

TITLE 13

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CHAPTER 13.04

Waterworks System

13.04.010 Name of system.

The waterworks system built by the incorporated Town shall be named as the "Swink waterworks."
(Ord. 26 §1, 1910)

13.04.020 Polluting or tampering with system prohibited.

(a) It is unlawful for any person in any manner to pollute the water in any well or wells in connection with the waterworks used and operated by the Town or cast into the well or wells any garbage, offal or other substance, or anything calculated to make the well or wells impure.

(b) It is also unlawful for any person to break, cut or pull down or in any manner to interfere with any gate or fence surrounding the same or to meddle or interfere with or in any manner molest any pumps, machinery, crib, wells, pipe main, service boxes, tanks or other construction in or about the waterworks or any part thereof.

(c) Any person violating any of the provisions of this Section shall be fined in a sum not exceeding one hundred dollars (\$100.00) for each offense. (Ord. 26 §2, 1910)

13.04.030 Right to extend mains.

In addition to the water mains already laid, the Town is empowered and authorized to have the exclusive right to extend the mains upon, through, under and along all streets, avenues, alleys and parks within the corporation where it may be necessary, requisite and proper for the purpose of supplying water to any person or persons, associations or corporation residing in the Town, or to any persons, association or corporation without the corporate limits of the Town. (Ord. 26 §3, 1910)

13.04.040 Right to tap mains, excavate trenches and put in service pipes.

The corporate authority of the Town shall have the exclusive right to tap all water mains used in connection with the waterworks, dig all excavations and trenches and to put in all service pipes from the tap to the intersecting line between the street or alley and the premises on which the service pipe is to extend; provided that the corporate authority of the Town shall have authority to delegate the rights to proper persons, they first securing a license as provided in this Chapter, and the corporate authority of the Town being the sole and exclusive judge of who are proper persons to receive such license. Any person or persons who shall assist, advise or procure any tap to be made, or any service pipe to be put in contrary to this Section, shall be fined not less than ten dollars (\$10.00) or more than one hundred dollars (\$100.00) for each offense. (Ord. 26 §4, 1910)

13.04.050 Tapping of mains; application and permit required.

It shall be the duty of any person who wishes to obtain water from any water main, by tapping the main, to make an application to the Water Commissioner on a form furnished by the Water Commissioner for that purpose and to pay the appropriate tap fee with the application. The Water Commissioner shall issue a written permit to tap the main at the address stated on the application. The application and the permit shall contain, at a minimum, the applicant's name, mailing address and phone number, the street

address where the applicant wishes the tap to be installed, the size of the tap and the approximate date the applicant anticipates installation of the tap. (Ord. 26 §5, 1910; Ord. 2003-7 §1)

13.04.051 Amending tap location.

The proposed tap location set forth in the application shall be amended upon written request of the applicant and a determination by the Board of Trustees after hearing that failure to change the tap location will result in a significant hardship to the applicant beyond the applicant's control and that the change will not adversely affect the water system. (Ord. 2003-7 §1)

13.04.052 Supplemental application.

Where a previous application or permit exists and no physical tap is installed or anticipated to be installed on or before February 28, 2004, the applicant shall complete and file a supplemental application form provided by the Water Commissioner with the Water Commissioner containing the information set forth above. The supplemental application shall be filed on or before the close of business on February 28, 2004. The Water Commissioner shall notify by first class mail all applicants who may be required to file supplemental applications. Upon receipt of the supplemental application, the Water Commissioner shall issue an amended permit containing the information required in Section 13.04.050. (Ord. 2003-7 §1)

13.04.053 Amending tap location under supplemental application.

The proposed tap location set forth in the supplemental application shall be amended upon written request of the applicant and a determination by the Board of Trustees after hearing that failure to change the tap location will result in a significant hardship to the applicant beyond the applicant's control and that the change will not adversely affect the water system. (Ord. 2003-7 §1)

13.04.060 Stopcock requirements.

A Mueller stopcock shall be inserted in each service pipe protected by a stop box with the word "water" marked thereon at the cost of the owner of the property and must be kept in repair by the owner of the property so it can be used at any time by the Water Commissioner in shutting off or turning on the supply of water. Upon failure of the owner to maintain the stopcock and box in proper working order, it shall be the duty of the Water Commissioner to shut off the water at a point in the street located in front of the premises where the water is to be used, with the point being generally located near the curblin. The top of the stopcock or service boxes shall be visible and when more than one (1) hydrant or consumer is supplied by a single tap by means of branch pipes, each branch must have a separate stopcock as required above. All stopcocks must be located at some easily accessible point. (Ord. 26 §6, 1910; Ord. 2004-9 §§9, 10)

13.04.070 Supervision of all work by Water Commissioner.

All connections, disconnections or alterations made to service pipes on premises or at the intersection of pipes with the line between the street or alley and the premises upon which the pipe is used, also all alterations, repairs, extensions, taps and all work upon the main, service pipes or any other part of the water plant, shall be under the supervision of the Water Commissioner as to the manner of doing work, kind of pipe and other materials used and manners and sizes and connection and alterations to be made. When the work is completed, the persons doing the work shall file with the Water Commissioner a statement to that effect. (Ord. 26 §7, 1910)

13.04.080 Duty of Water Commissioner to turn on water.

Upon finishing the work in connection with the tapping and laying the service pipe as provided in this Chapter, it shall be the duty of the Water Commissioner to turn on the water upon receipt of one (1) month's rent in advance at the established rate. (Ord. 26 §8, 1910)

13.04.090 Use of water during fires prohibited.

It is unlawful for any person to use water during a fire, and from the time the fire alarm is sounded until the fire is extinguished and the fire bell rung to announce that the fire has been extinguished, no water shall be used for irrigation and all hydrants at private residences shall be kept closed, except for taking water for drinking and culinary purposes. Any person violating the provisions of this Section shall, on conviction, be fined in any sum not exceeding fifty dollars (\$50.00). (Ord. 26 §11, 1910)

13.04.100 Maintenance of service pipes and connection; responsibility of property owner to pay water rents.

All service pipes and connections shall be kept in repair at the expense of the property owner, and the Water Commissioner shall have the right and privilege to enter upon premises at any reasonable hour to see that there is no leaking service pipes or waste water. The corporate authorities reserve the right without notice to shut off the water in the mains for the purpose of making repairs or extensions. In all cases, the property owner is held responsible for the payment of water rent due on hydrants that supply his or her premises with water, and in case the supply is shut off for nonpayment of water rent, it will not be turned on again until all delinquent rents have been paid. Any person allowing other persons to carry away any water from their hydrants, unless such person so carrying has a permit from the Water Commissioner, shall upon conviction be fined in any sum not exceeding fifty dollars (\$50.00) for each offense. (Ord. 26 §12, 1910)

13.04.110 Water meters; installation authorized.

The Board of Trustees is authorized to install within the Town, at the expense of the Town, water meters for the purpose of measuring the water supplied to the consumers of the Town, and is empowered to install the meters at the curblineline or other convenient place. (Ord. 33 §1, 1913)

13.04.120 Water meters; monthly charge when inoperative.

If any meter fails to register in any month, the consumer shall be charged at the average monthly consumption as shown by the meter when in order. (Ord. 33 §3, 1913)

13.04.130 Use of water for building operations.

The Water Commissioner may grant permission to any person for water to be used on adjoining or other premises for building operations, in which case the person through whose pipe line the water is delivered shall be responsible for the payment for the water so delivered. (Ord. 33 §5, 1913)

13.04.140 Obstruction of meter or meter box prohibited.

No person, unless authorized by the Board of Trustees, shall in any manner obstruct or interfere with any meter or meter box. (Ord. 33 §6, 1913)

13.04.150 Separate meters required for each residence.

More than one (1) residence shall not be supplied through one (1) meter but each residence shall have a separate meter. (Ord. 33 §7, 1913)

13.04.160 Power of Board to order installation of separate meters.

Where there is more than one (1) occupant of any building or premises, the Board of Trustees shall have the power to order a separate meter installed for each occupant, and thereafter water shall be supplied to such occupant only through the meter so installed by order of the Board of Trustees. (Ord. 33 §8, 1913)

13.04.170 Responsibility for water rents and charges.

All water rents and charges shall be a charge and lien upon the premises to which water is delivered from the date the same becomes due and until paid, and the owner of every building, premises, lot or house shall be liable for all water delivered to or taken and used upon his or her premises, which lien and liability may be enforced by the Town by action of law or suit to enforce the lien. In case the tenant in possession of the premises or buildings pays the water rent or rate, it shall relieve his or her landlord from such obligation and lien, but the Town shall not be required to look to any person whatsoever other than the owner for the payment of the water rents and rates provided for in this Chapter. (Ord. 33 §11, 1913)

13.04.180 Notice of vacated premises.

Whenever any such building or premises is vacated, it shall be the duty of the owner or owners, or the agent or agents thereof, to notify the Water Commissioner of such fact so that the water may be shut off, and all such buildings and premises shall be deemed occupied and water rents collected thereon, unless such notice shall have been given. (Ord. 33 §12, 1913)

13.04.190 Authority to cut off water supply in case of emergency.

Whenever, on account of any emergency due to decrease in the water supply or increase in the demand, there is insufficient water in the water system of the Town to supply consumers for all purposes, the Mayor is authorized to cut off the supply for any purpose, excepting that to supply the people of the Town with water for drinking and domestic use, until such time that the water system is capable of supplying the Town for all purposes. Notice from the Water Commissioner that such an emergency exists and has been so proclaimed by the Mayor shall be sufficient notice to patrons of the water system. Any person found using water in violation of the proclamation of the Mayor, after being so notified by the Water Commissioner, shall be deemed guilty of a violation of this Chapter and, upon conviction thereof, shall be fined as provided in Section 13.04.200. (Ord. 33 §15, 1913)

13.04.200 Penalty for violation of Sections 13.04.010 through 13.04.190.

Any person found violating any of the provisions of Sections 13.04.010 through 13.04.190 shall, upon conviction, be fined in any sum not exceeding fifty dollars (\$50.00). (Ord. 33 §13, 1913)

13.04.210 Monthly charges; method of collection.

The monthly charges for the use of water, on file in the office of the Town Clerk, shall be paid monthly. (Ord. 112 §2, 1963)

13.04.220 Monthly charges; delinquency charge.

To any charges not paid when due shall be added a collection charge of ten percent (10%). (Ord. 112 §3, 1963)

13.04.230 Monthly charges; shut off upon nonpayment; charge for turning back on.

In event that any charges arising under Section 13.04.210 are not paid when due, the Board of Trustees may order the water shut off, which shall not be then turned on except on payment of a five-dollar charge, plus all charges, assessments and penalties then due thereon. (Ord. 112 §4, 1963)

13.04.240 Connection charge.

No water tap shall be made except by the Town, and a charge of twenty-five dollars (\$25.00) shall be assessed for each connection. (Ord. 112 §5, 1963)

13.04.250 Amendment of rates.

The rates referred to in Sections 13.04.210 through 13.04.240 may be amended or changed at any time by resolution of the Board of Trustees. (Ord. 112 §7, 1963)

13.04.260 Penalty for violation of Sections 13.04.210 through 13.04.250.

Violation of the provisions of Sections 13.04.210 through 13.04.250 shall be a misdemeanor and, upon conviction thereof, shall be punishable by a fine of not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00) for each offense, and each day such violation continues shall be deemed a separate offense. (Ord. 112 §6, 1963)

CHAPTER 13.05

Water Conservation

13.05.010 Definitions.

Unless the context specifically indicates otherwise, the following terms, as used in Sections 13.05.010 through 13.05.120 inclusive, shall have the following meanings:

Drip irrigation: Low-pressure, low-volume irrigation applied slowly, near or at ground level to minimize runoff and loss to evaporation, including the use of a bubbler, drip emitter, in-line tubing and soaker hose, but does not include micro-sprays.

Full supply: A projected available amount of water for augmentation that is equal to one and one half (1.5) times the amount of water needed for twelve (12) months' normal well-pumping. Less than three hundred (300) acre-feet would trigger Stage I. Less than two hundred (200) acre-feet would trigger Stage II. Less than one hundred (100) acre-feet would trigger Stage III. Less than seventy-five (75) acre-feet would trigger Stage IV.

Hand-watering: The use, expenditure or application of water supplied to a water customer through a hand-held hose connected to a piping system where the water is used for any exterior purposes or is otherwise expended outside any dwelling, building or structure. NO OPEN HOSE watering will be allowed in any stages.

Irrigate: To apply or to expend water onto land, whether by channels, by flooding, by sprinkling or by any other means whatsoever, except hand-watering.

Landscape: Any combination of living plants, such as trees, shrubs, vines, ground covers, flowers or turf grass.

Pond: An artificially constructed outdoor pond used for decorative or aesthetic purposes.

Projected demand: The expected levels of water demand placed upon the water supply system assuming no additional restrictions. This projected amount is the Town's best estimate based on an analysis of historic trends, current and expected weather conditions, snow pack levels, system modeling, engineering judgment, consumption and growth forecasts, as well as other relevant factors.

Shortage: The actual demand for water placed upon the water supply system by water customers exceeds the actual full supply, where the actual full supply of water is the amount of water available for delivery for augmentation purposes within any eighteen-month period.

Stage I shortage: The lowest level of water restrictions intended to reduce water demand placed upon the water supply system.

Stage II shortage: The intermediate level of water restrictions intended to reduce water demand placed upon the water supply system.

Stage III shortage: The critical level of water restrictions intended to reduce water demand placed upon the water supply system.

Stage IV shortage: The highest level of water restrictions intended to reduce water demand placed upon the water supply system.

Turf grass: Continuous plant coverage of grasses that, when regularly mowed, form a dense growth of leaf blades and roots.

Water customer: The person designated on the records maintained by the Town as the person responsible for payment of charges incurred for the use of the water supply system at the premises being served, or any person of lawful age who uses water at the premises served.

Water feature: Any fountain or waterfall used for decorative or aesthetic purposes. (Ord. 2004-12 §2)

13.05.020 Waste of water prohibited.

(a) No water customer shall allow, permit or cause the waste of water, which shall include any use of water in violation of this Chapter.

(b) During any water shortage declared under this Chapter, no water customer shall be required, whether by public or private agreement, to retain existing turf grass, to install new turf grass or to irrigate existing turf grass in a manner inconsistent with this Chapter. (Ord. 2004-12 §2)

13.05.030 Stage I shortage.

Stage I shortage may be declared when the Board of Trustees determines that: (a) there is not a full supply of water of three hundred (300) acre-feet; or (b) proactive measures should be taken to avoid or

reduce the severity of a shortage. However, the Board of Trustees must formally approve the declaration of a Stage I shortage by resolution. During a Stage I shortage, the Town will increase public communication and education efforts aimed at water conservation, will encourage the community to conserve water wherever possible, and will evaluate the development of water rates that promote the efficient use of water. In addition, the following restrictions on the use of water by water customers shall be in effect during a Stage I shortage:

- (1) All water customers shall be restricted to irrigation of turf grass to odd and even addresses every other day. No new grass or trees will be planted without obtaining a permit from the Town Clerk. The permit will allow the water customers to water for a two-week span only. (Ord. 2004-12 §2)

13.05.040 Stage II shortage.

Stage II shortage may be declared when the Board of Trustees determines that: (a) there is less than two hundred (200) acre-feet of a full supply of water; or (b) proactive measures should be taken to avoid or reduce the severity of a shortage. However, the Board of Trustees must formally approve the declaration of a Stage II shortage by resolution. In addition to the Stage I restrictions set forth above, the following restrictions on the use of water by water customers shall be in effect during a Stage II shortage, except that in the event of a conflict, the following restrictions shall prevail:

- (1) Residents having addresses ending in 1, 2 or 3 shall be entitled to use hard water for all nondomestic purposes on Friday and Tuesday from 6:00 p.m. to 9:00 p.m. only.
- (2) Residents having addresses ending in 4, 5 or 6 shall be entitled to use hard water for all nondomestic purposes on Saturday and Wednesday from 6:00 p.m. to 9:00 p.m. only.
- (3) Residents having addresses ending in 7, 8, 9 or 0 shall be entitled to use hard water for all nondomestic purposes on Sunday and Thursday from 6:00 p.m. to 9:00 p.m. only.
- (4) Residents who own an automated in-ground sprinkler system shall be entitled to use hard water for all nondomestic purposes according to the schedule set forth in Subsections (1), (2) and (3) above, except that their hours of use shall be from 4:00 a.m. to 7:00 a.m. only.
- (5) Residents shall not fill swimming pools, wash cars or use hard water for any adult or child recreation activity.
- (6) Residents planting any new grass or trees under this stage will abide by applicable watering restrictions. (Ord. 2004-12 §2)

13.05.050 Stage III shortage.

Stage III shortage may be declared when the Board of Trustees determines that: (a) there is less than one hundred (100) acre feet of a full supply of water; or (b) proactive measures should be taken to avoid or reduce the severity of a shortage. However, the Board of Trustees must formally approve the declaration of a Stage III shortage by resolution. In addition to the Stage I and Stage II restrictions set forth above, the following restrictions on the use of water by water customers shall be in effect during a Stage III shortage, except that in the event of a conflict, the following restrictions shall prevail:

- (1) Residents having addresses ending in 1, 2 or 3 shall be entitled to use hard water for all nondomestic purposes on Friday and Tuesday from 7:00 p.m. to 9:00 p.m. only.

(2) Residents having addresses ending in 4, 5 or 6 shall be entitled to use hard water for all nondomestic purposes on Saturday and Wednesday from 7:00 p.m. to 9:00 p.m. only.

(3) Residents having addresses ending in 7, 8, 9 or 0 shall be entitled to use hard water for all nondomestic purposes on Sunday and Thursday from 7:00 p.m. to 9:00 p.m. only.

(4) Residents who own an automated in-ground sprinkler system shall be entitled to use hard water for all nondomestic purposes according to the schedule set forth in Subsections (1), (2) and (3) above, except that their hours of use shall be from 5:00 a.m. to 7:00 a.m.

(5) Residents shall not fill swimming pools, wash cars or use hard water for any adult or child recreation activity.

(6) Residents planting any new grass or trees under this stage will abide by applicable watering restrictions. (Ord. 2004-12 §2)

13.05.060 Stage IV shortage.

Stage IV shortage may be declared when the Board of Trustees determines that: (a) there is less than seventy-five (75) acre-feet of a full supply of water; or (b) proactive measures should be taken to avoid or reduce the severity of a shortage. However, the Board of Trustees must formally approve the declaration of a Stage IV shortage by resolution. In addition to the Stage I, Stage II and Stage III restrictions set forth above, the following restrictions on the use of water by water customers shall be in effect during a Stage IV shortage, except that in the event of a conflict, the following restrictions shall prevail:

(1) Residents will have two (2) days a month to water shrubs and trees only: the first Saturday of each month from 7:00 p.m. to 9:00 p.m.; and the third Saturday of each month from 7:00 p.m. to 9:00 p.m. only.

(2) Residents planting any new grass or trees under this stage will abide by applicable watering restrictions.

(3) Residents shall not fill swimming pools, wash cars or use hard water for any adult or child recreation activity. (Ord. 2004-12 §2)

13.05.070 Exceptions.

(a) Water customers may use water essential to protect general public health, safety or welfare.

(b) In a Stage I shortage, a water customer installing turf grass, by sod or seed, may irrigate the affected area at times other than as set forth herein if the water customer obtains a valid Stage I turf irrigation permit in accord with this Section. Applications for Stage I turf irrigation permits shall be submitted to the Town on a form supplied by the Town, and shall include all necessary supporting documentation. Applications shall be accompanied by a fifty-dollar permit fee. The applicant shall comply with the conditions of the Stage I turf irrigation permit. The Stage I turf irrigation permit shall be displayed on the premises so as to be visible from a public street at all times during the term of the Stage I turf irrigation permit. Notwithstanding the foregoing, turf irrigation permits shall not be issued during Stage II, Stage III or Stage IV shortage. (Ord. 2004-12 §2)

13.05.080 Access to premises.

(a) Whenever necessary for the purpose of investigating any alleged violation of Sections 13.05.010 through 13.05.100 inclusive, the Town shall have the power, upon the presentation of proper credentials, to enter and inspect at any reasonable time and in any reasonable manner the exterior of a water customer's premises.

(b) If entry to or inspection of the premises is denied or not promptly permitted, the Town Clerk is authorized to make application to the Municipal Court for the issuance of an inspection warrant. The application shall identify the premises upon which entry is sought and the purpose for which entry is desired, and shall state the facts giving rise to the belief that a condition which is dangerous to the public health, safety or welfare exists at the premises. Any warrant issued pursuant to the application shall command the owner or occupant to permit entry by the Town Clerk for the purpose stated. (Ord. 2004-12 §2)

13.05.085 Assistance for expansion tanks.

(a) Any person owning property within the municipal limits of the Town and who owns a water heater located on that property may apply to the Town for a short-term loan for the purpose of installing an expansion tank on the water heater.

(b) The application shall include the name of the applicant, the water heater location address, whether the repair or replacement will be performed by a contractor or by the applicant and an estimate of the repair or replacement cost.

(c) Upon receipt of the application, a Town employee will review the application and inspect the water heater. The Town will then approve or deny the application for a loan. Denial may occur where the Town employee is unable to verify that the water heater requires an expansion tank or where the applicant fails to sign the appropriate promissory note and agreement.

(d) The Town will then give preliminary approval to the applicant for a loan of an amount requested on the application but not to exceed one hundred fifty dollars (\$150.00) per applicant.

(e) The loan will be made from the Water Utility Enterprise Funds and shall be paid back to the Town and deposited in the Water Utility Enterprise Funds.

(f) The loan shall be paid back to the Town in monthly installments over a period of time not to exceed twelve (12) months in equal principal payments at zero percent (0%) interest.

(g) The applicant shall grant the Town a security interest in the property where the water heater is located in the amount of the unpaid principal balance where the payments are not all made within twelve (12) months. Commencing with the thirteenth month, interest shall accrue on the unpaid principal balance at the rate of eighteen percent (18%) per annum. (Ord. 2005-1)

13.05.090 Liability.

Each water customer shall be responsible for compliance with Sections 13.05.010 through 13.05.100 inclusive, with respect to the water customer's premises, and shall be responsible for applicable charges for noncompliance with Sections 13.05.010 through 13.05.100 inclusive. In the event of an alleged violation of Sections 13.05.010 through 13.05.100 inclusive, proof that the condition originated at any

water customer's premises shall constitute a rebuttable presumption that the water customer is responsible for the violation. (Ord. 2004-12 §2)

13.05.100 Violations.

Violation of any of the provisions of Sections 13.05.010 through 13.05.100 inclusive, shall be punishable under the terms of fines fifty dollars (\$50.00) to three hundred dollars (\$300.00) provided by other ordinances within the Town and as more specifically set out in Section 1.08.010 of this Code. (Ord. 2004-12 §2)

CHAPTER 13.08

Water Enterprise

13.08.010 Establishment of Enterprise.

There is hereby established, pursuant to the terms and provisions of the Water Activity Law, Title 37, Article 45.1, C.R.S., the Town of Swink Water Enterprise (the "Enterprise"). The Enterprise shall consist of certain properties and facilities for the collection, treatment, transmission and disposition of water, which facilities are operated and maintained as a single public utility and income-producing project (the "System"), which is the business represented by all of the Town's water facilities and properties, now owned or hereafter acquired, whether situated within or without the Town boundaries, including all present or future improvements, extensions, enlargements, betterments, replacements or additions thereof or thereto. The Enterprise shall have all of the authority, powers, rights, obligations and duties as may be provided or permitted by the Water Activity Law and the Colorado Constitution, and as may be further prescribed by ordinance or resolution of the Town. (Ord. 2004-5 §1)

13.08.020 Governing body.

The governing body of the Enterprise (the "Governing Body") shall be the Board of Trustees, and shall be subject to all of the applicable laws, rules and regulations pertaining to the Board of Trustees. Whenever the Board of Trustees is in session, the Governing Body shall also be deemed to be in session. It shall not be necessary for the Governing Body to meet separately from the regular and special meetings of the Board of Trustees, nor shall it be necessary for the Governing Body to specifically announce or acknowledge that the actions taken thereby are taken by the Governing Body of the Enterprise. The Governing Body may conduct its affairs in the same manner and subject to the same laws which apply to the Board of Trustees for the same or similar matters; provided that, in accordance with Section 37-45.1-104(2), C.R.S., the Governing Body may authorize the issuance of bonds by adoption of a resolution. (Ord. 2004-5 §2)

13.08.030 Maintenance of Enterprise status.

The Enterprise shall at all times and in all ways conduct its affairs so as to continue to qualify as a "water enterprise" within the meaning of Section 37-45.1-102, C.R.S., and as an "enterprise" within the meaning of Article X, Section 20, Colorado Constitution. Specifically, but not by way of limitation, the Enterprise is not authorized to, and shall not, receive ten percent (10%) or more of its annual revenue in grants from all Colorado state and local governments combined. (Ord. 2004-5 §3)

13.08.040 Issuance of bonds.

The Enterprise is authorized to issue bonds, notes or other obligations payable from the revenues derived or to be derived from the System, in accordance with the Water Activity Law. The Board of Trustees may also authorize the issuance of such bonds, notes or other obligations in accordance with the laws of the State, and in so doing shall be deemed to be acting as both the Governing Body and the Board of Trustees. (Ord. 2004-5 §4)

13.08.050 Water Enterprise fees and charges.

The Board of Trustees shall adopt by resolution for and on behalf of the Enterprise the following rates, fees and charges:

- (1) Minimum and sufficient water rates;
- (2) Plant investment fees; and
- (3) Other fees and charges as the Board of Trustees deems necessary to cover the cost of inspection, testing fees for engineering design review, operations, maintenance and extensions of the System. (Ord. 2004-5 §5)

13.08.060 Water Enterprise annual budget.

The Board of Trustees shall adopt an annual budget for the Enterprise, separate from the Town's general fund budget. (Ord. 2004-5 §6)

13.08.070 Water Revenue Fund established.

(a) There is hereby established an Enterprise fund, to be known as the "Water Revenue Fund," in which shall be deposited all revenues from water billing and other revenues related to the System. All funds received from the water rates shall be used only for the operation, maintenance, debt service, replacement of and additions to the System. All amounts on hand in such fund shall be invested by the Board of Trustees in investments proper for public funds.

(b) The Enterprise may pledge all or any portion of the Water Revenue Fund, including revenues anticipated to be collected, to the payment of principal, interest, premium, if any, and reserves for revenue bonds or any other obligations lawfully issued or otherwise contracted for by the Enterprise for the payment or other financing of costs of the System, or for the purpose of refunding any obligations issued or otherwise contracted for such purpose. (Ord. 2004-5 §7)

CHAPTER 13.09

Backflow Prevention and Cross-Connection Control

13.09.010 Legislative intent.

It is the intent of the Town to protect the Municipal water system from contamination or pollution by backflow and/or cross-connection from an owner's internal distribution system or private water system, and to provide for the maintenance of a continuing program of cross-connection control which will systematically prevent the contamination or pollution of the Municipal water system. (Ord. 2005-2 §1)

13.09.020 Definitions.

Definitions of terms used in this Chapter are those contained in the Colorado Department of Public Health and Environment, Water Quality Control Division's "Cross-Connection Control Manual." (Ord. 2005-2 §2)

13.09.030 Responsibilities of Maintenance Supervisor.

(a) The Maintenance Supervisor has the primary responsibility of preventing water from unapproved sources or any other unacceptable substance from entering the public water supply system. This responsibility starts at the source of supply and includes all of the water distribution system, including service connections, and terminates at the individual water meters.

(b) The Maintenance Supervisor shall establish the cross-connection control program for the Municipal water system and maintain accurate records of all inspections, installations, tests and repairs on all backflow prevention devices.

(c) The Maintenance Supervisor shall be responsible for review of building plans and specifications and inspection of the installation of plumbing within structures. This responsibility includes the task of preventing cross-connections from being built into structures within the Town.

(d) The Maintenance Supervisor's responsibility begins at the point where the service line enters private property (except for the water meter and appurtenances and backflow prevention devices connected to the main services). (Ord. 2005-2 §3)

13.09.040 General program requirements.

(a) An appropriate backflow prevention device shall be installed on the service line to any new building and other new construction which, in the sole and exclusive discretion of the Maintenance Supervisor, constitutes a potential hazard for backflow and ultimate contamination. The Maintenance Supervisor shall determine the type of device and installation details.

(b) Whenever a building undergoes remodeling, the Maintenance Supervisor may require the installation of a backflow prevention device, depending on the extent of remodeling and the potential for contamination to the public water supply.

(c) Whenever the Maintenance Supervisor becomes aware of an existing water connection that is not adequately protected by a backflow prevention device and determines that there is a reasonable risk of contamination, an appropriate backflow prevention device may be required.

(d) Whenever a fire line or irrigation line is installed or remodeled, installation of an appropriate backflow prevention device may be required.

(e) The minimum backflow prevention protection shall be as follows:

- (1) Domestic or general service tap for buildings up to three (3) stories high: double check valve.
- (2) Domestic or general service tap for buildings four (4) stories high or higher: reduced pressure zone backflow preventor.

(3) Fire protection line: double check valve on nonpotable water lines and reduced pressure assembly on potable lines.

(4) Irrigation services: pressure vacuum breaker or atmospheric device.

(f) Devices that offer a greater degree of protection may be required by the Maintenance Supervisor, depending on the specific application.

(g) Backflow prevention devices (except atmospheric devices) shall be tested by a certified technician immediately after installation of the device. Atmospheric devices shall be inspected by a certified technician. Testing and recordkeeping shall conform to the other requirements of Section 13.09.050, et seq.

(h) All costs for the design, installation, maintenance, repair and testing of backflow prevention devices shall be borne by the customer/owner. (Ord. 2005-2 §4)

13.09.050 Testing and maintenance.

(a) At least once per year, at any premises where any backflow prevention devices are installed, it will be the duty of the customer/user to have a certified test made of these devices. In those specific instances where the Maintenance Supervisor deems the hazard great enough, certified inspections may be required at more frequent intervals.

(b) A backflow prevention device shall be repaired or replaced, as necessary, at the expense of the customer/user when said device is found to be defective.

(c) All backflow prevention devices shall be sealed by the certified technician performing the test at the completion of the test.

(d) The Maintenance Supervisor retains the right to test or otherwise inspect the installation and operation of any backflow prevention device, whenever deemed necessary by the Maintenance Supervisor. (Ord. 2005-2 §5)

13.09.060 Right of entry.

The Maintenance Supervisor, or his or her designated representative assigned to inspect premises relative to possible hazards, shall carry proper credentials reflecting that person's authority and, upon exhibiting such credentials, that person shall have the right to enter during usual business hours and inspect any backflow prevention device and inspect all buildings and premises for cross-connections in the performance of his or her duties. This right of entry shall be a condition of water service in order to provide assurance that the health, safety and welfare of water consumers throughout the Town's service area are adequately protected. (Ord. 2005-2 §6)

13.09.070 Violations.

(a) Failure of the customer/owner to cooperate in the installation, maintenance, testing or inspection of backflow prevention devices required by this Chapter shall be grounds for the discontinuation of water service to the premises.

(b) Water service to any premises may be discontinued by the Maintenance Supervisor after written notification to the customer/owner, if unprotected cross-connections exist on the premises, if any defect is

found in an installed backflow prevention device or if a backflow prevention device has been removed or bypassed. Service shall not be restored until such conditions or defects are corrected.

(c) Discontinuation of water service may be instigated summarily, immediately and without prior written notice whenever, in the judgment of the Maintenance Supervisor, such action is necessary to protect the purity of the public potable water supply or the safety of the water system and/or customers. (Ord. 2005-2 §7)

13.09.080 Recordkeeping requirements.

The customer/owner shall safely store and keep readily available at the subject premises a copy of all correspondence with the Town regarding backflow prevention findings or requirements, as well as all test reports and maintenance records of any backflow prevention devices covered herein for a period of at least three (3) years after the date of any such correspondence, test report or record. The customer/owner shall also provide the Maintenance Supervisor with a copy of all test reports for any backflow prevention device installed and in use. (Ord. 2005-2 §8)