

CHAPTER XIII
WATER SERVICE

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ARTICLE 1
GENERAL PROVISIONS

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13-1-1 Definitions

SHALL BE AMENDED TO READ AS FOLLOWS:

- a. Water User** Water User shall include the owners or management of privately owned water service lines, as well as individuals using water from such lines.
- b. Residential Use** Residential use shall be divided among the following:
 - 1. One-living unit (condominiums included)
 - 2. Multiple-living unit (including apartments)
- c. Commercial Use** Commercial Use shall mean use or service in stores, service stations, restaurants, cafes, eating houses, motels, hotels, apartment houses, trailer parks, gift shops, beauty shops, camp grounds, swimming pools, R.V. parks, packing plants, laundry, car washes, saw mills, factories or other installations where raw materials are processed or used in the manufacturing of materials or manufacturing articles for sale, or, use for livestock purposes and any other commercial usage.
- d. Special Use** Special Use shall mean schools, churches, hospitals, nursing homes, senior citizen facilities, golf courses and other recreational facilities.

WATER SERVICE: General Provisions

13-1-2 Water Department

There is hereby created and established a Water Department of the Town of Hotchkiss for the purpose of management, maintenance care and operation of the water works of the Town.

13-1-3 Administrator Powers

The Board shall have the immediate control and management of all things pertaining to the Town water works system, and they shall perform all acts that may be necessary for the prudent, efficient, and economical management and protection of said water works. The Board shall have the power to prescribe such other and further rates, rules and regulations as it may deem necessary.

13-1-4 Receipts and Deposits

The Town Clerk shall keep a correct account of all receipts, make out all bills for water rents and materials furnished to consumers, collect the same, and deposit the proceeds so collected with the Town Treasurer to the credit of the water works fund of the Town, and in accordance with the direction of the Board.

13-1-5 Access and Inspections

Any authorized agent of the Town shall have access to enter and inspect at reasonable hours all premises served by Town water in order to determine the location or condition of hydrants, pipes or other fixtures, to read meters, to determine correct rates, to inspect for waste and for any other useful or necessary purpose.

13-1-6 CONFLICTS

13-1-7 VIOLATIONS

13-1-8 Cross Connections

ORDINANCE 2007-2 JULY 12, 2007

Section I. Cross Connection Control - General Policy

A. **Purpose.** The purpose of this ordinance is:

1. To protect the public potable water supply from contamination of pollution by containing within the consumers internal distribution system or private water system contaminants or pollutants which could backflow through the service connection into the potable water supply system.
2. To promote the elimination, contamination, isolation, or control of existing cross connections, actual or potential, between the public or consumers potable water system and non-potable water systems, plumbing fixtures, and industrial- process systems.
3. To provide for the maintenance of a continuing program of cross connection control which will systematically and effectively prevent the contamination or pollution of all potable water systems.

B. **Application.** This ordinance shall apply to all premises served by the public potable water system of the Town of Hotchkiss.

C. **Policy.** This ordinance will be reasonably interpreted by the water purveyor. It is the water purveyor's intent to recognize the varying degrees of hazard, and to apply the principle that the degree of protection shall commensurate with the degree of hazard.

The water purveyor shall be primarily responsible for protection of the public water distribution system from contamination or pollution due to backflow of contaminants or pollutants through the water service connection. The cooperation of all consumers is required to implement and maintain the program to control cross connections. The water purveyor and consumer are jointly responsible for preventing contamination of the water system.

If, in the judgment of the water purveyor or their authorized representative, cross connection protection is required through either piping modification or installation of an approved backflow prevention device, due notice shall be given the consumer. The consumer shall immediately comply by providing the required protection at their own expense; and failure, refusal, or inability on the part of the consumer to provide such protection shall constitute grounds for discontinuing water service to the premises until such protection has been provided.

Section II. Definitions

A. The definitions listed in Appendix A shall apply in the interpretation and enforcement of this ordinance.

Section III. Cross Connections Prohibited

- A. No water service connection shall be installed or maintained to any premises where actual or potential cross connections to the public potable or consumers water system may exist unless such actual or potential cross connections are abated or controlled to the satisfaction of the water purveyor, and as required by the laws and regulations of the Colorado Department of Public Health and Environment.
- B. No connection shall be installed or maintained whereby an auxiliary water supply may enter a public potable or consumer's water system unless such auxiliary water supply and the method of connection and use of such supply shall have been approved by the water purveyor and the Colorado Department of Public Health and Environment, if applicable.
- C. No water service connection shall be installed or maintained to any premises in which the plumbing system, facilities and fixtures have not been constructed and installed using acceptable plumbing practices considered by the water purveyor as necessary for the protection of health and safety.

Section IV. Survey and Investigation

- A. The consumer's premises shall be open at all reasonable times to the water purveyor, or his authorized representative, for the conduction of surveys and investigations of water use practices within the consumer's premises to determine whether there are actual or potential cross connections to the consumer's water system through which contaminants or pollutants could backflow into their or the public potable water system.
- B. On request by the water purveyor or their authorized representative, the consumer shall furnish information on use practices within their premises.
- C. It shall be the responsibility of the water consumer to conduct periodic surveys of water use practices on their premises to determine whether there are actual or potential cross connections to their water system through which contaminants or pollutants could backflow into their or the public water system.

Section V. Type of Protection Required

- A. The type of protection required by this ordinance shall depend on the degree of hazard which exists, as follows:
1. An approved air gap separation shall be installed where the public potable water system may be contaminated with substances that could cause a severe health hazard.
 2. An approved air gap separation or approved reduced pressure principle backflow prevention assembly shall be installed where the public water system may be contaminated with a substance that could cause a system or health hazard.
 3. An approved air gap separation, or an approved reduced pressure principle backflow prevention assembly or an approved double check valve assembly or an approved vacuum breaker assembly shall be installed where the public potable water system may be polluted with substances that could cause a pollution hazard not dangerous to health.

Section VI. Where Protection is Required

- A. An approved backflow prevention assembly shall be installed on each service line to a consumer's water system serving premises where, in the judgment of the water purveyor or the Colorado Department of Public Health and Environment, actual or potential hazards to the public potable water system exist. The type and degree of protection required shall be commensurate with the degree of hazard.
- B. An approved air gap separation or reduced pressure principle backflow prevention assembly shall be installed at the service connection or within any premises where, in the judgment of the water purveyor or the Colorado Department of Public Health and Environment, if applicable, the nature and extent of activities on the premises, or the materials used in connection with the activities, or materials stored on the premises, would present an immediate and dangerous hazard to health should a cross connection occur, even though such cross connection may not exist at the time the backflow prevention device is required to be installed. This includes, but is not limited to the following situations:
1. Premises having auxiliary water supply, unless the quality of the auxiliary supply is acceptable to the water purveyor and the Colorado Department of Public Health and environment, if applicable.
 2. Premises having internal cross connections that are not correctable, or intricate plumbing arrangements which make it impractical to ascertain whether or not cross connection exists.
 3. Premises where entry is restricted so that inspection for cross connection cannot be made with sufficient frequency or at sufficiently short notice to assure the cross connection does not exist.
 4. Premises having a repeated history of cross connections being established or reestablished.
 5. Premises, which due to the nature of the enterprise therein, are subject to recurring modification or expansion.
 6. Premises on which any substance is handled under pressure so as to permit entry into the public potable water supply, or, where a cross connection could reasonably be expected to occur. This shall include the handling of process waters and cooling waters.
 7. Premises where materials of a toxic or hazardous nature are handled such that if back siphonage or back pressure should occur, a serious health hazard may result.
- D. The types of facilities listed in Appendix B fall into one or more of the categories of premises where an approved air gap separation or reduced pressure principle backflow prevention assembly is required by the water purveyor and the Colorado Department of Public Health and Environment to protect the public water supply and must be installed at these facilities unless all hazardous conditions have been eliminated or corrected by other methods to the satisfaction of the water purveyor and the Colorado Department of Public Health and Environment.

Section VII. Backflow Prevention Assemblies

- A. Any backflow prevention assembly required to protect the facilities listed in Appendix B shall be of a model or construction approved by the water purveyor and the Colorado Cross Connection Control Manual.
 - 1. Air gap separation to be approved shall be at least twice the diameter of the supply pipe, measured vertically above the top rim of the vessel, but in no case less than one inch.
 - 2. A double check valve assembly or a reduced pressure principle backflow prevention assembly shall be approved by the water purveyor, and shall appear on the current list of approved backflow prevention assemblies" established by the Colorado Department of Public Health and Environment.
- B. Existing backflow prevention assemblies approved by the water purveyor at the time of installation and properly maintained shall, except for inspection and maintenance requirements, be excluded from the requirements of this ordinance so long as the water purveyor is assured they will satisfactorily protect the water system.

Section VIII. Installation

- A. Backflow prevention assemblies required by this ordinance shall be installed at a location and in a manner approved by the water purveyor and shall be installed at the expense of the water consumer.
- B. Backflow prevention assemblies installed on the service line to the consumer's water system shall be located on the consumer's side of the water meter, as close to the meter as is reasonably practical, and prior to any other connection.
- C. Backflow prevention assemblies shall be located so as to be readily accessible for maintenance and testing, protected from freezing. No reduced pressure principle backflow prevention assembly shall be located where it will be submerged or subject to flooding by any liquid.

Section IX. Inspection and Maintenance

- A. It shall be the duty of the consumer at any premises on which backflow prevention assemblies required by this ordinance are installed to have inspections, tests, and overhauls made in accordance with the following schedule or more often where inspections indicate a need.
 - 1. Air gap separations shall be inspected at the time of installation and at least every twelve months thereafter.
 - 2. Double check valve assemblies shall be inspected and tested for tightness at the time of installation and at least every twelve months thereafter.
 - 3. Reduced pressure principle backflow prevention assemblies shall be inspected and tested for tightness at the time of installation and at least every twelve months thereafter.
 - 4. Vacuum breaker assemblies shall be inspected and tested for tightness at the time of installation and at least every twelve months thereafter.

- B. Inspections, tests, and overhauls of backflow preventions assemblies shall be made at the expense of the water consumer and shall be performed by a State of Colorado certified backflow prevention assembly tester.
- C. Whenever backflow prevention assemblies required by this ordinance are found to be defective, they shall be repaired or replaced at the expense of the consumer without delay.
- D. The water consumer must maintain a complete record of each backflow prevention assembly from purchase to retirement. This shall include a comprehensive listing that includes record of all tests, inspections, and repairs. Copies of inspections, tests, repairs, and overhaul results shall be given to the Town of Hotchkiss within 30 days of the inspection or repair and made available upon request.
- E. Backflow prevention assemblies shall not be bypassed, made inoperative, removed, or otherwise made ineffective.

Section X. Violations

- A. The water purveyor shall deny or discontinue, after reasonable notice to the occupants thereof, the water service to any premises wherein any backflow prevention assembly required by this ordinance is not installed, tested, and maintained in a manner acceptable the water purveyor, or if it is found that the backflow prevention assembly has been removed or bypassed or if an unprotected cross connection exists on the premises.
- B. Water service to such premises shall not be restored until the consumer has corrected or eliminated such conditions or defects in conformance with this ordinance to the satisfaction of the water purveyor.

DEFINITIONS

1. **"Air gap separation"** means the unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture or other device and the overflow level rim of the receptacle, and shall be at least double the diameter of the supply pipe measured vertically above the flood level of the rim of the vessel, but in no case less than one inch.
2. **"Auxiliary water supply"** means any water source or system, other than the public water supply, that may be available in the building or premises.
3. **"Backflow"** means the flow other than the intended direction of flow, of any foreign liquids, gases or substances into the distribution system of a public water supply.
4. **"Backflow prevention assembly"** means any double check valve or reduced pressure principle backflow preventer having resilient-seat shut-off valves on both the upstream and downstream end and the necessary test cocks as integral parts of the assembly.
5. **"Consumer"** means the owner or person in control of any premises supplied by or in any manner connected to a public water system.
6. **"Containment"** means protection of the public water supply by installing a backflow prevention assembly or air gap separation on the main service line to a facility.
7. **"Contamination"** means impairment of the quality of the water by sewage, process fluids or other wastes to a degree which could create an actual hazard to the public health through poisoning or through spread of disease by exposure.
8. **"Cross connection"** means any physical link between a potable water supply and any other substance, fluid or source which makes possible contamination of the potable water supply due to the reversal of flow of the water in the piping or distribution system.
9. **"Hazard, degree of"** means an evaluation of the potential risk to public health and the adverse effect of the hazard upon the potable water system.
 - a) Hazard, Health - any condition, device, or practice in the water supply system and its operation which could create or may create a danger to the health and well-being of the water consumer.
 - b) Hazard, Plumbing - 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 assembly.
 - c) Hazard, Pollution -- an actual or potential threat to the physical properties of the water system or to the potability of the public or the consumer's potable water system but which would constitute a nuisance or be aesthetically objectionable or could cause damage to the system or its appurtenances, but would not be dangerous to health.
 - d) Hazard, System -- an actual or potential threat of severe damage to the physical properties of the public potable water system or the consumer's potable water system, or of a pollution or contamination which would have a protracted effect on the quality of the potable water in the system.

10. **"Industrial process system"** means any system containing a fluid or solution which may be chemically, biologically or otherwise contaminated or polluted in a form or concentration such as would constitute a health, system, pollution or plumbing hazard if introduced into a potable water supply.
11. **"Isolation"** means protection of a facility's internal plumbing system by installing a backflow prevention assembly, air gap separation or other backflow prevention device on an individual fixture, appurtenance or system.
12. **"Pollution"** means the presence of any foreign substance (organic, inorganic or biological) in water which tends to degrade its quality so as to constitute a hazard or impair the usefulness of the water to a degree which does not create an actual hazard to the public health but which does adversely and unreasonably affect such waters for domestic use.
13. **"Public potable water system"** means any publicly or privately owned water system supplying water to the general public which is satisfactory for drinking, culinary and domestic purposes and meets the requirements of the Colorado Department of Public Health and Environment.
14. **"Service connection"** means the terminal end of a service line from the public water system. If a meter is installed at the end of the service, then the service connection means the downstream end of the meter.
15. **"Water purveyor"** means the owner, operator of individual in responsible charge of a public water system.

APPENDIX B

TYPES OF FACILITIES REPRESENTING CROSS CONNECTION HAZARDS

1. Aircraft and missile manufacturing plants;
2. Automotive plants including those plants which manufacture motorcycles, automobiles, trucks, recreational vehicles and construction and agriculture equipment;
3. Potable water dispensing stations which are served by a public water system;
4. Beverage bottling plants including dairies and breweries;
5. Canneries, packing houses and reduction plants;
6. car washes;
7. Chemical, biological and radiological laboratories including those in high schools, trade schools, colleges, universities and research institutions;
8. Hospitals, clinics, medical buildings, autopsy facilities, morgues, mortuaries and other medical facilities;
9. Metal or plastic manufacturing, fabrication, cleaning, plating or processing facilities;
10. Plants manufacturing paper and paper products;

11. Plants manufacturing, refining, compounding or processing fertilizer, film, herbicides, natural or synthetic rubber, pesticides, petroleum products, pharmaceuticals, radiological materials or any chemical which would be a contaminant to the public water system;
12. Commercial facilities that use herbicides, pesticides, fertilizers or any other chemical. which would be a contaminant to the public water system;
13. Plants processing, blending or refining animal, vegetable or mineral oils;
14. Commercial laundries and dye works;
15. Sewage, storm water and industrial waste treatment plants and pumping stations;
16. Industrial facilities which recycle water;
17. Restricted or classified facilities or other facilities closed to the supplier of water or the department;
18. Fire sprinkler systems using any chemical additive;
19. Auxiliary water systems;
20. Irrigation systems with facilities for injection of pesticides, herbicides or other chemicals or provisions for creating back pressure;
21. Portable tanks for transporting water from a public water system;
22. Facilities which have pumped or re-pressurized cooling or heating systems that are served by a public water system, including all boiler systems;

All other ordinances, resolutions and other provisions of the Town of Hotchkiss, Colorado, or parts thereof, in conflict or inconsistent herewith, and to the extent they are in conflict or inconsistent herewith, are hereby repealed; provided, however, that the repeal of any ordinance, resolution, other provisions of the Town of Hotchkiss, Colorado, or parts thereof, shall not revive any other section of the same heretofore repealed and superseded.

13-1-9 Contamination

13-1-10 Termination for Violation

ARTICLE 2

WATER USE WITHIN TOWN

- 13-2-1 Use Contract
- 13-2-2 Application for Use
- 13-2-3 New Water Mains
- 13-2-4 Service Connections; Tap Fee; Installation; Dedication
- 13-2-5 Acquisition of Existing Meters
- 13-2-6 Installation
- 13-2-7 Metering of Town Water
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- 13-2-10 Meter Quality
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- 13-2-13 Service Interruptions
- 13-2-14 Meter Rates
- 13-2-15 Water Use Limitations
- 13-2-16 Wasting of Water Prohibited
- 13-2-17 Meter Regulations

13-2-1 Use Contract

The provisions of this Article and the general provisions of this chapter shall constitute a contract between the Town and any and all water users or property owners using water supplied through water mains owned and operated by the Town and within the Town limits. Each water user and-or property owner who uses Town water or who permits Town water to be used is conclusively presumed to have accepted the terms, conditions, limitations and charges for sale and use of domestic water within the Town limits and to have manifested his assent to the same.

13-2-2 Application for Use

All persons who desire to commence use of water from the water mains within the Town shall, before doing so, make written application to the Town Clerk for use on forms to be provided by the Town. Such forms shall require such information as is required by the Town for proper billing of water charges and other information required for management of the water system. The Clerk shall grant a permit for use of water to such applicant upon finding that the required information has been given and upon payment of required fees, if any.

WATER SERVICES: Water Use Within Town

13-2-3 New Water Mains

(a) Construction

All new water mains and extensions thereof shall be constructed under the supervision of the Town and in compliance with standards of quality and workmanship formulated from time to time by the Board and if applicable, the Plumbing Code of Chapter 10, Article 4. All plans and specifications for such mains or extensions shall be approved by the Board and the Colorado Department of Public Health and additional terms and conditions may be imposed by either the Board or Department of Public Health. All new water mains or extensions thereof shall be of no smaller size than required by State, County or Town subdivision regulations and shall be of a larger size if the Board deems it appropriate. If the Board requires a larger size than that required by subdivision regulations, the additional cost of installation shall be borne by the Town.

(b) Costs of Installation

The owners of lands to be served by the new mains or extensions thereof shall bear the entire expense of such installation including, but not limited to, all engineering, construction, job inspection and "as-built" drawings.

WATER SERVICES: Water Use Within Town

13-2-4 Service Connections; Tap Fee; Installation; Dedication

ORDINANCE 2008-5 MAY 08, 2008

Section 13-2-4(a) is amended to read as follows:

13-2-4 Service Connections; Tap Fee; Installation; Dedication

(a) Service Connections After having obtained the service permit herein required, the property owner shall cause installation of the service line from the town main to the property line to be installed by a licensed plumber, provided, however, that the actual tap of the Town water system shall be made by an employee of the Town of Hotchkiss acting in his official capacity. Such service lines shall conform to specifications prepared from time to time by the Board of Trustees in conformity with good plumbing practice and utilizing good and substantial materials. Unless otherwise provided by said specifications, all service lines shall be of copper pipe of "K" or greater thickness. Water taps and partial water taps must be brought into service within one (1) year or the tap will be cancelled and all funds paid for said tap permit will be forfeited to the Town of Hotchkiss.

(b) Service Line Regulation - No Plural Taps

The connection of each house, dwelling, building, store, premise, mobile home, modular home or other structure or structures connected to the domestic water system of the Town of Hotchkiss, Colorado located within and without the Town, shall be separate and independent from that of every other house, dwelling, building, store, premise, mobile home, modular home, or other structure of structures, and each shall have an independent connection with the said domestic water service system. Notwithstanding the prohibition of such plural taps, multi-living-unit apartment buildings, trailer parks, and recreational vehicle parks, may have a single connection for each multi-living unit apartment building, trailer park, and recreational vehicle park, of the same ownership. Each living unit must have the proper EQ tap, or portion thereof, purchased as set forth elsewhere in this regulation, despite the allowance of the use of a single connection. It is provided however, that in such instances wherein a single service connection serves two or more unmetered units, each such unit shall be considered as a separate service connection, the established monthly rate shall be charged for each of such service connections or unmetered units. Non-conforming usage: Any existing non-conforming plural tap connections, existing at the time of the adoption of this regulation, shall be allowed to continue until such time as the property changes ownership, at which time the usage must be brought into compliance with this regulation, unless a variance is granted by the Board of Trustees, within sixty (60) days of the date of change of ownership.

Change of ownership, sale or transfer of real property includes transfer by deed, contract for deed or a contract for purchase by periodic payments, order of court, lease or rental of the property, or any portion thereof, for a time period of ten (10) years or more, conveyance of a possessory interest, or the execution of a contract and/or assignment or other form or indicia of transfer of any ownership interest in any entity owning such real property (where actual ownership does not otherwise change).

WATER SERVICES: Water Use Within Town

13-2-4 Service Connections; Tap Fee; Installation; Dedication

ORDINANCE 2006-2

APRIL 13, 2006

13-2-4(c) TAP FEE:

The application for a permit for water service connection shall be accompanied by payment of a tap fee as set forth below:

I. One-living unit (3/4 inch service line) \$5,500.00 (includes mobile homes within, without or outside of an established trailer park)

II. Multiple-living unit (including recreational vehicle parks) \$5,500.00 plus \$2,750.00 for each additional living unit in excess of one. Unless otherwise agreed, only one meter shall be provided for each building housing multiple living units, to meter consumption by all units.

Any new or converted living unit which is a stand alone structure on a separate foundation, despite being located with a second single or multiple living unit on a single parcel of land (i.e. a trailer or garage apartment located with an existing home) shall require the purchase of a full EQ water tap. Existing units which meet these specifications, and currently have no tap, or only a half a water tap, shall be required to purchase the remaining portion of the full tap upon the sale or transfer of the property by way of contract for deed, deed, or lease of the property for a time period of six years or more, to a subsequent owner/lessee. Such structures shall be separately metered if feasible.

The cost of the remaining portion required to be purchased to result in ownership of a full water tap shall be the then current water tap fee due at the time of purchasing such remaining portion, prorated to reflect the percentage the remaining portion represents of a full water tap.

Existing units which meet these specifications, and currently have no tap, or only a half a water tap, shall be required to purchase the remaining portion of the full tap upon the change of ownership, sale or transfer of real property which includes transfer by deed, contract for deed or a contract for purchase by periodic payments, order of court, lease or rental of the property, or any portion thereof, for a time period of ten (10) years or more, conveyance of a possessory interest, or the execution of a contract and/or assignment or other form or indicia of transfer of any ownership interest in any entity owning such real property (where actual ownership of the property does not otherwise change). Such structures shall be separately metered if feasible.

III. Motels, Hotels, bed and breakfasts - \$5,500 (for first room or caretaker unit) plus \$1,815.00 (.33 tap) per additional room.

Any new or converted living unit which is a stand alone structure on a separate foundation, despite being located with a second single or multiple living unit on a single parcel of land (i.e. trailer or garage apartment located with an existing home) shall require the purchase of a full EQ water tap. Existing units which meet these specifications, and currently have no tap, or only a half a water tap, shall be required to purchase the remaining portion of the full tap upon the sale or transfer of the property by way of contract for deed, deed, or lease of the property for a time period of six years or more, to a subsequent owner/lessee. Such structures shall be separately metered if feasible. The cost of the remaining portion required to be purchased to result in ownership of a full water tap shall be the then current water tap fee due at the time of purchasing such remaining portion, prorated to reflect the percentage the remaining portion represents of a full water tap.

IV. Commercial tap (excluding motels, hotels, bed and breakfasts) \$5,500.00 (3/4 inch service line) plus installation costs fee would increase with tap line size as follows:

3/4 inch - \$5,500 - 1 EQ tap
1 inch - \$9,790 - 1.78 EQ taps
1.5 inch - \$22,000 - 4.0 EQ taps
2.0 inch - \$39,050 - 7.1 EQ taps
3 inch - \$88,000 - 16 EQ taps
4 inch - \$156,200 - 28.4 EQ taps

The required tap size for a specific commercial use will be determined by a fixture count formula established and conducted by an authorized representative of the Town.

All other ordinances, resolutions and other provisions of the Town of Hotchkiss, Colorado, or parts thereof, in conflict or inconsistent herewith, and to the extent they are in conflict or inconsistent herewith, are hereby repealed; provided, however, that the repeal of any ordinance, resolution, other provisions of the Town of Hotchkiss, Colorado, or parts thereof, shall not revive any other section of the same heretofore repealed and superseded.

WATER SERVICES: Water Use Within Town

(c) Dedication to Town

Upon completion of the installation of said mains or extensions thereof, the owner or owners of such installation or installations shall deed the water mains or extensions thereof to the Town, and, in consideration, the Town shall thereafter maintain, repair and replace the same without cost to such owner.

13-2-5 Acquisition of Existing Meters

From and after: the effective date of this Chapter, any property owner who receives metered water service may transfer on written forms to be provided by the Clerk, all his right, title or interest in the water meter then in use upon or serving his premises. After such transfer, the Town shall maintain or replace such water meter as required, all without cost or charge to such property owner or to the occupant of such premises. If, however, such property owner elects, through his failure to make such transfer, to retain title to any such meter, and in the event the Mayor, or some authorized person acting on his behalf, determines that the water meter is in need of repair or replacement, the property owner shall be so notified and the Mayor shall cause such repairs to be made, or the water meter to be replaced, and charge the cost of such repairs or replacement against the property owner and the property. Such charges or assessments shall be added to the property owner's or to the occupant's water bill and shall be collected as are other water service charges.

13-2-6 Installation

All water mains, service lines and plumbing facilities, whether or not installed upon public property or private property, shall be installed in compliance with the Plumbing Code of Chapter 10, Section 4, or in compliance with plumbing standards adopted by the Board under this Chapter.

13-2-7 Metering of Town-Water

All water used by the Town from the Town water system shall be metered at convenient points of delivery and the amount of water used shall be taken into consideration in making all computations required for ascertaining costs of operation, revenues and return of investment from operation of the Town Water System.

WATER SERVICES: Water Use Within Town

13-2-8 Water Charges

All flat rate water charges shall be payable monthly. Any kind of water charges not paid shall become a lien on the premises and the Town shall be entitled to foreclose the same in the manner provided by the statutes of the State of Colorado now in effect or as hereafter amended. The record title holder of the property where water is used shall be held liable for the payment of all charges therefore, notwithstanding any contract, leasehold or other agreement subsisting the owner and the person in actual possession. Each separate residential building shall be regarded as a separate water user and shall be so charged. Each commercial user shall be regarded as a separate water user and shall be so charged.

13-2-9 Default of Payment

Termination of Service

All water charges shall be payable at the office of the Clerk, and if not paid within ten (10) days after billing, they shall become delinquent, and the water may be shut off after ten (10) days written notice of intent to do so; said notice to be either personally delivered by Town personnel or mailed by the Town Clerk to the delinquent user or property owner by regular mail. Whenever such a shut-off notice has been sent, the required payment due shall be increased by ten dollars (\$10.00) to cover the cost thereof to the Town. Whenever water service shall have been shut off for non-payment of water charges, the water service shall not be turned on again until all applicable water charges have been paid current, together with twenty dollars (\$20.00) additional fee for the expense of shutting off and turning on the water service.

13-2-10 Meter Quality

The Board of Trustees shall specify the brands and quality of water meters which shall be approved for use. No meter of any different brand or quality shall be installed. If convenience and accessibility require that the meter box be located at some place upon the premises other-than on the public right-of-way, the Board of Trustees are authorized to designate a place which is both convenient and accessible outside of any building. The meter box and the meter may thereupon be installed in such location but shall not be removed therefrom to any other place upon the premises without consultation with the Board of Trustees to establish some other convenient and accessible place for such meter box.

WATER SERVICES: Water Use Within Town

13-2-11 TERMINATION/RENEWAL BY USER

Any person desiring to terminate water service shall give written notice thereof to the Clerk, and the Clerk shall cause an authorized Town employee to terminate the water service. Water usage charges shall be imposed until such written notice has been received by the Clerk and the water service terminated in timely manner at such curb valve, after which the base rate shall be charged until water delivery service is again requested.

13-2-12 Tap Size

13-2-13 Service Interruptions

13-2-14 METER RATES

**ORDINANCE 2007-1
ORDINANCE 2008-1**

**FEBRUARY 08, 2007
JANUARY 01, 2008**

a. ONE-LIVING UNIT The following monthly water charges shall apply to all water used for one-living unit purposes and measured by a water meter within the Town limits:

Minimum charge	\$19.00
Meter Size	Charge
3/4" first 6,000 gallons	\$2.50 per 1,000 gallons
6,000 - 10,000 gallons	\$3.00 per 1,000 gallons
10,000 - 20,000 gallons	\$3.25 per 1,000 gallons
All over 20,000 gallons	\$3.50 per 1,000 gallons

b. MULTIPLE-LIVING UNIT Single-living rate per unit

c. COMMERCIAL The following monthly water charges shall apply to all water used for commercial purposes and measured by a water meter in the Town limits:

Meter Size	Charge
3/4" - minimum charge	\$20.00
First 6,000 gallons	\$2.50 per 1,000 gallons
All over 6,000 gallons	\$3.00 per 1,000 gallons
1" - minimum charge	\$36.00
First 12,000 gallons	\$2.50 per 1,000 gallons
All over 12,000 gallons	\$3.00 per 1,000 gallons

WATER SERVICES: Water Use Within Town

13-2-14 METER RATES

High School Rates:

- 1) \$2.00 per 1,000 gallons for the first 50,000 gallons
 - 2) \$2.50 per 1,000 gallons for the next 50,000 gals
 - 3) \$3.25 per 1,000 gallons for the next 100,000 gallons
 - 4) \$4.00 per 1,000 gallons for water used there-after.
- (c) The Board of Trustees reserves the right to change, alter, or amend the rate schedule so that the rate charged to consumers of water within the Town limits is just and proper in the opinion of the Board.

13-2-15 Water Use Limitations

It shall be unlawful for any person to use water from the Town mains for yard sprinkling or irrigation except at the hours and times which shall be designated by the Council resolution.

13-2-16 Wasting of Water Prohibited

Consumers shall not waste water, and anyone determined to be wasting water shall be given notice of such waste. A record shall be kept of the names of all consumers determined to be wasting water and in the event it is determined that a consumer has wasted water for the fourth time, regardless of the fact that each wasting be at different locations, the Town shall have the right to install a water meter at the consumer's expense at any place that said consumer may use Town water at the present time or in the future. The term "wasting of water" shall mean the using of water beyond what is reasonably necessary for the normal use of such water and the Mayor or his designated subordinate shall be the sole judge as to whether water is being wasted in any particular instance.

The remedy contained herein shall be in addition to any remedies provided for in any other section.

Meter Regulations

- a.** Individual meters for each water user shall be required, whether the user is served directly from the Town water mains or from privately owned water service lines. All privately owned water service lines serving more than one individual shall also be required to install master meters. The Mayor, with the approval of the Board of Trustees, shall determine the brand and quality of meters which will be approved for use. No meter shall be installed unless such meter has been so approved. All meters which are to be read by the Town shall be installed in compliance with the Plumbing Code in a convenient, accessible location outside the building, and in a masonry or PVC or vitrified clay meter box approved by the Board of Trustees. The Town shall supply the water user with a water meter, at user's expense, and shall maintain said meter and meter box. When a meter gets out of order, it shall be the duty of the water user or property owner within ten (10) days to notify the Town Clerk that repairs are needed. Such repairs will be done by the Town Employees at Town expense. When a meter gets out of order and fails to register correctly, a charge shall be made by the Town Clerk according to the average quantity of water used in a similar period as shown by the meter when in order. The charge as determined by the Town Clerk shall be conclusive.
- b.** It shall be the responsibility of the water user to assure that his meter is accessible to the Town employees for the purpose of reading the meter as well as for repairs, replacement or maintenance. Should a meter not be freely accessible, the Town of Hotchkiss, Colorado, shall send written notice to the water user describing the situation and directing that the water user take steps, within ten (10) days to correct said situation and make the water meter freely accessible. Should the required corrective action not be accomplished within the ten (10) day period, the Town may correct the situation itself and bill the water user for the costs of such corrective action, including, but not limited to, labor and materials. Such amounts due may be collected as described in Section 13-2-8 and 13-2-9.

ARTICLE 3

WATER USE WITHOUT TOWN

13-3-1	Use Contract
13-3-2	Application for Use
13-3-3	Tap Charge
13-3-4	Tap Specifications
13-3-5	Meter Rates
13-3-6	Meter Regulations
13-3-7	Off and On Charges
13-3-8	Size of Taps
13-3-9	Service Pipe; Stop Boxes
13-3-10	Repairs
13-3-11	Payment of Charges
13-3-12	Default of Payment
13-3-13	Use of Water
13-3-14	Continuation
13-3-15	Service Interruption
13-3-16	Termination by User
13-3-17	Service Line Regulations – No Plural Taps

13-3-1 Use Contract

The provisions of this Article and the General Provisions of this Chapter shall constitute the contract between the Town and the outside water user or property owner. Each such water user or property owner by using Town water or by allowing Town water to be used, shall be conclusively presumed to express his consent to be bound by all provisions of this Ordinance or amendments hereafter made and also to all rules and regulations which may be adopted by the Board of Trustees governing the use of water and to waive any and all objectives to the jurisdiction of the courts of the Town to enforce the provisions of this Ordinance or amendments thereto or any such rule or regulation governing water use.

13-3-2 Application for Use

(a) Individual Applications:

No connection or tap to the Town water system or any extension or continuation thereof, for use outside the Town limits, shall be made until the applicant for water service shall file with the Clerk an application for a permit to said water system and until such permit has been granted and approved by the Board, and such application shall contain;

WATER SERVICES: Water Use Without Town

- (1) The full name or names of the owners or contract purchasers of the land for which such permit is requested;
- (2) The legal description of the land to be so served, together with the street address, if any;
- (3) A description of the service desired or requested;
- (4) A statement that the applicant acknowledges the use of such service to be a privilege which may be terminated at any time after reasonable notice, at any time the Board shall deem it within the best interests of the Town and its inhabitants to do so;
- (5) A statement of the intended use to be made of the property to be served, whether it be residential, commercial or industrial;
- (6) A statement that the applicant agrees to execute and to pay the expense of placing on record in the office of the Clerk and Recorder of Delta County, Colorado, an agreement which is binding upon and shall run with the land to be served with such service. The effect of the agreement is that within ninety (90) days from and after the date that the land belonging to them becomes eligible for annexation to the Town, they will cause to be filed with the Town valid annexation petition, proposing such lands for annexation to the Town. The costs and expenses of any such annexation proceeding shall be paid by the owners of the property to be annexed, on a pro rata basis;
- (7) A statement that applicant agrees to grant the Town of Hotchkiss all of the necessary easements for construction and maintenance of the water lines, and agrees to execute the necessary documents to establish said easements;
- (8) The signature of the applicant or applicants, and if any applicant is a Corporation, the application shall be signed by its duly authorized Officer and attested to by the Secretary of the corporation.

(b) Multiple Applications

A privately owned water line serving several individual water users may file an application for a permit on behalf of all of the individual water users to be served by such line, provided that the names and total number of such individual water users shall be included in the application. No privately owned water line shall serve individual water users in excess of the number authorized by the permit issued therefore, until there shall be filed with the Clerk an application for amendment to the permit, listing the names and total number of the additional water users which such privately owned water line desires to serve and until such amendment to the permit has been granted by the Board of Trustees.

(c) Special Application

Special water and sewer taps for industrial or commercial users outside the Town Limits may be granted by ordinance.

WATER SERVICES: Water Use Without Town

13-3-3 Tap Charge

The tap charge for each tap to be supplied with town water shall be as follows:

I. One living unit - \$10,000 (3/4 service line) (includes mobile homes within, without, or outside of an established trailer park)

II. Multiple living unit (including recreational vehicle parks) - \$10,000 plus \$5,000 for each additional living unit in excess of one. Unless otherwise agreed, only one meter shall be provided for each building housing multiple living units, to meter consumption by all units.

Any new or existing living unit which is a stand-alone structure, despite being possibly located with a second single or multiple living unit on a single parcel of land (i.e. a trailer or garage apartment located with an existing home) shall require the purchase of a full water tap. Existing units which meet these specifications, and currently have only half a water tap, or no separate tap, shall be required to purchase the remaining portion of the full tap upon the sale or transfer of the property by way of contract for deed, deed, or lease of the property for a time period of six years or more, to a subsequent owner/lessee.

III. Commercial Water Taps - no commercial water taps shall be sold outside of the corporate limits of the Town unless such property is in the process of being annexed and the annexation completed. No existing out-of-town water taps may be converted to commercial purposes.

Any pre-existing taps that are currently used for commercial purposes shall be upgraded to the proper amount of (EQ) taps (using the in-town formula but out-of-town base EQ tap pricing) upon the change of ownership, sale or transfer of real property which includes transfer by deed, contract for deed or a contract for purchase by periodic payments, order of court, lease or rental of the property, or any portion thereof, for a time period of ten (10) years or more, conveyance of a possessory interest, or the execution of a contract and/or assignment or other form or indicia of transfer of any ownership interest in any entity owning

All other ordinances, resolutions and other provisions of the Town of Hotchkiss, Colorado, or parts thereof, in conflict or inconsistent herewith, and to the extent they are in conflict or inconsistent herewith, are hereby repealed; provided, however, that the repeal of any ordinance, resolution, other provisions of the Town of Hotchkiss, Colorado, or parts thereof, shall not revive any other section of the same heretofore repealed and superseded.

WATER SERVICES: Water Use Without Town

13-3-4 Tap Specifications

- (a) Specifications for taps to the Town water mains shall be subject to the approval of the Board of Trustees prior to the issuance of a permit therefore. In the case of privately owned water lines serving several individual users, plans for the construction thereof, and specifications for the individual service connections therefrom, shall be subject to approval by the Board of Trustees prior to the issuance of a permit therefore or an amendment to such permit.
- (b) All taps to the Town water mains for individual water users shall be made by the Town Employees, except that, in special cases, the Board of Trustees may authorize private plumbers to make such taps, in which case the Town shall refund to the water user the sum of seven dollars (\$7.00
- (c) All taps to the Town water mains for individual water users shall be made by the Town Employees, except that, if the owner or owners of the privately owned water line so request, the Board of Trustees shall authorize said privately owned water line to make its own individual taps, in which case the Town shall refund to the privately owned water line the sum of \$7.00 for each tap to be made by said privately owned water line. Water taps and partial water taps must be brought into service within one (1) year or the tap will be cancelled and all funds paid for said tap permit will be forfeited to the Town of Hotchkiss.

WATER SERVICES: Water Use Without Town

ORDINANCE 2007-6 JANUARY 01, 2008

13-3-5 METER RATES

(a) RESIDENTIAL. The following monthly metered water charges apply to all residential water users outside the Town limits:

Minimum Charge	\$23.00
Meter Size	Charge
3/4" - first 6,000 gallons	\$3.00 per 1,000 gallons
6,000 - 10,000 gallons	\$3.65 per 1,000 gallons
10,000 - 20,000 gallons	\$3.95 per 1,000 gallons
All over 20,000 gallons	\$4.25 per 1,000 gallons

(b) COMMERCIAL. The following monthly metered water charges shall apply to all commercial water users outside the Town limits:

Meter Size	Charge
3/4" – minimum charge	\$28.00
First 6,000 gallons	\$3.00 per 1,000 gallons
All over 6,000 gallons	\$3.65 per 1,000 gallons
1" – minimum charge	\$52.00
First 12,000 gallons	\$3.00 per 1,000 gallons
All over 12,000 gallons	\$3.65 per 1,000 gallons

Hanson Mesa \$3.34 per 1,000 on first 250,000 gallons
\$3.89 per 1,000 from 250,000 up

- (c) The Board of Trustees may, by resolution, establish separate schedules of water rates for industrial, commercial, schools and other special uses.
- (d) The Board of Trustees reserves the right from time to time change, alter or amend the rate or schedule so that the rate charged to consumers of water outside the Town limits is just and proper in the opinion of the Board.
- (e) When a group of individual units or users is served by a privately owned water supply line through a master meter, such group shall be treated as a single user and the aforementioned rates shall be applied to water distribution to such group through such master meter.

All other ordinances, resolutions and other provisions of the Town of Hotchkiss, Colorado, or parts thereof, in conflict or inconsistent herewith, and to the extent they are in conflict or inconsistent herewith, are hereby repealed; provided, however, that the repeal of any ordinance, resolution, other provisions of the Town of Hotchkiss, Colorado, or parts thereof, shall not revive any other section of the same heretofore repealed and superseded.

WATER SERVICES: Water Use Without Town

13-3-6 Meter Regulations

- a.** Individual meters for each water user shall be required, whether the user is served directly from the Town water mains or from privately owned water service lines. All privately owned water service lines serving more than one individual shall also be required to install master meters. The Mayor, with the approval of the Board of Trustees, shall determine the brand and quality of meters which will be approved for use. No meter shall be installed unless such meter has been so approved. All meters which are read by the Town shall be installed in compliance with the Plumbing Code in a convenient, accessible location outside the building, and in a masonry or PVC vitrified clay meter box approved by the Board of Trustees. The Town shall supply the water user with a water meter, at the user's expense, and shall maintain said meter and meter box. When a meter gets out of order, it shall be the duty of the water user or property owner, within ten (10) days, to notify the Town Clerk that repairs are needed. Such repairs will be done by the Town employees at Town expense. When a meter gets out of order and fails to Register correctly, a charge shall be made by the Town Clerk according to average quantity of water used in a similar period as shown by the meter when in order. The charge as determined by the Town Clerk shall be conclusive.
- b.** It shall be the responsibility of the water user to assure that his meter is accessible to the Town employees for the purpose of reading the meter as well as for repairs, replacement or maintenance. should a meter not be freely accessible, the Town of Hotchkiss, Colorado, shall send written notice to the water user describing the situation and directing that the water user take steps, within ten (10) days, to correct said situation and make the water meter freely accessible. Should the required corrective action not be accomplished within the ten (10) day period, the Town may correct the situation itself and bill the water user for the costs of such corrective action, including, but not limited to, labor and materials. Such amounts due may be collected as described in Section 13-3-11.

WATER SERVICES: Water Use Without Town

13-3-7 Off and On Charges

13-3-8 Size of Taps

All taps outside the Town limits shall be restricted to a maximum of three-fourths inch (3/4") for residential users and one inch (1") for commercial users. Three-fourths inch (3/4") taps shall be granted only when the main from which the tap is made is a four inch (4") or larger main, provided, however, that the Board of Trustees may by resolution permit the use of larger taps for industrial, commercial, school, and special purposes, for privately owned water lines serving several individual water users, and where necessary to overcome gravity problems.

13-3-9 Service Pipe; Stop Boxes

Each water user or property owner who is billed directly by the Town shall install at his own expense necessary water mains, service pipe from the corporation cock to the curb box, and curb valve, and such additional service pipe as may be necessary to serve the premises owned by such property owner, All such water pipe shall be of copper pipes of "K" or greater thickness. All such service pipe shall be laid in a solid bed at a depth of not less than three feet (3')

The Board of Trustees shall determine the brand or quality of curb box or curb valves which will be approved for use. No curb box or curb valve shall be installed until approved by the Town council. Curb boxes and valves shall be kept by the property owner free from dirt, stones or other substances which would prevent access to, or impair the operation of, the curb valve.

In the event that the Mayor or Town Employees determine that the service pipes, stop box, or meter of a water user are in need of repair, the property owner or water customer shall be so notified and the Mayor shall cause repairs to be made and charge the cost of such repairs against the property. Such charges or assessments shall be added to the customers' water bill and collected as other water service charges.

13-3-10 Repairs

Each water user shall properly repair and maintain at his own expense all portions of his water service system from the point where the water line crosses the water user's property. The responsibility of the Town for maintenance and repairs terminates at the property line of the water user.

WATER SERVICES: Water Use Without Town

13-3-11 Payment of Charges

All Town water used outside the Town Limits shall be metered. All water charges shall be payable on the first day following the quarterly or monthly charge period. The owner of the property where the water is used shall be held liable for the payment of water charges for all water use thereon and the property served by the water shall be subject to a lien. The Town may foreclose such lien for unpaid water charges in accordance with State law. The owner, or management of privately owned water service lines shall be held liable for the payment of water charges for all water used by such line. Each separate residential building and each commercial user shall be regarded as a separate water user, provided, however, that the use of water for a farm residence shall be considered to constitute a single user. Provided, further, that no water obtained from the Town water system shall be used at any farm residence for the purpose of flood irrigation. Any sprinkling of lawns and/or gardens shall be subject to Town regulation's governing such water use as the same from time to time may be amended or enacted.

13-3-12 Default of Payment

(a) Termination of Service

All water charges shall be payable at the office of the Clerk, and if not paid within ten (10) days after billing, they shall become delinquent, and the water may be shut off after ten (10) days written notice of intent to do so; said notice to be either personally delivered by Town personnel or mailed by the Town Clerk to the delinquent user or property owner by regular mail. Whenever such a shut-off notice has been sent, the required payment due shall be increased by ten dollars (\$10.00) to cover the cost thereof to the Town. Whenever water service shall have been shut off for non-payment of water charges, the water service shall not be turned on again until all applicable water charges have been paid current, together with twenty dollars (\$20.00) additional fee for the expense of shutting off and turning on the water service.

(b) Other Remedies

In addition to the lien for unpaid water charges, the Town shall have the right to bring suit in any court of competent jurisdiction to enforce payment of all delinquent obligations to pay for water service. Additionally it shall be a violation of this ordinance for any person, including employees of the Town, to renew services to any premises, after termination because of default, until all delinquent charges are paid.

WATER SERVICES: Water Use Without Town

13-3-13 Use of Water

It shall be unlawful for any person to sell or give water from any Property connected to the Town water system or to allow the owner or occupant of other premises to use water from his service. It shall be unlawful for any person to permit, suffer or allow water from the Town water works to run to waste upon his premises or premises under his charge or., control; and it shall be unlawful for any person to interfere with, or in any way tamper with, any part of the Town water system, or to open or close any fireplug, stopcock, valve or other fixtures appertaining to the Town water system without lawful authority.

13-3-14 Continuation of Services

Users of Town water outside the Town Limits are granted the privilege to continue use of Town water, only so long as they comply with the provisions of this Article and

any amendments thereto, and subject to the Board of Trustees' right to determine whether surplus water is available. But if the Board shall determine that the water supply of the Town is not greater than the needs of the Town for water for fire and domestic purposes, or if the Board shall determine that the use of Town water outside the Town Limits must be curtailed to protect the water supply of the Town, the Board may limit and control water use or completely shut off the supply of water outside the Town Limits. If the owner, or owners, of any property served by Town water outside the Town Limits shall refuse or fail to take any action necessary to annex said property into the Town within thirty (30) days from date of mailing of written notice to said water user by the Town that said property is eligible to be annexed and that the Town desires that it be so annexed, the Board of Trustees may shut off that supply of Town water to such property forthwith,

13-3-15 Service Interruption

The Mayor shall have the right at any time without notice to shut off the water in the Town mains, or any of them, for the purpose of making repairs, connections, extensions, or for other useful or necessary purposes, including the right to shut off water for a breach or violation or any provision of this ordinance. No water user or property owner shall be entitled to any damages or to have any portion of payment refunded for any interruption of water supply.

WATER SERVICES: Water Use Without Town

13-3-16 TERMINATION RENEWAL BY USER

Any person desiring to terminate water service shall give written notice thereof to the Clerk, and the Clerk shall cause an authorized Town employee to terminate the water service. Water usage charges shall be imposed until such written notice has been received by the Clerk and the water service terminated in timely manner at such curb valve, after which the base rate shall be charged until water delivery service is again requested. The management of a privately owned water line shall be responsible for notice of discontinued water use on that line, for proper valve termination, and for notice of resumption of use.

13-3-17 Service Line Regulations--No Plural Taps

The connection of each house, dwelling, building, store premise, mobile home, modular home, and other structure or structures connected to the domestic water service system, of the Town of Hotchkiss, Colorado, shall be separate and independent from that of any other house, dwelling, building, store, premise, mobile home, modular home, and other structure or structures, and each shall have an independent connection with the said domestic water service system.

13-3-18 Standpipe Water Rates

The rate charged at a standpipe under the control and direction of the Town of Hotchkiss, Colorado, shall be established, from time to time, by resolution of the Board of Trustees for the Town and is currently set at \$6.00 per 1000 gallons of water received through the standpipe.