustees and shall be located as to be readily and easily accessible for cleaning and inspection. *(Ord. 200 §11, 2014)*

**Sec. 13-62. Control manhole required.**

When required by the Board of Trustees, the owner of any property served by a building sewer carrying industrial waste shall install a suitable control manhole in the building sewer to facilitate observation and sampling of the waste. Such manholes, when required, shall be accessible and safely located and shall be constructed in accordance with the plans approved by the Board of Trustees. The manholes shall be installed by the owner at his or her expense and shall be maintained by him or her so as to be safe and accessible at all times. *(Ord. 200 §12, 2014)*

**Sec. 13-63. Abandonment of connection.**

No person shall abandon any building connection without first obtaining a written permit therefor. Such building connection shall be effectively sealed with a vitrified clay stopper inserted in the bell of the sewer extending to the property line, which stopper shall be jointed as directed by the Board of Trustees.  *(Ord. 200 §13, 2014)*

**Sec. 13-64. Interference with Town employees prohibited; digging up streets for purposes of sewer connections.**

No person shall in any way interfere with the employees of the Town in any discharge of their duties in the tapping of any sewer pipe, main or lateral. No person shall dig up or cause to be dug up any street or alley in the Town for the purpose of connecting with the sewer system of the Town without first obtaining a permit, and no person having a permit shall dig up any portion of any street or alley of the Town for the purpose of connecting with the sewer system of the Town and fail or neglect to place the street or alley in its original condition. *(Ord. 200 §14, 2014)*

**Sec. 13-65. Deposit of unsanitary wastes on property prohibited.**

No person shall deposit or permit to be deposited in any unsanitary manner upon public or private property within the Town or within any area within the jurisdiction of the Town any human or animal excrement wastes. *(Ord. 200 §15, 2014)*

**Sec. 13-66. Deposit of untreated industrial waste into natural outlets prohibited.**

No person shall discharge into any natural outlet within the Town, or any area within the jurisdiction of the Town, any sanitary sewer industrial waste or other polluted waste, except where suitable treatment has been provided. *(Ord. 200 §16, 2014)*

**Sec. 13-67. Damaging, tampering with sewers prohibited.**

No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the Town sanitary sewer system. *(Ord. 200 §17, 2014)*

**Sec. 13-68. Rates and charges for use of sewers.**

There is hereby levied and charged on each lot, parcel of land and premises served by or having sewer connection with the sanitary sewer system of the Town or otherwise discharging sanitary sewage, industrial wastes, water or other liquids either directly or indirectly into the Town sanitary sewer system a sewer service charge or rental which shall be established and changed by resolution of the Town from time to time. *(Ord. 200 §18, 2014)*

**Sec. 13-69. Disposition and use of funds.**

The funds received from the collection of charges and retails authorized by this Article shall be deposited, paid out and applied only in the manner and form provided for the issuance of sanitary sewer refunding and improvement revenue bonds for the Town, for the purpose of refunding and paying outstanding sanitary sewer revenue bonds of the Town, and for extending and improving the Town's sanitary sewer system and treatment plan, such funds to be known and established as the Sanitary Sewer Refunding and Improvement Bond Fund but nothing contained in this Article shall be construed in any way to prevent the Board of Trustees from applying and crediting to such fund available money derived from any other sources. *(Ord. 200 §19, 2014)*

**Secs. 13-70—13-90. Reserved.**

**ARTICLE IV**

# Water Service

**Sec. 13-91. Water Department created.**

There is hereby created and established the Town Water Department, to be a part of the Utilities Department of the Town. *(Ord. 215 §1,2014)*

**Sec. 13-92. Metered rates inside the Town limits.**

All private water service inside the Town limits as they now exist or may subsequently exist shall be metered and subject to the monthly rates established and changed by resolution of the Town from time to time. *(Ord. 204 §2, 2014)*

**Sec. 13-93. Miscellaneous sales.**

At the discretion of the Utilities Department Water Board, water may be sold to tank trucks. The trucks shall be loaded at locations designated by the Water Board at a rate established and changed by resolution of the Town from time to time. *(Ord. 204 §3, 2014)*

**Sec. 13-94. Metered rates outside the corporate limits.**

Water furnished by agreement with the Town to users outside the corporate limits shall be metered and subject to the rates established and changed by resolution of the Town from time to time *(Ord. 204 §4, 2014)*

**Sec. 13-95. General requirements for water taps.**

1. Application shall be made on the prescribed form and shall include a description and street address of the property to be served.
2. Tapping shall be performed by authorized Utilities Department personnel only. Tapping by unauthorized personnel is a violation of these rules and the violator will be prosecuted.
3. Taps shall be on the side of the main nearest the premises to be served*. (Ord. 204 §5, 2014)*

**Sec. 13-96. Schedule of water tap fees.**

1. For each new tap for connection of service to the water supply system of the Town, a fee will be charged for the right to service representatives of the required capital investment the Town has incurred in being able to furnish that service. The required tap fees for new water service inside the Town limits shall be established and changed by resolution of the Town from time to time
2. No tap in excess of three quarters (3/4) inch will be permitted without review of the Board of Trustees. *(Ord. 204 §6, 2014)*

**Sec. 13-97. Standard residential taps.**

All new taps for residential service shall be three-quarters (3/4) inches in size. *(Ord. 204 §7, 2014)*

**Sec. 13-98. Exemptions from fee.**

The following services shall be exempt from the payment of a tap fee for new- water service:

* + 1. Connections used exclusively for fire protection inside the Town limits, either public or private.
    2. Connections for the Town.  *(Ord. 204 §8, 2014)*

**Sec. 13-99. Condominiums and multiple-dwelling units.**

Applicants for new water tap service for condominium units, either residential or commercial, multiple-dwelling units and mobile home sites shall pay a separate tap fee for each unit and shall be required to have installed a separate meter for each unit.  *(Ord. 204 §9, 2014)*

**Sec. 13-100. Fee due when.**

The tap fee will be due and payable to the Utilities Department upon application made to the Utilities Department for service and prior to the installation of a meter. The applicant for service, at the time of making his or her application for a new tap, must have either a structure in being ready for service or a valid Town building permit. A building permit which has been cancelled or allowed to expire from nonuse shall not be valid for the purpose of this Section*. (Ord. 204 §10, 2014)*

**Sec. 13-101. General requirements for water taps outside the Town limits.**

1. Applications for water service to properties located outside the corporate limits of the

Town shall be denied when the requested service will or may overburden the system of water supply or distribution or may cause or result in expense by reason of addition, extensions, alterations or enlargements, may cause or require the procuring of supplemental or additional water or water rights, or may impair the efficiency or character of the water service which the system renders or is capable of rendering its consumers located inside and within the said corporate limits of the Town.

1. Application for water service to properties located outside or beyond the corporate limits of the Town, when and if granted, are understood to be in nature of a conditional and temporary lease or rental, subject then and at all times thereafter to the requirements and needs of the properties, citizens and inhabitants situated within the corporate limits of the Town, and granting of said application on any of them shall not vest in said outside consumer or his or her property any right, title of interest in the Utilities Department; nor shall the fact that water service is being or may have been rendered to any said outside property be deemed or considered to be an obligation to continue said service, when thereby or as a result thereof the right title or interest of any resident, inhabitant, consumer of water, or owner of property within said corporate limits of the Town would or may thereby be injured or adversely affected or curtailed.
2. The Town at all times shall be the sole judge of the nature of the water service proposed to be or being rendered to properties located outside the corporate limits of the Town, and alone is empowered to designate and prescribe the rules, regulations and schedules of rates properly applicable thereto, and all schedules of water rates and charges for water service to such outside properties may exceed the cost of similar service to the properties located within the corporate limits of the Town, by such an amount or in such a proportion as will equal or exceed the indirect payment for water service which is or may be made by citizens of and taxpayers to the Town. *(Ord. 204 §11, 2014)*

**Sec. 13-102. Schedule of tap fees, outside use.**

1. For each new tap for connection of service outside the corporate limits of the Town, a fee will be charged for the right to service. The required tap fees for new water service outside the Town limits shall be established and changed by resolution of the Town from time to time
2. A moratorium is presently in effect on new water taps outside of Town limits. *(Ord. 204 §12, 2014)*

**Sec. 13-103. Separate metering.**

Each and every premise approved for new extraterritorial water service must receive water through a separate meter and be billed a separate tap fee for each premise. The Town will not permit any new tap that requires the master metering of water for more than one (1) premises. (Ord. 204 §13, 2014)

**Sec. 13-104. Condominiums and multiple-dwelling units.**

Applicants approved for extraterritorial water service to condominium units, either residential or commercial, multiple dwelling units and mobile home sites shall pay a separate tap fee for each unit and shall be required to have installed a separate meter for each unit. *(Ord. 204 §14, 2014)*

**Sec. 13-105. Change in service.**

No refund shall be made to any customer for a decrease in size of service or abandonment of service. *(Ord. 204 §15, 2014)*

**Sec. 13-106. Installation.**

The applicant shall install the service line as specified by the Utilities Department, and shall locate all shut-off and any other special features at the exact locations as specified by the Utilities

Department. The cost of the service connections and line from the Town's main to the consumer's property shall be borne by the owner of the premises. In addition, the customer must bear the cost of any work needed to repair streets, gutters and curbs which may be damaged by such installation. *(Ord. 204 §16, 2014)*

**Sec. 13-107. Responsibility for maintenance.**

Each and every consumer of water from the system of the Town shall keep in good repair, at his or her sole cost and expense, all pipe lines, supply lines and service lines within his or her property including the cost and repair from the consumer's property line to the water main. Said service line shall meet the approval of the manager of the Utilities Department. *(Ord. 204 §17, 2014)*

**Sec. 13-108. Abandonment.**

When water service is abandoned, and/or the building being serviced is razed, the customer's service shall be disconnected from the main and the tap connection closed. This cost shall be borne by the property owner. If the owner does not disconnect the service, the Utilities Department shall disconnect the service and bill the owner for this cost. If it is not paid, it shall become a lien against the property. *(Ord. 204 §18, 2014)*

**Sec. 13-109. Declaration of policy.**

1. The purpose of this Article is to establish standards for metering all properties and the billing of all properties for water used or service rendered.
2. The enforcement officer shall be the Utilities Department Manager. *(Ord. 204 §19, 2014)*

**Sec. 13-110. General**

1. Each premise shall be served by a separate customer-owned meter, and all water furnished to premises, including the property on which it is located, shall be metered. The word premises is defined as being:
   1. A building occupied by a family unit and used for residential purposes.
   2. A building occupied by a single business entity and used for business or commercial purposes.
   3. A single tract of land upon which areas are rented for occupancy by mobile homes for residential purposes.
   4. A building or group of contiguous buildings located on a single tract of land and used for residential or industrial purposes by a single entity. For purpose of this Section, an industrial user is defined as a public institution supported principally by public funds; any processing, mining, manufacturing, refining, building construction, road construction, highway, railroad and air transportation service; or storage and warehousing services.
   5. Any other structure, public or private, the user or occupancy or which requires water and water service.
2. Each and every premise must receive water service through a separate meter and be billed as a separate account. The Town shall permit no master metering of water. That is, one (1) meter serving two (2) or more premises are prohibited, and any violation shall be just cause for discontinuance of water service to any property either violating this requirement or permitting it to be violated. *(Ord. 204 §20, 2014)*

**Sec. 13-111. Persons using water from the Town deems to have agreed to the terms of rules and regulations.**

Every person using water from the Town water system shall thereby be deemed to have consented and agreed to the terms and provisions of these rules and regulations and to have acknowledged the right of the Utilities Department to discontinue water service without notice in the event of the failure of such consumer to make timely payment of all rates and charges fixed and established in these rules and regulations, or to otherwise comply with the terms and provisions of these rules and regulations.

*(Ord. 204 §21, 2014)*

**Sec. 13-112. Multiple meters per premises.**

1. For a single premise having two (2) or more metered services, each meter reading shall be billed separately, and the applicable rate applied to each meter as a separate account. No billing will be made that has been turned off by the Utilities Department.
2. Upon request of the consumer, the Utilities Department will turn the water off for a metered customer during the regular working hours of the Utilities Department. Turn-off and turn-on service may be provided to any metered customer during the regular working hours of the Utilities Department. Turn-off and turn-on service may be provided to any metered account one (1) time per calendar year at no cost to the consumer. For each additional turn-off or turn-on of service, the customer shall pay five dollars ($5.00).
3. In performing this service for the customer, the Utilities Department shall not be liable for damage to a valve or other facility of the customer unless there is negligence on the part of the Utilities Department crew in performing this service.
4. In the above, the regular work hours shall mean 8 a.m. to 5 p.m., Monday through Friday, excluding holidays.
5. If water service has been turned off to a particular water customer and a subsequent reading of the meter reveals that water has passed through the meter subsequent to the meter reading at turnoff was utilized during the intervening time period in proportion to the customer's previous consumption before turn-off, the customer will be billed the appropriate rate for each month from the time the meter was turned off until the time the new reading was taken. *(Ord. 204 §22, 2014)*

**Sec. 13-113. When flow of water in mains may be shut off; Utilities Department not liable for necessary interruptions of service.**

In instances where public health, safety or welfare so requires, the Utilities Department shall have the right to shut off the flow of water in its mains without notice but will endeavor insofar as possible to notify consumers affected of the intention to so interrupt the service. Interruption of service under such conditions shall not give rise to any claim on the part of any consumer against the Utilities Department. *(Ord. 204 §23, 2014)*

**Sec. 13-114. Authority to refuse to deliver water when contamination of supply may result.**

The Town may refuse to deliver water to any premises whereon any condition exists which might lead to the contamination of the public water supply and may continue to refuse such delivery of water to any such premises until such condition is remedied.  *(Ord. 204 §24, 2014)*

**Sec. 13-115. Meters required.**

Effective with the enactment of these rules and regulations, all construction and all new taps connected to the Town's water system shall be metered. *(Ord. 204 §25, 2014)*

**Sec. 13-116. Water meter locations.**

1. All water meters shall be located in a water meter vault on the public right-of-way and, to the extent practicable, adjacent to the property served by the metered water.
2. No water meters shall be placed within privately owned structures.
3. Water meters not located in the public right-of-way on the effective date of this ordinance shall be moved by the Town to a location in the public right-of-way as soon as practicable.

(1) Water meters located within privately owned structures on the effective date of this ordinance.

* 1. The meter shall be moved to a meter vault in the public right-of-way outside the

structure as soon as practicable.

* 1. At the time the meter is moved, the Town will inspect the service line to determine whether the service line remains functional and safe and will install a backflow restriction valve where one does not exist. Where the service line is not functional or safe, the Town will replace the service line at its cost when the meter is moved.
  2. After the meter is moved outside the privately-owned structure, the ordinary allocation of costs for service line and back flow restriction valve replacement, repair and inspection between the Town and the property owner shall apply. *(Ord. 248 §26, 2014)*

**Sec. 13-117. Back flow restriction valves required.**

All service lines extending from the water meter to the point of service shall have a backflow restriction valve located in the meter vault on the customer owned service line. *(Ord. 248 §27, 2014)*

**Sec. 13-118. Water service lines.**

1. Town owned service lines.
   1. A Town owned service line shall connect each water meter to a Town water main. The service line shall run directly from a Town water main to the water meter without crossing any third party's private property.
   2. The service line from the water main to the water main side of the water meter, the water meter and the water meter vault are property of the Town.
   3. The Town is responsible for the repair and maintenance of all Town owned service lines, water meters and water meter vaults.
2. Customer owned service lines.
   1. A customer owned service line shall connect each water meter to the point of service. The service line shall run directly from the water meter to the point of service without crossing any third party's private property.
   2. The service line extending from the customer side of the water meter to the point of service and the back-flow restriction valve are property of the owner of the property served by the water meter.
   3. The owner of the property served by the water meter is responsible for the repair

and maintenance of the customer owned service line from the water meter to the point of service and the back-flow restriction valve. The customer is responsible for back flow restriction valve inspections. *(Ord. 248 §28, 2014)*

**Sec. 13-118.5. Water tap moves.**

Where the point at which a service line connects to a water main must be moved and a new water tap is required, the Town water tap fee shall apply. *(Ord. 248 §29, 2014)*

**Sec. 13-119. Incorrect meters.**

Water meters which have incorrect gear ratios or gear trains, which are in any way mechanically defective, or which show an error in measurement in excess of three percent (3%) plus or minus, when registering water at flows of approximately one- tenth (1/10), one-half (1/2) and full normal rating under average service pressure, are not allowed in service; and periodically all meters shall be removed and tested. The Utilities Department will make or cause to be made a test of the accuracy of any service water meter free of charge, provided that the same has not been tested within a twelve (12) month period prior to such test. When a customer requests testing and the average error is found to exceed four percent (4%), the Utilities Department shall refund to the customer an amount equal to the excess charged for water incorrectly metered for a period equal to one-half (1/2) the time elapsed since the last test of the meter, provided that this period does not exceed one (1) year, and provided further that the customer shall have agreed, if the meter is found slow in registration, to apply an amount computed on the same basis for water delivered but incorrectly metered. *(Ord. 204 §30, 2014)*

**Sec. 13-120. Irrigation regulation.**

1. The use of water for the sprinkling of lawns and gardens may be regulated by limiting the use of water to certain days and hours as prescribed by the Water Board. No water shall be used except through a nozzle of not more than one-fourth (1/4) inch orifice, or some mechanical device which discharges water in a spray.
2. No consumer shall permit any unnecessary waste of water, or permit water to flow from his or her premises, upon adjacent premises or sidewalk or street. *(Ord. 204 §31, 2014)*

**Sec. 13-121. Air conditioning.**

All air conditioning units using water for cooling must be equipped with either cooling tower, evaporative condensers or recirculating pumps. *(Ord. 204 §32, 2014)*

**Sec. 13-122. Interruptions.**

The Town shall make every effort to maintain steady pressures and continuous service and will attempt to notify consumers of contemplated shutdowns and interruptions. The Town assumes no liability for accidents, interruptions of service or damage caused directly or indirectly for any shutdown or interruptions of service or its failure to notify consumers for such.  *(Ord. 204 §33, 2014)*

**Sec. 13-123. Feeding steam boilers.**

The feeding of water directly from the mains of the Utilities Department system, or from service lines leading therefrom to steam and hot water boilers, is an extremely dangerous practice and such is forbidden and prohibited. The supply or feeding of water to steam and hot water boilers shall be accomplished in an indirect method, either by means of pumps, injectors or other suitable and proper devices. *(Ord. 204 §34, 2014)*

**Sec. 13-124. Illegal use and/or diversion of water.**

1. Attempts to take water from the Town's water supply without full and just payment, including the existence of water-consuming

devices installed ahead of the meter, or any tampering or interfering with pipes, devices or equipment connected to the distribution system, or damage to, alteration or obstruction of any meter (including the breaking of meter seals) which will permit or make possible the use of water without its proper registration on the Utilities Department's meter turning water on after it has been shut off by the Utilities Department, shall constitute prima facie evidence of diversion of water by the customer in whose name service is being rendered, or by the person benefiting from the use of such diverted water. If service has been discontinued for diversion of water, the Utilities Department will not render service to a customer or to any other person for the customer's use at the same or any other location until:

* 1. The customer has paid all bills as set forth preceding; and
  2. The customer has paid the Utilities Department the installation cost of or has had installed at the customer's expense such entrance and service equipment as is necessary to prevent further diversion of water.

1. Any illegal use and/or diversion of water shall be deemed a violation of these rules and shall be of such import as to justify immediate discontinuance of water service, without notice, and the violator will be prosecuted before a court of competent jurisdiction. *(Ord. 204 § 35, 2014)*

**Sec. 13-125. Mandatory water conservation measures.**

1. Town water system customers are urged to conserve water in every possible way in their homes and businesses.
2. The following water conservation stages are hereby established.
   1. Stage 1. No customer shall use water provided by the Town for any outside purpose in excess of two (2) hours per day three (3) days a week.
   2. Stage 2.

a. Water provided by the Town shall not be used for any outside purpose except as

provided below.

* + 1. Town water may be used outside for the sole purpose of watering trees and shrubs only if transported and applied by bucket.
    2. The term *outside purpose* includes but is not limited to the following:
       1. Lawn irrigation;
       2. Washing of public or private sidewalks, streets, driveways, parking areas, patios

and any other paved with asphalt, concrete or other hard surfaced material; iii. Filling or topping off of swimming pools, hot tubs, landscape water features;

iv. Noncommercial washing of motor vehicles, trailers, boats, motor homes and

similar items.

* + 1. Commercial (business) users must be a recognized business through the State and the Town.
       1. Commercial users are prohibited from using water for outside purposes unless it is used for the sole purpose of the business and no other reasonable alternatives are available.
       2. No water will be openly discharged, no free flow. All water must be run through a device such as a steam cleaner. Commercial users must register with the Town if water is for outdoor use.
    2. Construction users must obtain a permit from the Town prior to any outside use of water. Upon issuance of a permit, water may be used for outside purposes only if discharged from a bucket.
  1. No new public or private landscaping installation is allowed.
  2. Water hauling from the Town water system is prohibited unless the water hauler account was active on January 1, 2002 at 2,000 gallons per month. All water haulers are encouraged to find other sources of water.
  3. All meters shall be subject to daily monitoring. One (1) warning will be issued for those

using abnormal amounts of water (indoor only).

* 1. Water wells will be monitored daily, and weekly reports submitted to the Board of Trustees. The utility supervisor will keep a log of water use and static levels.
  2. All water leaks must be reported immediately. The Town utility will determine responsibility for repair. All leaks will be repaired as quickly as possible. In the event the homeowner is responsible and cannot fix the leak in a timely manner the water will be shut off or the Town personnel may repair the leak if time is available at the homeowner's sole cost.
  3. Posting. Water regulations shall be posted weekly at the Town Hall, Post Office, Ringo's, Lucky's, Navajo and Navajo Liquors.
  4. All meters will be inspected and checked for flow rates. Any meter not working or in

need of repair will be changed no later than two weeks following the reported trouble. All water line inside the property line is owned by the homeowner.

1. Stage 3.
   1. All Stage 2 parameters remain in full force and effect.
   2. No customer shall use more than 3,000 gallons of water per residence or business per

billing cycle.

* 1. The Town shall not issue any building permit requiring a water tap.
  2. The Town shall not sell or allow the installation of any additional water taps.

1. Stage 4.
   1. Stage 4 constitutes an emergency declaration.
   2. Parameters established by any other water conservation stage are null and of no force

and effect.

* 1. e 13122 of this Code.
  2. In the event the Town is unable to supply water, the Town will assist in finding sources

of water including other municipalities, the Colorado National Guard, etc.

1. Violations. Each day a violation occurs or continues shall be considered a separate offense. (d) Penalties. Any person who violates or fails to comply with any provision of this Section shall be punished by a fine of three hundred dollars ($300.00) per count upon conviction or entry of a plea of nolo contendere. In addition, such person shall pay all costs and expenses in the case. *(Ord. 251* *§36, 2014)*

**Sec. 13-127. Purchasing and leasing.**

It is the responsibility of the purchaser of property to ascertain that the water account is paid to the date of sale. Property owners who lease premises should ascertain whether the water account is paid to date when a tenant vacates. Delinquent bills shall be the property owner. *(Ord. 204 §37, 2014)*

**Sec. 13-128. When water service to a customer may be shut off without notice.**

Water service may be shut off to an customer by the Utilities Department without notice if such customer shall tamper or in any way interfere with any meter, connections, valves or other appurtenances belonging to the Town or for any violation by a customer of the terms of these rules and regulations, any applicable ordinance of the Town or the statutes of the State. *(Ord. 204 §38, 2014)*

**Sec. 13-129. Ownership and maintenance.**

All water meters employed in connection with service of properties shall be paid for and owned by the property owner and maintained by the Utilities Department. *(Ord. 204 §39, 2014)*

**Sec. 13-130. Location and installation.**

All water meters shall be of a kind and size approved by the Utilities Department. Meters shall be installed in a place and in a manner approved by the Utilities Department. The location if inside of a building must be protected from freezing and provide access for reading and testing of the meter. If outside of a building, the meter shall be in a housing provided by or approved by the Utilities Department. (Ord. 204 §40, 2014)

**Sec. 13-131. Inside sets; damage.**

Failure by the customer to protect a meter inside a building or basement from damage by cold, heat or other causes shall result in the Utilities Department charging the customer the actual cost of repair of the damaged meter. The owner shall hold the Utilities Department harmless from damages arising out of meters installed in basements or inside of any structure other than a meter vault. *(Ord. 204 §41, 2014)*

**Secs. 13-132—13-140. Reserved.**