

Title 12

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I. WATER SYSTEM

Chapter 12.04

DEFINITIONS

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- 12.04.010 Generally.
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12.04.010 Generally. For the purpose of this Title, certain terms and words are defined and shall have the meanings ascribed to them in this Chapter unless otherwise more specifically defined or it is apparent from the context that a different meaning is intended.

12.04.020 Director. “Director” means the Director of Public Works or Engineer of the Town, or his authorized deputy, agent, or representative.

12.04.030 Natural Outlet. “Natural outlet” means any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

12.04.040 Person. “Person” means any individual, firm, company, association, society, corporation or group.

12.04.050 Plant Investment Fee. “Plant investment fee” means tap fee, and the terms, may be used interchangeably.

12.04.060 Service Area. “Service area” means the corporate limits of the Town, the boundaries and limits of a water district served by the Town’s water system, and any extension of the water system to serve structures or improvements which is approved by the Town Board.

12.04.070 Shall. “Shall” is mandatory; “may” is permissive.

12.04.080 Town. “Town” means the Town of Eagle, Colorado.

12.04.090 Town Manager. “Town Manager” means Town Administrator.

12.04.100 Watercourse. “Watercourse” means a channel in which a flow of water occurs, either continuously or intermittently.

12.04.110 Water Main. “Water main” means a water line in which all owners of abutting properties have equal rights, and is controlled by public authority.

12.04.120 Water Service Line. “Water service line” means that part of the water system from the main line to and on any premise.

12.04.130 Water System. “Water system” means all facilities for appropriating, transporting, storing, pumping, treating and dispersing of water, whether privately or publicly owned.

12.04.140 Waterworks. “Waterworks” means all of the water system owned and operated by the Town.

Chapter 12.06

WATER SYSTEM - GENERALLY

Sections:

- 12.06.010 Operation and Control.
- 12.06.020 Powers and Duties of Director.
- 12.06.030 Repair of Fire Hydrants - Unauthorized Access.
- 12.06.040 Vacant Buildings - Shutting Off Water.
- 12.06.050 Removal of Corporation Stop, Curb Stop, Curb Box or Meter.
- 12.06.060 Specifications for Material - Manner of Construction.

12.06.010 Operation and Control. The operation and management of the water system shall be under the control of the Town Manager, who shall direct the construction of additions thereto, and the maintenance and operation thereof, and in all cases, not particularly provided for by this Title or other provisions of the Town Code, shall determine in what manner and upon what terms water may be taken from the water system by any property owner or water consumer and the character of the connections and appliances which may be made or used therefor.

12.06.020 Powers and Duties Generally of Director.

A. The Director shall, under the direction of the Town Manager, have charge of all facilities of the water system, and it shall be his duty to supervise the water system, and maintain and control the same as directed by the Town Manager and as provided in this Title.

B. The Director shall have control of the laying of all water lines. The Director shall have the general supervision of the installation of all taps, and water service lines or other connections with the water system and the regulation of the water supply to all consumers of water. He shall also have charge of and be responsible for all the tools, machinery, pipes, meters, fixtures, plumbing material, and all other apparatus and appliances owned by the Town or used by it in the maintenance and operation of the water system, and shall keep account of all such material and the manner in which the same is used, kept or disposed of.

C. The Director may grant permission to any person employed by the Town to sprinkle the streets, or to any other person the Town Manager may authorize to draw water from the fire hydrants.

12.06.030 Repair of Fire Hydrants - Unauthorized Access.

A. It shall be the duty of the Director to keep all fire hydrants in good repair and to test the same periodically to see if the same are in order, and he may let water from the hydrants, whenever it is necessary for the testing of the condition of the water system, or for purifying the water, or for the repairing of the water system, or for watering the trees in extreme need.

B. The members of the Greater Eagle Fire Protection District under the orders of the Fire Chief, or other officer in charge, shall at all times have free access to the fire hydrants in case of fire and for the purpose of cleaning, washing, or testing their pumping equipment or other apparatus.

C. It is unlawful for any person not authorized by the Town to open or operate any fire hydrant or draw water therefrom, or obstruct the approach thereto.

12.06.040 Vacant Buildings - Shutting Off Water. Whenever any building or premises is vacated, it shall be the duty of the owner or owners, agent or agents thereof, to notify the Director of such fact, so that water may be shut off; and all such buildings and premises shall be deemed to be occupied and water rents collected thereon unless such notice has been given.

12.06.050 Removal of Corporation Stop, Curb Stop, Curb Box or Meter. In case any owner of the premises on which water is used ceases to use water, and desires to disconnect his premises, he shall not be permitted to remove the corporation stop, curb stop, curb box or meter and appurtenances. Such devices are the property of the Town and shall be removed only by the order of the Director.

12.06.060 Specifications for Material - Manner of Construction. Specifications for all labor, materials and equipment, manner of construction, and services required for the installation of all water distribution systems shall be as provided by this Title.

Chapter 12.07

WATER CONSERVATION

Sections:

- 12.07.010 Purpose.
- 12.07.020 Prohibition of Waste.
- 12.07.030 Stage 1, Water Use Restrictions.
- 12.07.040 Stage 2, Water Shortage Warning - Dry Year Conditions Restrictions.
- 12.07.050 Stage 3, Water Shortages - Critical Dry Year Restrictions.
- 12.07.060 Stage 4 Water Emergency Restrictions.
- 12.07.070 Violations and Penalties.

12.07.010 Purpose. The purpose of this Chapter is to conserve water for the protection of the Town's municipal water supply system and to protect the health and quality of nearby Brush Creek, the Town's primary source of potable water supply. Prudent water conservation measures have been shown to extend the life of existing water supply infrastructure by minimizing the stress on the system caused by peak water demand. This Chapter recognizes the importance of water conservation and promotes the responsible use of water within the Town through reasonable regulation. This Chapter applies to any person or entity who uses water from the Town of Eagle's municipal water supply system or diverts water under water rights owned and/or controlled by the Town.

12.07.020 Prohibition on Waste. No customer or water user shall waste any water supplied through the distribution system of the Town's municipal water utility. The following uses of water constitute "waste" as used in this Chapter and are prohibited at all times:

- A. The watering of grass, lawns, ground cover, shrubbery, trees, and open ground, in a manner or to an extent which allows on-site ponding or visible flow leaving the area being irrigated;
- B. Allowing water to run off private property and flow into public rights-of-way or storm water drainage systems;
- C. The escape of water through breaks or leaks within the customer's plumbing or distribution system is prohibited. It shall be presumed that a period of one (1) week after the customer or the Town discovers the break or leak is a reasonable time within which to correct the break or leak; and
- D. The watering of grass, lawns, ground cover, shrubbery, trees, and open ground within any portion of the water utility's service area, whether or not potable or non-potable water is used, between the hours of 10 a.m. and 5 p.m. daily, except where a water conserving irrigation practice such as drip irrigation is used to minimize evaporation losses. Irrigation by commercial nurseries, on

their own sites, are exempt from the hours restrictions.

12.07.030 Stage 1, Water Use Restrictions.

A. Stage 1, Water Use Restrictions applies to all potable and non-potable water users, in all years, regardless of drought conditions. Stage 1 promotes continuous conservation through the application of practical regulations that are designed to protect the Town's water infrastructure system and the general health of the Brush Creek basin. The following restrictions apply to all water users.

1. Landscape Time Restrictions: No irrigation of lawn and landscape is permitted before April 15th or after October 15th of each year. From April 15 through October 15, outdoor watering is only permitted before 10:00 a.m. or after 5:00 p.m. on designated EVEN or ODD days (see subsection 2 below).

2. Landscape Water Days: There is no residential watering on Mondays; however, Town residents can irrigate their lawn and landscape areas three (3) days a week as follows:

a. ODD numbered addresses are allowed to water on Tuesdays, Thursdays, and Saturdays;

b. EVEN numbered addresses are allowed to water on Wednesdays, Fridays, and Sundays; and

c. Schools, parks and industrial sites are allowed to water on Mondays, Wednesdays and Fridays.

Water users are temporarily exempt from this regulation for a period of thirty (30) consecutive days during the growing season when irrigation is required for the establishment of new lawn by seed or sod.

Hand watering of lawns, gardens and planting areas can be performed on the prescribed ODD/EVEN days any time during the 24 hour day. All provisions of Section 12.07.020 continue to apply. All hand watering devices shall have flow control assemblies. (Ord. 7-2009 §1, 2009)

3. Irrigation systems shall be designed and operated to limit the time of irrigation within each zone to reach optimum efficiencies. Design of irrigation systems in multi-family developments and larger irrigated areas are required to use weather based clock controllers.

12.07.040 Stage 2, Water Shortage Warning – Dry Year Conditions Restrictions.

A. Stage 2, Water Shortage Warning applies to all potable and non-potable water users during drought or near drought conditions defined as follows: During years that the April 1st snowpack water equivalent for the Upper Eagle River basin is at or below 80% of average. Brush Creek stream flows are expected to be relatively low beginning on or about July 1. In anticipation of this condition, the Town will issue a Water Shortage Warning to its residents and water customers informing them of this potential and will request that all residential and commercial water users implement voluntary water conservation measures. Such public notice shall appear in the Town's newspaper of record. Stage 2, Water Shortage Warning, mitigation measures will be implemented when one (1) or more of the following events occur:

1. The Town's water supply treatment facility is operating at 90% + of its total capacity; or
2. Brush Creek stream flows below the Love-White Ditch headgate drop below 16.0 cubic feet per second (cfs).

B. During periods that one or more of the above events occur, the following mandatory restrictions shall apply:

1. All restrictions outlined in Sections 12.07.020 and 12.07.030 shall continue except as modified below;
2. Spas in excess of 700 gallons and swimming pools will be allowed only one (1) refill within the period beginning when the Stage 2, Water Warning, has been declared and ending on October 15th;
3. Car washing by residents shall be limited during this period;
4. At the discretion of the Public Works Director, commercial nurseries can be required to submit and have approved by the Town an approved plan to restrict hours of operation and usage of water.
5. The Eagle Ranch Golf Course, owned and operated by the Eagle Ranch Metropolitan District, shall curtail irrigation as outlined in the water right lease agreement entered into between the District and the Town and by the conditions outlined in the Brush Creek Water Resource Management Plan; and
6. The Frost Creek Golf Course development plus all Adam's Rib developments within the Brush Creek Valley will limit the amount of water diverted from its various Brush Creek diversion structures pursuant to "Dry Year" table limits outlined in the Brush Creek Water Resource Management Plan.

12.07.050 Stage 3, Water Shortages – Critical Dry Year Restrictions.

A. Stage 3, Water Shortages, applies to all potable and non-potable water users during drought conditions defined as follows: During years that the April 1st snowpack water equivalent for the Upper Eagle River basin is at or below 60% of average. Critically low stream flows in Brush Creek are expected beginning on or about July 1. In anticipation of this condition, the Town will issue a Water Shortage Notice to its residents and water customers informing them of this potential and will urge that all residential and commercial water users implement voluntary water conservation measures. Such public notice shall appear in a newspaper of record. Stage 3, Water Shortages, mitigation measures will be implemented when one (1) or more of the following events occur:

1. Brush Creek stream flows below the Town's Upper Brush Creek diversion drop below the Colorado Water Conservation Board's decreed in-stream flow water right of 12.0 cfs.; or

2. Brush Creek stream flows below the Love-White Ditch drop below the Colorado Water Conservation Board's decreed in-stream flow water right of 12.0 cfs.

B. During periods that one (1) or more of the above events occur the following mandatory restrictions shall apply:

1. All restrictions outlined in Sections 12.07.020 through 12.07.040 shall continue except as modified below;

2. The Frost Creek Golf Course development plus all of Adam's Rib developments within the Brush Creek valley will further limit all diversions from its various diversion structures pursuant to "Critical Dry Years" table limits outlined in the Brush Creek Water Resource Management Plan. Such limits include curtailment of all nonessential golf course roughs;

3. Landscape watering days within the Town shall be reduced from three (3) days per week to two (2):

a. EVEN numbered addresses shall be allowed to water on Tuesdays and Saturdays.

b. ODD numbered addresses shall be allowed to water on Wednesdays and Sundays.

c. Schools, parks and industrial sites shall be allowed to water on Mondays and Fridays; and

4. All washing of pavement, driveways, sidewalks, etc. shall be prohibited.

12.07.060 Stage 4, Water Emergency Restrictions.

A. Stage 4, Water Emergency, applies to all potable municipal water users during drought conditions defined as follows: Stage 4, Water Emergency, occurs when the Town's water demand exceeds the water system's capacity on a reoccurring basis, thereby creating potential for potable in-house water supply shortages and/or creating conditions for a major water system failure.

B. During periods that the above condition occurs the following mandatory restrictions shall apply:

1. All restrictions outlined in Sections 12.07.020 through 12.07.050 shall continue except as modified below;
2. No filling of spas or pools will be allowed;
3. All residential and commercial car washing shall be prohibited;
4. Flow through ornamental fountains and similar types of outdoor water features shall be prohibited;
5. Outdoor lawn and landscape irrigation shall be prohibited. Irrigation by shut-off hose or hand held containers will be allowed for plants that are rare, exceptionally valuable and essential to public well being; and
6. Commercial nurseries must restrict water use to drip irrigation only.

12.07.070 Violations and Penalties.

A. Any person or entity violating any of the provisions contained in this Chapter for the first time in twelve (12) consecutive months commits a non-criminal municipal offense. Any person or entity violating any of the provisions contained in this Chapter which constitutes a second or subsequent offense in twelve (12) consecutive months commits a Class A municipal offense. Each day, or part thereof, during which a violation occurs, shall constitute a separate and distinct offense.

B. In the event any person or entity violates any of the provisions contained in this Chapter, the Town shall have the right to enforce compliance with this Chapter by an action in equity for any equitable remedy, including injunction and/or specific performance in the Eagle County District Court.

(Ord. 3-2009 §1, 2009)

Chapter 12.08

WATER WORKS SYSTEM - CONSTRUCTION - GENERAL PROVISIONS

Sections:

- 12.08.010 Definitions.
- 12.08.020 Water Main Extensions.
- 12.08.030 Construction - Road Cut Permit - Required When.
- 12.08.040 Protection of Rivers and Streams.
- 12.08.050 Construction - Plans - Information Required.
- 12.08.060 Acceptance of Facilities for Maintenance - Standards and Procedures.
- 12.08.070 Construction - Suspension of Work.
- 12.08.080 Revegetation.
- 12.08.090 Town Engineer Access to Work.

12.08.010 Definitions.

- A. “Contractor” means any qualified person, persons or company duly authorized to do work.

- B. “Engineer, Town” means the Town Engineer, the Town Public Works Director or their authorized agents.

- C. “Engineer, project” means an individual or firm authorized by the Town to design, inspect and act for it in matters pertaining to the construction of waterlines.

12.08.020 Water Main Extensions. All construction, extension or enlargement of distribution mains to supply and distribute water to and throughout areas or additions shall be extended by the owner or developer of premises to be served by such lines from the existing distribution main to the point or points of the property line farthest from the existing distribution main. Application for said extension shall be made in writing and shall require the written consent of the Town Board. Such application shall include a map or plat of the right-of-way and map of proposed extension or enlargement prepared by a licensed land surveyor or civil engineer. All such extensions and enlargements shall be constructed by the prospective developer in accordance with the Town specifications contained in this Title. The sole cost and expense of such extensions and enlargements shall be the expense of the applicant unless otherwise specified in writing by the Town Board.

12.08.030 Construction - Road Cut Permit - Required When. Prior to any excavation or trenching in dedicated Town streets or rights-of-way, a road cut permit shall be obtained from the Town of Eagle in compliance with Chapter 13.50 and all provisions within the “Construction Within the Public Right-of-Way” Ordinance followed.

12.08.040 Protection of Rivers and Streams. Any river or major stream crossing by a waterline shall be fully encased with concrete and reinforced. The minimum dimension between the low point of the channel and the top of the concrete shall be one (1) foot. Each crossing will be considered on an individual basis and all design work shall be done by a competent, registered engineer.

12.08.050 Construction - Plans - Information Required. As a condition to final approval and acceptance for maintenance of facilities by the Town, the owner shall have a complete and accurate set of as-built drawings prepared by a competent, registered surveyor. These as-builts shall contain at least the following information:

- A. Line locations (plan view) to scale showing true horizontal dimensions and deflection angles and shown in relation to rights-of-way or easement boundaries;
- B. Line profile with actual length, size of pipe, percent gradient and accurate grade or road profile;
- C. Accurate three-point ties and locations for all hydrants, valves, curb stops, air-vac valves, and PRV's;
- D. Accurate descriptions of all materials and appurtenances used for construction of facilities.
- E. Locations of all other utilities and services encountered during construction;
- F. Any additional data deemed necessary for the Town Engineer or adjudged pertinent by the project engineer;
- G. Three (3) complete sets of operation and maintenance manuals, electrical diagrams, mechanical drawings, structural drawings and architectural drawings of any facility such as a pumping station, PRY, chlorinator or related facility to be maintained by Town personnel upon final acceptance of said facility.

12.08.060 Acceptance of Facilities for Maintenance - Standards and Procedures. There are several steps leading to the final approval and acceptance for maintenance of any water facility:

- A. Periodic construction inspection by the Town Engineer or his staff;
- B. Testing and approval of lines according to Sections 12.12.220 through 12.12.250;
- C. Formal request for preliminary acceptance by owner;
- D. Inspection and approval by the Town Engineer or his representative including:

1. Valves - operation and straightness,
2. Hydrants - operation of hydrant and drainback valve,
3. All other equipment inspection for suitability and operation on an individual basis and as a functioning part of the system;

E. Inspection and approval of roads, shoulders, ditches, driveways and general cleanup by the Town Public Works Director;

F. Formal preliminary acceptance and partial release of the performance guarantee by the Town Board;

G. Mandatory one (1) year guaranty period during which the owner assumes the responsibility and costs of all maintenance and repair;

H. Formal final acceptance and full release of the performance guarantee by the Town Board contingent upon any and all repairs deemed necessary by the Town Engineer to facilities or roads being completed in a satisfactory manner;

I. At this point the Town assumes full responsibility for maintenance and repair except materials and equipment under any express guaranty by the manufacturer.

12.08.070 Construction - Suspension of Work. The Town Engineer may at any time suspend the contractor's operations when the conditions of these specifications are not met or when an unsafe working condition prevails.

12.08.080 Revegetation. Any work in rights-of-way or green areas owned or authorized for use by the public that disturbs or destroys the natural or existing environment shall include revegetation to be done to the satisfaction of the Town Engineer.

12.08.090 Town Engineer Access to Work. The Town Engineer shall have access to all work being performed within the Town service area.

Chapter 12.12

WATER DISTRIBUTION FACILITIES - TECHNICAL SPECIFICATIONS

Sections:

- 12.12.010 Applicability of Regulations Generally.
- 12.12.020 Materials - Specifications.
- 12.12.030 Pipe Laying - Mains - Depth and Width Requirements.
- 12.12.040 Pipe Laying - Service - Depth and Width Requirements.
- 12.12.050 Excavations - Classifications.
- 12.12.060 Excavation - Trench Preparation.
- 12.12.070 Bedding and Backfill - Materials.
- 12.12.080 Bedding - Preparation Procedure.
- 12.12.090 Backfill - Unclassified.
- 12.12.100 Pipe - Handling Procedure for Pipes and Accessories at Work Site - Responsibility for Damage.
- 12.12.110 Installation - Procedure to Keep Pipe Clear of Foreign Matter.
- 12.12.120 Installation - Alignment.
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- 12.12.160 Installation - Pipe Deflection - Push-on Joints.
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- 12.12.220 Main Testing - Pressure and Leakage - Responsibility - Procedure Generally.
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- 12.12.270 Service Lines - Construction Authority.
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- 12.12.310 Service Lines - Inspection - Additional Requirements.
- 12.12.320 Service Lines - Locations.
- 12.12.330 Service Lines - Separate Trench Requirements.
- 12.12.340 Service Lines - Pumps - Town Engineer's Permission Required.
- 12.12.350 Electrical Connection of Push-on Joints.
- 12.12.360 Electrical Conductivity Test.
- 12.12.370 Thrust Block Requirements.

12.12.010 Applicability of Regulations Generally. This Chapter shall govern all labor, materials, equipment and services which are required for installation of all water distribution systems including pipe, valves, valve boxes, fittings, fire hydrants, air-vac valves, PRV valves, service taps and lines and all appurtenant items as mentioned in this Chapter. Also included shall be the flushing, testing and disinfection of all water distribution facilities. All pipes shall be installed in conformance with the Colorado Department of Health design disinfection procedure criteria.

12.12.020 Materials - Specifications. All materials shall be new, of the highest quality and meet the following specifications:

A. Ductile Iron Pipe. All water mains and services greater than two inches (2") in diameter shall be DIP and shall be in accordance with ANSI Specifications A21.51-71, cement lined in accordance with A21.4-1971, with push-on or mechanical joints in accordance with ANSI Specifications A21.11-1972. All diameters up to and including twelve-inch (12") diameter pipe shall have a Class 50 wall thickness. All pipe fourteen inches (14") and larger in diameter shall have a Class 52 wall thickness. All DIP with push-on joints shall be connected by electrodes to permit electrical conductivity.

B. Gate valves shall be Mueller Resilient seat gate valves up to eight inches (8"); ten inches (10") and larger shall be butterfly type or approved equals.

C. Valve boxes shall be "Buffalo-Type" Mueller H-10360, which are cast iron, five and one-half-inch (5 ½") shaft with screw-type adjustment and a flare base. Valve boxes for valves over twelve inches (12") in size shall be "Buffalo-Type" Mueller H-10357 or approved equal.

D. Fittings shall be ductile iron in accordance with ANSI Specifications A21.10-71, with mechanical joints in accordance with ANSI Specifications A21.11-1972.

E. Fire hydrants shall be Mueller Centurion or approved equal and shall have a six inch (6") mechanical joint bottom connection, an automatic drain feature, open left, two - two and one-half inch (two 2 ½") N.S.T. thread hose nozzles, one - four and one-half inch (one 4 ½") N.S.T. thread pumper nozzle, one - one and one-half inch (one 1 ½") National Standard operating nut, red in color and be adequate length for proper installation conditions.

F. Tapping Sleeves. Depending upon the size of line being tapped and the size of the actual tap being made, the tapping sleeves shall be Mueller H615 or J.C.M. 412 series or approved equal.

G. Corporation stops shall be Mueller H15000 with cc threads or approved equal with outlet for flared copper. Corporation stops larger than one inch (1") shall be Mueller or approved equal with NSP threads.

H. Curb stops shall be Mueller Oriseal Mark II H15174 with flared copper connections or approved equivalent. Curb stops larger than one inch (1") shall be Mueller 110 compression connection.

I. Valve boxes for valves two-inch (2") or less shall be Mueller H10334 with stationary red and either 88619 or 87081 lid or approved equal.

J. Service fittings shall be Mueller or approved equal with flared fittings. Fittings over one-inch (1") in size shall be Mueller 110 compression connections.

K. Air-vac valves.

L. Pressure reducing valves.

M. Copper Tubing. All service lines installed not using ductile iron pipe (generally, any service under two-inches (2") in diameter) shall be Type K seamless soft copper tubing. No plastic, wrought iron, cast iron, galvanized pipe or any other material other than that heretofore specified shall be used.

12.12.030 Pipe Laying - Mains - Depth and Width Requirements. The trench shall be dug so that the pipe can be laid to the alignment and depth required, six feet (6') being the minimum depth to cover. The trench shall be excavated only so far in advance of pipe laying as permitted by the Town Engineer. The trench shall be so braced and drained that the workmen may work therein safely and efficiently, and pipes can be laid in unwatered conditions. Local, State and federal OSHA safety regulations shall be followed at all times and, when required, trenches shall be of extra width to permit the use of timbers, shoring, bracing, sheeting and trench boxes. The width of the trench shall be ample enough to permit the pipe to be laid and jointed properly and the backfill placed as specified. In no case will the trench width be less than fifteen inches (15") wider than the outside diameter of the pipe. Should the trench width or depth become excessive, the Town Engineer, at his option, may direct that special bedding and backfill measures be used to insure that design loading of the pipe is not exceeded.

12.12.040 Pipe Laying - Service - Depth and Width Requirements. The same specifications for main excavation shall be followed. The Town Engineer, at his option, may require any service to be laid deeper than six feet (6') if site conditions warrant more depth for protection or prevention of freezing.

12.12.050 Excavations - Classifications. There shall be two (2) classifications of materials excavated from pipe and service line trenches. Criteria for each class of excavated material shall be as follows:

A. Earth Excavation. This classification includes all soils and loose, broken and laminated rock or stones and boulders which can be reasonably ripped, broken and removed with skillfully operated, power driven excavating equipment having a bucket capacity of three-fourths (3/4) yard or smaller.

B. Rock Excavation. This classification includes all solid rock masses and boulders which cannot be excavated as specified under "Earth Excavation".

Where blasting is necessary, suitable weighted plank coverings or mattresses shall be provided to confine all materials lifted by the blasting within the trench or excavation area when a danger from flying debris exists (i.e. houses, structures, traffic). The contractor shall comply with all local, State and federal laws, ordinances, safety codes and OSHA regulations relative to the handling, storage and use of explosives and the protection of life and property. All blasting operations shall be under the direct supervision of a duly licensed person. The contractor shall be responsible for notifying all parties affected by blasting operations and shall be liable for all damages caused by his operations.

12.12.060 Excavation - Trench Preparation. The trench bottom shall be graded so that the pipe or service line will have continuous support over its entire length and will rest either on undisturbed soil or compacted fill. Any rocks over six inches (6") in diameter in the trench bottom shall be removed and the resulting void filled with suitable fines. Bell holes shall be provided at each pipe joint to permit the jointing to be made properly. In all cases the trench shall be dewatered during pipe and service line installation.

12.12.070 Bedding and Backfill - Materials. Materials for bedding and backfill shall be:

A. Suitable Fines. The suitable fines from the excavated material or trench sides shall not include any rock or stones over two inches (2") in size, general debris, organics, expansive clays or frozen material.

B. Unclassified Backfill. That portion of the excavated material not having rocks larger than six inches (6") in size, general debris, organics, expansive clays or frozen material.

C. Imported Bedding. When the trench bottom is unstable or below the water table, the Town Engineer will require a hard, durable one and one-half-inch (1 1/2") washed aggregate bedding in the trench bottom to stabilize it.

D. If suitable fines cannot be obtained, the Town Engineer, depending on groundwater conditions, will direct the use of one and one-half inch (1 1/2") washed aggregate or a three-fourths inch (3/4") minus bedding material meeting the following specifications:

<u>Standard Size of Sieve</u>	<u>Percent Passing Sieve by Weight</u>
3/4"	100%
No.4	30-60%
No.8	25-50%
No. 200	5 - 15%

This material is commonly referred to as base material or Class C road base.

12.12.080 Bedding - Preparation Procedure. If the trench has been over-excavated or excavated in rock (in which it shall be over-excavated a minimum of six inches [6"]), the trench shall then be backfilled with suitable fines and compacted to a minimum Modified Proctor Test value of ninety-five percent (95%) until the pipe or service line can rest with full bearing at the proper invert elevation.

After shaping the trench bottom so the pipe or service line has continuous support when placed, the bedding shall be inspected by the Town Engineer. The trench shall then be backfilled to the spring line of the pipe in one loose lift of suitable fines and compacted to a minimum value of ninety percent (90%) Modified Proctor Test. Special care shall be taken with this portion of the backfill to assure proper filling and compaction under pipe haunches and to avoid damaging or moving the pipe. The trench shall then be filled and compacted using suitable fines from the spring line to twelve inches (12") above the top of the pipe and compacted to a minimum value of ninety percent (90%) Modified Proctor Test.

12.12.090 Backfill - Unclassified. The remainder of the trench shall then be backfilled with unclassified backfill. The unclassified backfill shall not be placed by dozing over the edge of the trench, but rather by forming a gentle slope proceeding upgrade in the trench and in lifts not to exceed twelve inches (12"). All material shall be compacted to a minimum value of ninety-five percent (95%) Modified Proctor Test.

12.12.100 Pipe - Handling Procedure for Pipes and Accessories at Work Site - Responsibility for Damage. Proper alignment, tools and facilities shall be provided and used by the contractor for the safe and efficient prosecution of work. All pipe, fittings, valves, miscellaneous equipment and lines shall be carefully lowered into the trench by means of a derrick, ropes or suitable equipment to prevent damage to the materials, protective coatings and linings. Under no circumstances shall materials be dropped or dumped into the trench.

All lumps, blisters and excess coal tar coatings shall be removed from the bell and spigot ends of each pipe, and the outside of the spigot and the inside of the bell shall be wire-brushed and wiped clean and dry and free from soil and grease before the pipe is laid.

The pipe shall be so handled that the coating and lining will not be damaged. If, however, any part of the coating or lining is damaged, the repair shall be made by the contractor at his expense and in a manner satisfactory to the Town Engineer.

12.12.110 Installation - Procedure to Keep Pipe Clear of Foreign Matter. Blocking under the pipe shall not be used. Every precaution shall be taken to prevent foreign material from entering the pipe while it is being placed in the line. If the pipe-laying crew cannot put the pipe into the trench and in place without getting earth into it, the Town Engineer may require that before lowering the pipe into the trench, a heavy, tightly woven canvas bag of suitable size shall be placed over each end and left there until the connection is to be made to the adjacent pipe. During laying operations no debris, tools, clothing or other material shall be placed in the pipe.

12.12.120 Installation - Alignment. After placing a length of pipe in the trench, the spigot end shall be centered in the bell and the pipe forced home and brought to correct line and grade. Pipe and fittings which do not allow a sufficient and uniform space for joints shall be removed and replaced with pipe and fittings of proper dimensions to insure such uniform space. Precautions shall be taken to prevent dirt from entering the joint space.

12.12.130 Installation - Cutting of Pipe - Procedure. The cutting of pipe for inserting valves and fittings of closure places shall be done in a neat and workmanlike manner without damage to the pipe or cement lining, leaving a smooth end at right angles to the axis of the pipe. The flame cutting of pipe by means of an oxyacetylene torch shall not be allowed. The cut end shall be beveled to allow the pipe to be jointed without damage to or displacement of the rubber gasket.

12.12.140 Installation - Direction of Pipe Laying. The direction of pipe laying shall be uphill with bell ends facing in the direction of laying, unless otherwise directed by the Town Engineer.

12.12.150 Installation - Pipe Deflection - Procedure Generally. Wherever it is necessary to deflect the pipe from a straight line, either in the vertical or horizontal plane, to avoid obstructions or plumb gate valve stems, or where curves are necessary, the allowable amount of deflection shall be that indicated in Section 12.12.180 and 12.12.190.

12.12.160 Installation - Pipe Deflection - Push-on Joints. The last six inches (6") outside of the spigot and inside of the bell of the push-on joint pipe shall be thoroughly cleaned of oil, grit, tar (other than standard coating) and other foreign matter from the joint. The gasket shall be placed in the bell with the large round side of the gasket first so it will spring into place over the bell head. A thin film of manufacturer supplied lubricant furnished with the pipe shall be applied to the inside surface of the gasket and also on the outside of the plain end of the pipe and its beveled edge. The plain end of the pipe shall then be wiped clean with a cloth and lifted and inserted just far enough to make contact with the gasket. The plain end shall then be forced all the way into the bell socket by crowbar, spade, jack, choker slings or other means acceptable to the Town Engineer.

Allowable Deflection per Joint

<u>Diameter</u>	<u>Minimum Radius of Curvature</u>	<u>Deflection in inches per 18" length</u>
4"	205'	19"
6"	205'	19"
8"	205'	19"
10"	205'	19"
12"	205'	19"
14"	340'	11"
16"	340'	11"
18"	340'	11"

12.12.170 Installation - Pipe Deflection - Mechanical Joints. The last eight inches (8") outside of the spigot and inside of the bell of the mechanical joint shall be thoroughly cleaned to remove oil, grit, tar (other than standard coating) and other foreign matter from the joint, and then painted with a solution recommended by the pipe manufacturer. The gland shall then be slipped on the spigot end of the pipe with the lip extension of the gland toward the socket or bell end. The gasket shall be painted with the soap solution and placed on the spigot end with the thick edge toward the gland. The entire section of the pipe shall be pushed forward to seat the spigot end in the bell. The gasket shall then be pressed into place within the bell, being careful to have the gasket evenly located around the entire joint. The gland shall be moved along the pipe into position for bolting, all of the bolts inserted and the nuts screwed up tightly with the fingers. All nuts shall be tightened with a suitable (preferably torque-limiting) wrench. Torque range for the three-fourths inch (3/4") nuts used with four inch (4") through twenty-four inch (24") ductile iron pipe shall be sixty (60) to ninety (90) pounds.

Nuts spaced one hundred eighty degrees (180°) apart shall be partially tightened in an alternate sequence until full torque is reached in order to produce an equal pressure on all parts of the gland and gasket.

Allowable Deflection per Joint

<u>Diameter</u>	<u>Minimum Radius of Curvature</u>	<u>Deflection in inches per 18" length</u>
4"	125'	31"
6"	145'	27"
8"	195'	20"
10"	195'	20"
12"	195'	20"
14"	285'	13 ½"
16"	285'	13 ½"
18"	340'	11"

12.12.180 Installation - Gate Valves and Valve Boxes. Gate valve locations shall be subject to final approval by the Town Engineer and shall be set plumb. Valves shall have the interior cleaned of all foreign matter before installation. Valves shall be inspected in opened and closed positions to insure that all parts are in working condition. A valve box shall be set so that it is centered and plumb over the valve operating nut. Valves over six feet (6') deep shall have operating extension.

12.12.190 Installation - Fire Hydrants. Hydrant location shall be subject to final locations by the Town Engineer and Fire Department and in a manner to provide complete accessibility and to minimize damage from vehicles.

Hydrants shall stand plumb and be set to the established grade with nozzles at least two feet (2') above final grade. No hydrant shall be less than ten feet (10') from the shoulder of a dedicated road.

Each hydrant shall have a gate valve and valve box and shall be connected to the main with six inch (6") D.I.P. Hydrants shall be provided with drainage weepholes and washed rock for drainage purposes.

12.12.200 Pipeline - Disinfection. During pipe laying, the contractor shall maintain the cleanliness of the pipe interior. Any solid material entering the pipe shall be removed prior to jointing.

All piping shall be disinfected after installation is complete in accordance with the procedures outlined in AWWA C601-68. Calcium hypochlorite tablets in an amount needed to form a minimum fifty (50) ppm free chlorine residual shall be placed in the pipe during laying. When installation has been completed, the main shall be filled with water at a velocity of less than one foot (1') per second. This water shall remain in the pipe for at least twenty-four (24) hours.

After the applicable retention period, the heavily chlorinated water shall be flushed from the main until the chlorine concentration in the water leaving the main is no higher than that generally prevailing in the system or less than one (1) ppm. The Town Engineer shall make final tests to determine the chlorine level before the system is approved for domestic use.

12.12.210 Pipeline - Flushing. The contractor shall flush the lines by a means in accordance with good practice to insure that sand, rock or other foreign material is not left in any of the pipeline interiors. If large quantities of water are not available for flushing, this program shall be coordinated through the Town Engineer.

12.12.220 Main Testing - Pressure and Leakage - Responsibility - Procedure Generally. The contractor shall furnish all labor, materials and equipment and shall perform all operations required to conduct the pressure and leakage tests. Water for testing will be available from the Town water supply system when possible.

Before applying the specified test pressure, all air shall be expelled from the pipe. Where any section is provided with concrete thrust blocks, the test shall not be made until at least two (2) days have elapsed after the concrete was installed, to allow for proper curing.

The hydrostatic pressure test shall be conducted prior to the leakage test.

The Town Engineer shall be notified at least forty-eight (48) hours in advance whenever pipe is to be tested, so that he may be present during the test.

12.12.230 Main Testing - Hydrostatic Pressure - Procedure. After the pipeline has been laid and partially backfilled except for the joints, or except when the Town Engineer directs the trench to be backfilled for reasons of public safety, the pipe shall be filled with water and subjected to a hydrostatic pressure test. The pipeline shall be slowly filled with water and the specified test pressure (determined on an individual system basis by the Town Engineer and project engineer) applied by means of a pump connected to the pipe in a manner satisfactory to the Town Engineer. The test shall continue for a minimum of one (1) hour. All exposed pipes, fittings, valves, hydrants and joints will be carefully examined during the test. Any cracked or defective pipes, fittings, valves, hydrants and joints shall be removed and replaced by the contractor with sound material in the manner provided heretofore, and the test repeated until satisfactory to the Town Engineer.

12.12.240 Main Testing - Leakage - Permitted Degree. The test pressure of one hundred fifty (150) psi shall be maintained for a period of not less than two (2) hours, during which time the leakage shall be measured. No pipe installation will be accepted if the leakage is greater than that determined by the formula:

$$L = \frac{NDP}{3700}$$

Where L is the allowable leakage in gallons per hour, N is the number of joints in the length of pipeline tested, D is the nominal diameter of the pipe in inches, and P is the average test pressure during the leakage test in pounds per square inch gauge.

12.12.250 Main Testing - Leakage - Repair. Should any test of pipe laid disclose leakage greater than that specified above, the contractor shall at his own expense locate and repair the defective joints until the leakage is within the specified allowance.

12.12.260 Service Lines - Size. No service line shall be less than three fourths inch (3/4") diameter Type K soft copper. All service lines shall be in conformance with the current Uniform Plumbing Code (UPC) to adequately supply the property being served.

12.12.270 Service Lines - Construction Authority. Water service line construction in Town streets or rights-of-way shall be done only by the contractor or contractors approved by the

Town Engineer.

12.12.280 Service Lines - Taps. All taps to the Town water system for three fourths inch (3/4") or one inch (1") services may be made by a Town crew using their tapping machine or an approved contractor. The work shall be at the owner's or contractor's expense. All larger taps shall be made only with the Town Engineer's express permission if a Town crew is unable to do the work.

12.12.290 Service Lines - Connection Details. All services shall have a corporation stop or gate valve (for larger sizes) at the main. Subsections (B), (C) and (G) of Section 12.12.020 of this Chapter define the required stops and boxes to be used.

All new or reconstructed services shall have a main service shut-off valve at the dwelling unit or structure inside the foundation line in the crawl space or in a vault so constructed for this purpose.

12.12.300 Service Lines - Required Depth. Section 12.12.040 of this Chapter requires that all services be laid to a depth of six feet (6') or deeper if feasible.

12.12.310 Service Lines - Inspection - Additional Requirements. The Town Engineer shall inspect and approve all water services prior to backfilling and use. The service shall not leak and shall be buried at least six feet (6') deep.

12.12.320 Service Lines - Location. All service line locations are subject to review and approval by the Town Engineer and shall be laid in a continuous straight line, perpendicular to the main whenever possible. All service stubs to undeveloped lots on property shall extend into the lot or property line.

12.12.330 Service Lines - Separate Trench Requirements. All domestic water services shall be laid so that no point is nearer than ten lateral feet (10') from a sewage service line, sewer main, building drains, any waste discharge line or non-potable water line.

Electric, phone or TV cables may be laid in the same trench as water service lines if there is a minimum three feet (3') of cover between the water service and the laid cable.

Gas service lines may be laid in the same trench as water service lines if the gas line is steel, cast iron, or plastic with attached location wires and the gas line is a minimum of thirty inches (30") above the water service.

12.12.340 Service Lines - Pumps - Town Engineer's Permission Required. The installation of pumps to increase water pressure and/or flow in service lines is prohibited without the written permission of the Town Engineer.

12.12.350 Electrical Connection of Push-on Joints. All water mains shall have conductivity straps for cathodic protection.

12.12.360 Electrical Conductivity Test. Electrical conductivity tests performed by the contractor in the presence of the Town Engineer shall be the basis for determining whether or not satisfactory electrical conductivity has been established. The pipe shall conduct at least three hundred (300) amperes at sixteen (16) volts for a two hundred foot (200') length of pipe section. No pipe section will be accepted if it does not satisfactorily conduct the electricity stated.

12.12.370 Thrust Block Requirements. Thrust blocks shall extend from the fitting, valve, or hydrant to solid, undisturbed earth and shall be installed so all joints are accessible for repair. If in the Town Engineer's opinion adequate support or undisturbed earth is not available, the contractor will be directed to secure the thrust block to the fitting, etc. by means of a metal harness or strap. The concrete used for thrust blocks shall have a minimum twenty-eight-day (28) compressive strength of three thousand (3,000) psi and shall be allowed to cure a minimum of forty-eight (48) hours at no less than fifty degrees (50°) Fahrenheit prior to backfilling operations.

Chapter 12.16

WATER SERVICE - REGULATIONS FOR CONNECTION, INSPECTION

Sections:

- 12.16.010 Plant Investment Fees Required.
- 12.16.020 Water Service Within the Town.
- 12.16.025 Water Service Outside the Town.
- 12.16.030 Connection to Municipal Water Utility.
- 12.16.040 Plant Investment Fee and Tapping charges - Building Permits.
- 12.16.050 Plant Investment Fee and Connection Fees.
- 12.16.060 Size of Taps - Connection Fees.
- 12.16.070 Special Fees.
- 12.16.080 Additional Service - Fixtures.
- 12.16.090 Connections to Water Mains and Installation of Service Lines in Public Rights-of-Way and Easements.
- 12.16.100 Installation of Service Lines Not in the Public Rights-of-Way - Responsibility of Owner.
- 12.16.110 Separate Connections Required - New Construction.
- 12.16.120 Requirements - Property with Single Service to be Further Subdivided.
- 12.16.130 Use During Fire Alarm.
- 12.16.140 Repair - Extension of Service.
- 12.16.150 Turning Water On and Off - Unlawful.
- 12.16.160 Violations and Penalties.

12.16.010 Plant Investment Fees Required. No service line installation, water tap or other connection with the water lines of the Town of Eagle water system shall be made without approval of the Director and until all applicable plant investment fees have been paid and the permit has been issued pursuant to Section 12.16.060 hereof. Any person who makes any connection to the water system contrary to the provisions of this Code or any ordinance of the Town commits a Class A municipal offense. Said offense shall be one of "strict liability." (Amended Ord. 10-2001 §134, 2001).

12.16.020 Water Service Within the Town.

A. Application for water service, where both the tap and all points of consumption are within the corporate limits of the Town, shall be made as provided for in this Title.

B. Application for the use of water shall be made in writing to the Town Clerk and to the Public Works Director on such forms as the Town Manager may prescribe. Application must be made by the owner of the property to be served, or his duly authorized representative, designating the property, stating the purpose for which the water may be required, and stating the number of EQR units associated with such purpose. (Amended Ord. 19 §1 (part), 2001).

C. An application shall be required, and plant investment fees and water dedication shall be assessed, for any new or expanded use of water, whether or not such new or expanded use requires a new or enlarged tap. (Amended Ord. 19 §1 (part), 2001).

12.16.025 Water Service Outside the Town. The Town shall not extend water service to any property lying outside the corporate limits of the Town except as set forth in this Section.

A. Except as provided in subsection (C) of this Section, no property lying outside the corporate limits of the Town that is eligible for annexation to the Town shall be provided water service until such property is annexed by the Town.

B. Except as provided in subsection (C) of this Section, no property lying outside the corporate limits of the Town not currently eligible for annexation to the Town shall be provided water service unless (1) lack of municipal water service creates a demonstrable hard ship upon the owner of the property; (2) the property is capable of being annexed within a reasonable time as determined by the Board of Trustees; (3) the owner, for itself and its successors and assigns, executes a binding agreement with the Town to annex the property to the Town at such time as it becomes eligible for annexation; and (4) development and future annexation of said property is in accordance with the Town's three (3) mile annexation plan, water master plan, and all other applicable plans.

C. Notwithstanding the requirements contained in subsections (A) and (B) above, water service may be provided to property lying outside the corporate limits of the Town when said property is owned by the United States, the State of Colorado, or the County of Eagle, and the Board of Trustees finds and determines that it is in the best interest of the Town to provide requested extraterritorial water service to such property. Such water service shall be provided upon any terms and conditions deemed appropriate or necessary by the Board of Trustees and any such terms or conditions shall be incorporated into an extraterritorial water services agreement entered into by the Town and the governmental entity requesting service. Following the extension of water service to such property, if the governmental entity conveys the property to private person(s) or a private entity, the Town shall cease to provide water service to the property unless subsection (A) or subsection (B) of this Section is complied with.

D. All provisions of this Title 12 shall apply to those areas outside the corporate limits of the Town, except those areas covered by a contract existing as of the effective date of this Section which expressly establishes other rules for the area served under the contract.

E. Nothing contained in this Section shall obligate the Town to provide water service to any property lying outside the corporate limits of the Town when the Board of Trustees determines that it is not in the best interests of the Town to provide the requested extraterritorial water service. The Town may impose such contract and performance guarantee requirements as it deems necessary to safeguard the best interests of the Town.

F. Any person desiring to connect a service line which is located outside the corporate

limits of the Town to the Town's water supply system shall make application to the Town Clerk or Public Works Director for water service. The application for service shall be supplemented by any plans, specifications or other information deemed necessary by the Town Manager to determine compliance with all ordinances, goals, policies, plans, regulations or rules concerning the water system. The Town Manager shall review and approve or disapprove the application as complying or failing to comply with all such ordinances, goals, policies, plans, regulations or rules concerning the Town's water system. Upon consent by the Board of Trustees to provide extraterritorial water service pursuant to contract, including an agreement to annex the served property when eligible, plant investment fees, connection fees and water dedication shall be assessed. Notwithstanding the payment of any fees pursuant to the provisions of this Title, tap connections to the Town's water system for service outside the Town shall at all times be subject to availability.

(Ord. 19 §2 (part), 2001; Amended Ord. 33-2005 (part), 2005).

12.16.030 Connection to Municipal Water Utility. All buildings within the Town's limits that contain water supply facilities shall be connected to the municipal water utility, unless otherwise determined by the Town Board.

12.16.040 Water Plant Investment Fee; Prepayment of Deposit; Building Permits.

A. At the time of any site specific development plan approval for any development containing ten (10) or more EQR, on or after January 1, 2012, which confers vested property rights in accordance with Chapter 4.17 of the Eagle Municipal Code and Article 68 of Title 24, C.R.S., or would have conferred such rights but for an applicant's waiver of such rights, the developer or owner of the subject property shall pay to the Town sixty percent (60%) of the estimated water plant investment fees for such development within seven (7) days following approval of such site specific development plan by the Town. The estimated plant investment fees shall be based on the Table of Equivalent Units, as found in Section 12.16.050 below. Estimated plant investment fees for commercial buildings or units shall be based upon an estimate approved by the Town Engineer. Notwithstanding anything to the contrary contained herein, the prepaid deposit of estimated plant investment fees shall not exceed the sum of \$3,000,000. Provided, however, the Board of Trustees in its sole discretion, may defer the prepayment of such fees for a period of time up to the time of approval of the first subdivision final plat within the development. If the Board of Trustees permits the deferral of the payment of 60% of the estimated plant investment fees for a period of time, payment of such fees shall be due upon demand of the Town, and the obligation to pay such fees shall be secured by an irrevocable letter of credit or such other performance guarantee approved by the Town Attorney. The Board of Trustees shall determine when said letter of credit or other performance guarantee shall be delivered to the Town. At the time of any land use approval requiring the prepayment of a portion of the water plant investment fees and which approval grants vested development rights, the applicable development agreement or subdivision improvements agreement shall specify whether prepayment of sixty percent (60%) of estimated water plant investment fees shall be paid at time of approval of the site specific development plan conferring vested property rights or shall be deferred for a period of time and shall be due upon demand by the Town. The Board of Trustees, in its sole discretion, may consider such factors as the timing of construction of the Town's new lower basin water treatment plant, the lowering of the Town's

bonded indebtedness, any effect of the decision on existing water customers, developer project financing and the timing of any first subdivision final plat by the developer in determining when prepaid plant investment fees shall be due and payable. The deposit provided pursuant to this subsection shall be non-refundable and shall be applied to the plant investment fees for individual water consuming units based on an EQR prorata basis. In the event the maximum prepayment of \$3,000,000 in estimated plant investment fees is paid, the deposit provided pursuant to this subsection shall be non-refundable and shall be applied to the plant investment fees for 60% of the individual water consuming units based on an EQR prorata basis. The remaining 40% of individual water consuming units will not require a deposit to be paid in advance and will not receive such credit. If the prepayment of \$3,000,000 is entirely credited with a single development, then any subsequent building permit shall pay 100% of the prevailing plant investment fees. (Amended Ord. 18-2011 §1, 2011)

B. At the time of application for any building permit or construction of any structure which will use Town water service, the owner or authorized representative shall make application to the Town Clerk and to the Public Works Director for water service to the property for which the building permit is issued. The plant investment fee and tapping charges, if applicable, shall be assessed at the then prevailing rate applicable, as specified in this Chapter, and any prepaid deposit for the plant investment fee for such unit as provided in subsection (A) above shall be applied. The credit applied shall be equal to the dollar amount applied at time of prepayment according to Section 12.16.040 above. The balance due for any plant investment fee shall be due and payable at the same time the building permit is issued. The owner of any lot within the Eagle Ranch PUD which has paid a water system improvement fee in accordance with the annexation agreement and amendments thereto governing the Eagle Ranch PUD shall be granted a credit against the plant investment fee to be paid in the amount of the Eagle Ranch water system improvement fee paid and shall not be required to pay any remaining amounts of the system improvement fee.

C. In the event an application is made for a building permit issued by another entity, outside the corporate limits of the Town, the owner or authorized representative of the property of which water service is sought, shall make application to the Town Clerk and to the Public Works Director for out of town water service to the property for which the building permit is sought. Application shall be made on such forms as the Town Administrator may prescribe. The plant investment fee, and tapping charges if applicable, shall be assessed at the rate applicable under this Chapter and shall be due and payable at the time the building permit is issued.

D. Any commitment by the Town to extend water service shall not be transferred to any property other than that for which the commitment was made. Provided, however, if the commitment by the Town arises from the approval of a site specific development plan and the payment of sixty percent (60%) of the estimated plant investment fees for the property, the commitment by the Town may be transferred between lots or units within the property upon approval by the Town. Provided, however, the deposit cannot be aggregated to allow more than sixty percent (60%) prepayment of the plant investment fee on a per unit basis.

E. Upon payment of sixty percent (60%) of the estimated water plant investment fees as provided in subsection (A) above, the owner or developer shall be granted assurance by the Town of the availability of water service from the Town for the subject property subject to the completion of the lower basin water treatment plant, payment of the balance of the fee owing at the time of application for a building permit at the then prevailing rate, and any other provisions which may be contained in applicable development or subdivision improvements agreements.

F. All rates, fees, charges, and assessments provided by this Chapter, from the time the same shall become due and payable, shall become and remain a lien on the premises until said rates, fees, charges and assessments have been paid to the Town. This lien on the premises may be foreclosed by an action at law or in equity in the name of the Town in any court having jurisdiction thereof. If the Town must resort to court action for collection of amounts due it under this Chapter, the Town shall also be entitled to its reasonable attorney’s fees and other expenses incurred in such action if the Town prevails. In the event such rates, fees, charges, and assessments are not paid when due, the Town Treasurer may certify the amount of the same to the County Treasurer, to be placed on the tax list for the current year, and to be collected in the same manner as other taxes are collected with ten percent (10%) added thereto to defray the cost of collection, pursuant to Section 31-20-105, C.R.S., as amended. All laws of this State for the assessment and collection of general taxes, including the laws for the sale of property for taxes and redemption of the same, shall apply. (Amended Ord. 12-2011 §1, 2011)

12.16.050 Plant Investment Fee and Connection Fees.

A. No water shall be furnished to a consumer until the entire plant investment fee, and any tapping charges or other expenses if applicable, has been paid to the Town. Each applicant shall be required to submit the plant investment fee and connection fees, if applicable, in the amounts calculated in accordance with the following table, any prepaid deposit of fees made in accordance with Section 12.16.040, and Section 12.16.070. (Amended Ord. 12-2004 §12 (part), 2004; Amended Ord. 16-2007 §1 (part), 2007; Amended Ord. 12-2011 §2, 2011).

TABLE OF EQUIVALENT UNITS

<u>CLASSIFICATION</u>	<u>EQR</u>	<u>VALUE</u>
1. Single-family residence (without accessory dwelling unit) in Town, mobile home, single family modular, irrigation		
<u>Gross Lot Area</u>		
6,000 to 8,000 square feet	1.0	\$7,000
8,001 to 10,000 square feet	1.1	\$7,700
10,001 to 12,000 square feet	1.2	\$8,400
12,001 + sq. ft.	1.3	\$9,100

<u>CLASSIFICATION</u>	<u>EQR</u>	<u>VALUE</u>
2. Accessory Dwelling Unit in Town approved in accordance with Section 4.04.100(N) of Eagle Municipal Code	.2	\$1,400
3. Deed restricted affordable housing or local employee Residence – per unit	.5	\$3,500
4. Single-family residence (without accessory dwelling unit), out of town, mobile home, single-family modular	1.5	\$10,500
5. Accessory Dwelling Unit, out of Town, not greater than 700 square feet	.3	\$2,100
6. Multi-family residential, townhouses, condominiums (per unit), planned for separate ownership - includes 2,500 square feet of watered lawn area	1.0	\$7,000
7. Multi-family residential, collective billing, apartments (per unit) includes 2,500 square feet of watered lawn area		
a. studio apartment-no bedrooms 1 bath	.6	\$4,200
b. apartment up to 2 bedrooms and 1.5 baths	.8	\$5,600
c. apartment larger than 2 bedrooms and 1.5 baths	1.0	\$7,000
8. Lawn Area, area of lawn to be watered on a regular basis, excludes 2,500 square feet per unit of multi-family residential, for all multi-family units, commercial, industrial warehouse and public building uses		
a. sprinkler or automatic irrigation system per 1,000 square feet	.25	
b. Lawn irrigation by methods other than sprinkler or automatic irrigation system shall be subject to rates established by the Board and in no event less than	.25 EQR	

<u>CLASSIFICATION</u>	<u>EQR</u>	<u>VALUE</u>
<ul style="list-style-type: none"> c. common open space other than individual lawns shall be subject to rates established by the Board 		
9. Motel, Hotel Transient Rental Units		
<ul style="list-style-type: none"> a. first unit or manager headquarters 	1.0	
<ul style="list-style-type: none"> b. each additional rental room without cooking facilities 	.4	
<ul style="list-style-type: none"> c. each additional rental room with cooking facilities 	.5	
10. Other Common Facilities		
<ul style="list-style-type: none"> a. washing machine - less than 12 pound capacity (larger machines subject to commercial rate) 	.5	
Other facilities may be subject to Commercial classification		
11. Commercial, Industrial, Warehouse, Public Buildings		
<ul style="list-style-type: none"> a. Bars, Restaurants 		
For business with less than 25 seating capacity	1.0	
For each additional 25 seating capacity or part thereof	.6	
<ul style="list-style-type: none"> b. Service Stations 		
Full service with service or lubrication bay, and/or one wash bay	2.0	
Self-service, no wash or lube and/or service bays	1.0	

<u>CLASSIFICATION</u>	<u>EQR</u>	<u>VALUE</u>
Each wash bay or rack in addition to the above	1.0	
c. Commercial, Industrial-Warehouse, or Public Buildings, such as stores, offices, and similar, having no process water or waste loads (i.e, which are served by sanitary sewer use only for nonsolid waste disposal)		
Up to two men's and two women's toilets or urinals with manual flush mechanism	.5	
For each additional toilet or urinal with manual flush mechanism	.5	
For each lavatory	.2	
For each shower or tub or combination thereof	.3	
For each laundry or mop sink or bar sink	.2	
For each other water using fixture or appliance except as otherwise specified in this table, including drinking fountains which are not continuous flow or decorative fountains which recycle water	.3	
d. Churches, nonprofit organization halls (no residence or regular eating facility)	.1	
e. Schools, Public or Private		
Basic rate for capacity of up to 50 pupils	2.0	
For each additional 50 students or fraction thereof	1.0	
For gymnasium with showers	1.2	
For cafeteria	1.2	

<u>CLASSIFICATION</u>	<u>EQR</u>	<u>VALUE</u>
f. Swimming Pools in conjunction with other use classification; for each 25,000 gallons or fraction thereof swimming pool capacity	1.0	
g. Laundromat or Laundry Basic	1.0	
Each Top Loading Washing Machine, by load capacity		
Less than 12 pounds	.5	
12.1 to 21 pounds	.7	
21.1 to 31 pounds	1.0	
31.1 to 41 pounds	1.3	
41.1 to 51 pounds	1.6	
51.1 to 75 pounds	2.0	
Each Front Loading Washing Machine, by load capacity		
Less than 20 pounds	.3	
20.1 pounds to 30 pounds	.7	
30.1 pounds to 40 pounds	1.1	
40.1 pounds to 60 pounds	1.4	

12. Industrial Uses Requiring Process Water

Such uses shall require applicant to submit an independent analysis of projected water usage. The Board of Trustees shall establish the plant investment fee using the EQR schedule as a basis.

B. For the purposes of plant investment fee computation, the following EQR shall be assessed:

Fee for each EQR unit where both the tap and points of consumption are located within the corporate limits of the Town:	\$7,000*
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*Any additional service or change in use for existing non-residential buildings and properties or for the expansion of non-residential buildings (size of expansion not to exceed 1,000 square feet) that nets additional EQR usage from the present EQR usage or previously paid for EQR shall be entitled to receive a discount of fifty percent (50%) of the payment for a supplemental plant investment fee. Such discounted supplemental plant investment fee shall expire on December 31, 2016, unless said term is extended by the Board of Trustees. Such discount shall not apply to the initial plant investment fee charged for a new water tap. Applicable commercial buildings must be in existence at the time this provision becomes effective and be located in a commercial zone district.

Fee for each EQR unit where the tap
or any point of consumption are located
outside of the corporate limits of the Town: \$10,500

Fractional EQR units shall be pro-rated on the above schedule.
(Amended Ord. 12-2013 §1, 2013; Amended Ord. 29-2016 §1 10/13/2015)

C. Before a Temporary Certificate of Occupancy or Certificate of Occupancy is issued, the Public Works Director shall inspect the property designated on the application and shall certify on the application that the number of EQR units stated on the application equal the number of EQR units actually to be used. If the actual EQR total is less than the EQR total stated in the application, the applicant only, not the original developer or owner, shall be entitled to a refund of any overpayment made, except that no refund shall be made for any labor, material, or other expenses. If the actual EQR total is greater than the EQR total stated in the application, no water shall be furnished until the deficit in the plant investment fee has been paid by the applicant. If a larger tap is required, no water shall be furnished until such tap is provided and all associated fees have been paid.

12.16.060 Size of Taps - Connection Fees. When a service line is not provided from the water main to the property line or where a service line must be enlarged to provide adequate service, a connection fee shall be charged. The fee shall be a minimum of five hundred dollars (\$500) payable at time of water tap application. If the actual cost of materials and labor to the Town exceeds five hundred dollars (\$500), the additional charges will be billed and due from the applicant. Said connection charges shall be determined by the Public Works Director. Water service shall not begin until all charges have been paid to the Town. (Amended Ord. 12-2004 §12 (part), 2004).

12.16.070 Special Fees. If the Town is required to obtain a permit for construction within the right-of-way from Eagle County, an additional fee of one hundred fifty dollars (\$150) shall be added to the connection fee. (Amended Ord. 12-2004 §12 (part), 2004).

12.16.080 Additional Service - Fixtures.

A. An existing tap shall not be subject to additional service, change of fixtures, or change in use without permission therefore from the Town. The Public Works Director shall have the power to grant or deny such permission. A party may appeal the decision of the Public Works Director to the Board of Trustees. Permission may be subject to conditions necessary in the interest of the Town water supply system, including a requirement that a larger tap be installed. (Amended Ord. 12-2004 §12 (part), 2004).

B. Any additional service or change in use that nets additional EQR usage from the present EQR usage or previously paid for EQR shall be subject to payment of a supplemental plant investment fee. The additional plant investment fee charge shall be the additional EQR value plus the net change in EQR value multiplied by the current EQR fee. If a larger tap is required a new connection fee shall be assessed.

12.16.090 Connections to Water Mains and Installation of Service Lines in Public Rights of Way and Easements. A. The installation, maintenance, and repair of service lines in the public rights-of-way and easements and the connection of the same to the main line shall be performed by the Town's Public Works Department or their authorized representatives, unless otherwise directed by the Public Works Director.

B. Any person not authorized by the Town of Eagle who installs a service line in the public rights-of-way or connects the same to the Town's water system commits a Class A municipal offense. Said offense shall be one of "strict liability". (Amended Ord. 10-2001 §135, 2001; Amended Ord. 12-2004 §12 (part), 2004; Amended Ord. 12-2011 §3, 2011).

12.16.100 Installation of Service Lines Not in the Public Rights-of-Way - Responsibility of Owner. Installation of service lines not in the public rights-of-way shall be the responsibility of the property owner served by the line. Such installation shall be in compliance with this Code and other ordinances of the Town. Inspection of the line shall be made by the Public Works Director or his designee. (Amended Ord. 12-2004 §12 (part), 2004).

No consumer shall be permitted to conduct water pipes across lots or buildings to adjoining premises without the permission of the Public Works Director. Service must include all improvements on the property with no cross connection with any other water supply. Service pipes must be laid six feet (6') below the surface of the ground if feasible and be of Type K copper or approved equivalent. The Town shall not be responsible for the service pipes and fixtures. All owners at their own expense must keep service pipes from the property line and all their apparatus in good working order and properly protected from frost and other disturbances. No claim shall be made against the Town on account of the breaking of service pipes and apparatus or for failure in the supply of water. No reduction in the rates will be made for any time that service pipes or fixtures may be frozen. The Town has the right to require a certain size or type of service pipe for a tap onto the Town water system, in respect to the use to which such service pipe is or is proposed to be put and the impact thereof on the Town water system.

12.16.110 Separate Connections Required - New Construction. Any individually owned properties or properties intended for further subdivision must be furnished with separate outside service connection, curb stop and meter. Curb stops shall be located in a location such that water can easily be turned off and on. (Amended Ord. 12-2004 §12 (part), 2004).

12.16.120 Requirements - Property With Single Service to Be Further Subdivided. Any existing property that has an individual service and is filing application for further subdivision is subject to additional requirements. If feasible, separate connections, curb stops and meters with appropriate easements will be required to be installed as a condition of subdivision. If separate connections are not feasible, the Town and owner of the property to be subdivided shall enter into an agreement whereby all subsequent owners shall be individually and collectively responsible for metered service. (Amended Ord. 12-2004 §12 (part), 2004).

12.16.130 Use During Fire Alarm. During all alarms of fire, the use of hoses and all outlets where a constant flow of water is maintained is strictly forbidden. (Amended Ord. 12-2004 §12 (part), 2004).

12.16.140 Repair - Extension of Service. The Town reserves the right to shut off its mains for the purpose of making repairs or extensions or for any other purpose. No claim shall be made against the Town for any damage that may result from shutting off the water for repairing and re-laying main, hydrants or other connections or for lack of water service during the period of time in which the water system is shut off. (Amended Ord. 12-2004 §12 (part), 2004).

12.16.150 Turning Water On and Off - Unlawful. Any person not authorized by the Town who turns on or off water from the curbstop of a building supply commits a Class B municipal offense. Said offense shall be deemed one of “strict liability.” Such operating of the curbstop shall only be done by the Town’s Public Works Department, or its authorized representatives. (Amended Ord. 10-2001 §136, 2001; Amended Ord. 12-2004 §12 (part), 2004).

12.16.160 Violations and Penalties. Unless otherwise provided herein, any person violating any of these provisions contained in this Chapter commits a Class A municipal offense. Each day, or part thereof, during which a violation occurs, shall constitute a separate and distinct offense. (Amended Ord. 10-2001 §137, 2001; Amended Ord. 12-2004 §12 (part), 2004).

Chapter 12.20

METERED SERVICE

Sections:

12.20.010	Metered Service.
12.20.020	Meter Testing - Fees and Costs.
12.20.030	Water Bills - Payment - Penalty.
12.20.040	Delinquent Water Charges - Service Discontinued.
12.20.050	Water Account in Name of Owner.
12.20.060	Unpaid Water Charges - Lien - Collection.
12.20.070	Unlawful Acts.
12.20.080	Regulations Part of Contract.
12.20.090	Grievance Procedures.
12.20.100	Schedule of Water Rates.

12.20.010 Metered Service. Service shall be metered as follows:

- A. After the effective date of the Ordinance codified herein all new taps will be metered;
- B. All water service outside the corporate limits of the Town shall be metered;
- C. Any service may be required to be metered where in the judgment of the Town Board the same is necessary or beneficial;
- D. Any meter installed to connect with the Town water system will be of the kind used by the Town or approved by the Town.

Cost for the installation of meters in all instances shall be borne by the person in whose name the service is kept.

12.20.020 Meter Testing - Fees and Costs.

- A. Any consumer who feels his water meter is not in proper working order may call for an inspection and test of said water meter.
- B. If the meter is found to be defective, the Town will bear all cost of materials and labor to repair said meter at no cost to the consumer.
- C. If the meter is found not to be defective, the consumer will be assessed all costs incurred by the Town for inspection and testing of the meter, which sum shall be added to the water bill and collected as a part thereof.

D. All users are required to have operating water meters on their system. In the event that a meter is not operational, the owner shall have ten (10) days to schedule with the Town a date for the repair of said meter after written notice is mailed to the user by the Town. In the event that the meter is not made operational within thirty (30) days after notice is mailed (absent written proof from the Town that the repair of the meter has been delayed by the Town due to no fault of the owner), the water user shall be assessed a \$100.00 per month charge until said meter is fixed.

12.20.030 Water Bills - Payment - Penalty.

A. All water service usage charges shall be billed monthly. Said charges shall be due and payable ten (10) days following the date of mailing of the statement by the Town, unless a different date due is shown on said statement. Payment for service shall be for use during the preceding billing period. All other payments due under this Chapter shall be paid ten (10) days following the date a statement is issued by the Town.

B. If payments required under this Chapter are not made by the date said payments are due and payable, a late charge of five dollars (\$5.00) per month shall be assessed against the party in whose name the water account is listed, said charge to be added to said party's water bill and collected as a part thereof.

C. If payments required under this Chapter are not made by the date said payments are due and payable, the water supply may be turned off and discontinued by the Town without any further notice to the party in whose name the water account is listed.

If water service is discontinued pursuant to this Section, a charge of twenty dollars (\$20.00), plus the cost of labor, material, and other expenses of restoring service, shall be assessed. All charges assessed pursuant to this Section shall be paid before water service is restored.

12.20.040 Delinquent Water Charges - Service Discontinued. If for any cause, water service usage charges become delinquent and water service is turned off and discontinued, water service shall not be restored to the same property until all such delinquencies, together with the costs, fees, and charges set forth in Section 12.20.030 have been paid in full. The Town shall have the right to refuse to furnish water service to any premises until all said delinquent charges, costs, and fees are paid. Change of ownership or occupancy shall not affect the application of this Section and may be enforced against the subsequent tenant, owner, or occupant thereof. This Section shall be applicable to all water users within or without the corporate limits of the Town.

12.20.050 Water Account in Name of Owner.

A. All charges for metered service shall be the responsibility of the owner of the property served. Payment shall be made for metered service by the owner or his legally authorized agent. (Amend. Ord. 32-2015 §1 – 11/10/2015)

12.20.060 Unpaid Water Charges - Lien - Collection. All rates, fees, charges, and assessments provided by this Chapter, from the time the same shall become due and payable, shall become and remain a lien on the premises until said rates, fees, charges and assessments have been

paid to the Town. This lien on the premises may be foreclosed by an action at law or in equity in the name of the Town in any court having jurisdiction thereof. If the Town must resort to court action for collection of amounts due it under this Chapter, the Town shall also be entitled to its reasonable attorney's fees and other expenses incurred in such action if the Town prevails. In the event said rates, fees, charges, and assessments are not paid when due, the Town Treasurer may certify the amount of the same to the County Treasurer, to be placed on the tax list for the current year, and to be collected in the same manner as other taxes are collected, with ten percent (10%) added thereto to defray the cost of collection, pursuant to Section 31-20-105, C.R.S., as amended. All laws of this State for the assessment and collection of general taxes, including the laws for the sale of property for taxes and redemption of the same, shall apply.

12.20.070 Unlawful Acts. It is unlawful for any person to use or take water from the Town's water system without a permit therefore, or to make any fraudulent representations for the purpose of obtaining water, or for any person to take or use water from the Town's water system for a different purpose or purposes than provided in the customer's permit, or for any person to willfully or unreasonably waste water, or for any person to violate any of the regulations set forth in this Chapter. Each and every such unlawful act shall constitute a Class A municipal offense. Any such offense shall be deemed one of "strict liability." Each separate day or any portion thereof during which a violation occurs or continues shall be deemed to constitute a separate offense. (Amended Ord. 10-2001 §138, 2001).

12.20.080 Regulations Part of Contract. All regulations contained in this Section shall be considered a part of the contract of every person taking water from the waterworks of the Town, and every person taking water shall be considered as having expressly consented to be bound thereby.

12.20.090 Grievance Procedures. In the event of any dispute between a person and the Town regarding water service, the following procedures shall be followed. Any person who desires to protest the amount of any monthly water service usage charge shall present a written statement of such complaint to the Town Administrator prior to the date said charge is due and payable. In the event such person fails to present a written complaint within the time herein provided, such protest or complaint shall be barred.

Any complaints relating to service or acts of employees or agents of the Town shall be submitted to the Town Administrator in writing within ten (10) days of the occurrence or any further protest shall be barred.

In the event agreement cannot be reached between the Town Administrator and any person filing a protest or complaint, the sole method of appeal shall be to the Board of Trustees. A hearing on such an appeal shall be scheduled for the next regular meeting of the Board of Trustees. To the extent practicable, said hearing shall be conducted in the manner provided for in Chapter 2.20 of the Eagle Municipal Code.

12.20.100 Schedule of Water Rates. A. All rates and charges for municipal water service shall be billed on a monthly basis. There shall be no reduction in rates or charges, or any rebates thereof, for use for less than the full monthly period, except for rates charged users making new connections to the Town's water system, which rates shall be pro-rated on the basis of the number of days remaining in the billing period in which the new connection is made. Payment for water service shall be for use during the preceding monthly billing period.

B. Beginning on the first day of January, 2016 and on the first day of the month thereafter, the following water rates shall be assessed and charged:

1. Rates for water measured through meters located inside the corporate limits of the Town.

Rate Class	Monthly Base Fee	Usage Block Gal	Charge per 1,000 gal
Residential without accessory dwelling unit	\$33.61	0-6,000	0
		6001-28,000	\$6.30
		28,000 +	\$8.15
Residential with accessory dwelling unit	\$42.16	0-8,000	0
		8,001-28,000	\$6.30
		28,000+	\$8.15
Commercial	\$33.61	0-6,000 6,000 +	0 \$6.00
Government, Schools, and Churches	\$33.61	0-6,000 6,000 +	0 \$6.30

2. Rates for water measured through meters located outside of the corporate limits of the Town:

<u>Rate Class</u>	<u>Monthly Base Fee</u>	<u>Usage Block Gal</u>	<u>Charge per 1,000 gal</u>
Residential without accessory dwelling unit	\$50.42	0-6,000 6001-28,000 28,000 +	0 \$9.42 \$12.19
Residential with accessory dwelling unit	\$63.29	0-7,920 7,921-28,000 28,000+	0 \$9.42 \$12.19
Commercial	\$50.42	0-6,000 6,001 +	0 \$9.42
Government, Schools, and Churches	\$50.42	0-6,000 6,001 +	0 \$9.42

(Amended Ord. 26 §1, 2001; Amended Ord. 33 §1, 2002; Amended Ord. 54 §1, 2003; Amended Ord. 12 §2, 2005; Amended Ord. 16 §2, 2007; Amended Ord. 44 §1 (part), 2006; Amended Ord. 26 §2 (part), 2007; Amended Ord. 25 §1, 2008; Amended Ord. 15 §1, 2011; Amended Ord. 20 §1, 2012, Amended Ord. 29 §1, 2013, Amended Ord. 32 §1, 2014, Amended Ord. 37-2015 §1 12/8/2015)).

C. Changes in any of the water service rate schedules contained herein shall be by Ordinance enacted by the Board of Trustees, and notice of such changes shall be published in a newspaper of general circulation in the County so as to inform all residents of the Town of such changes.

D. The Town Treasurer shall keep available at all times for public inspection to interested persons, schedules of water rates for water used within and without the corporate limits of the Town. Copies of schedules of water rates shall be furnished to interested persons by the Town Treasurer upon request and without charge.

E. Rates for water service outside the corporate limits of the Town shall be two (2) times the applicable in-town rate, unless otherwise established by the Board of Trustees by ordinance.

Chapter 12.22

CROSS-CONNECTION AND BACKFLOW CONTROL

Sections:

12.22.010	Purpose.
12.22.020	Definitions.
12.22.030	Requirements.
12.22.040	Existing Cross-Connections.
12.22.050	Specific System Requirements.
12.22.060	Violations and Penalties.
12.22.070	Severability.

12.22.010 Purpose. The purpose of this Chapter is promotion of the health, safety and welfare of the present and future inhabitants of the Town, including:

A. To protect the public water systems from the possibility of contamination or pollution by isolating within its customers' internal distribution system(s) or its customers' private water system(s) such contaminants or pollutants which could backflow or backsiphon into the public water systems.

B. To promote the elimination or control of existing cross-connections, actual or potential, between its customers' in-plant potable water system(s) and non-potable water systems, plumbing fixtures and industrial piping systems.

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

12.22.020 Definitions. The following definitions shall apply, unless the context clearly indicates that a different meaning was intended:

1. "Approved" means accepted by an agency, as herein provided, as meeting the applicable specification stated or cited in this Chapter, or as suitable for the proposed use.

2. "Auxiliary water supply". Any water supply on or available to the premises other than the Town's approved public potable water supply. These auxiliary waters may include water from another purveyor's public potable water supply or any natural source(s) such as a well, spring, river, stream, harbor, etc., or "used waters or "industrial fluids". These waters may be polluted or contaminated or may be objectionable and constitute an unacceptable water source over which the Town does not have sanitary control.

3. “Backflow preventer” means a device or means designed to prevent backflow or back-siphonage.

a. “Air gap” 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 flood level rim of said vessel. An approved air-gap shall be at least double the diameter of the supply pipe, measured vertically, above the top of the rim of the vessel; and, in no case less than one inch. When an air-gap is used at the service connection to prevent the contamination or pollution of the public potable water system, an emergency by-pass shall be installed around the air-gap system and an approved reduced pressure principle device shall be installed in the by-pass system.

b. “Reduced pressure principle device”. An assembly of two independently operating approved check valves with an automatically operating differential relief valve between the two check valves, tightly closing shut-off valves on either side of the check valves, plus properly located test cocks for the testing of the check and relief valves. The entire assembly shall meet the design and performance specifications and approval of a recognized testing agency for backflow prevention assemblies. The device shall operate to maintain the pressure in the zone between the two check valves at a level less than the pressure on the public water supply side of the device. At cessation of normal flow the pressure between the two check valves shall be less than the pressure on the public water supply side of the devices. In case of leakage of either of the check valves the differential relief valve shall operate to maintain the reduced pressure in the zone between the check valves by discharging to the atmosphere. When the inlet pressure is two (2) pounds per square inch or less, the relief valve shall open to the atmosphere. To be approved, these devices must be readily accessible for in-line maintenance and testing and be installed in a location where no part of the device will be submerged.

c. “Double check valve assembly”. An assembly of two (2) independently operating check valves with tightly closing shut-off valves on each side of the check valves, plus properly located test cocks for the testing of each check valve. The entire assembly shall meet the design and performance specifications and approval of a recognized testing establishment for backflow prevention devices. To be approved, these devices must be readily accessible for in-line maintenance and testing.

4. “Back pressure” means backflow caused by a pump, elevated tank, boiler or other means that could create pressure within the system greater than the supply pressure.

5. “Back-siphonage” means the flow of water or other liquids, mixtures or substances into the distribution pipes of a potable water supply system from any source other than its intended source caused by the sudden reduction of pressure in the potable water

supply system.

6. “Certified inspector and/or tester” means a person who has passed a State approved and/or sponsored testing and/or inspection course and who is listed by the State as a certified inspector and/or tester.

7. “Check valve” means a self-closing device which is designed to permit the flow of fluids in one direction and to close if there is a reversal of flow.

8. “Colorado Department of Health Cross-Connection Control Manual”. A manual that has been published by the State addressing cross-connection control practices which will be used as a guidance document for the agency in implementing a Cross-Connection Control Program.

9. “Contamination” means an impairment of the quality of the potable water by sewage, industrial fluids or waste liquids, compounds or other materials to a degree which creates an actual hazard to the public health through poisoning or through the spread of disease.

10. “Critical level” means the critical level C-L or C/L marking on a backflow prevention device or vacuum breaker which is a point conforming to approved standards and established by the testing laboratory (usually stamped on the device by the manufacturer), which determines the minimum elevation above the flood-level rim of the fixture or receptacle served at which the device may be installed. When a backflow prevention device does not bear a critical level marking, the bottom of the vacuum breaker, combination valve, or the bottom of any such approved device shall constitute the critical level.

11. “Cross-connection” shall mean any unprotected, actual, or potential connection or structural arrangement between a public, or a consumer’s potable water system and any other source, or system, through which it is possible to introduce into any part of the potable system any substance other than the intended potable water, with which the system is supplied. By-pass arrangements, jumper connections, removable sections, swivel or changeover devices and other temporary, or permanent, devices through which, or because of which “backflow” can or may occur, are considered to be cross-connections.

12. “Cross-connections - Controlled”. A connection between a potable water system and a non-potable water system with an approved backflow prevention device properly installed that will continuously afford the protection commensurate with the degree of hazard.

13. “Flood level rim” means the edge of the receptacle from which water overflows.

14. “Hazard, degree of”. The term is derived from 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 in the judgment of the Town Manager may create a danger to the health and well-being of the water consumer. An example of a health hazard is a structural defect, including cross-connections, in a water supply system.

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 device. Unprotected plumbing type cross-connections are considered to be a health hazard.

c. “Hazard - pollutional”. 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.

15. “Industrial fluids system”. 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, pollutional or plumbing hazard if introduced into an approved water supply. This may include, but not be limited to: polluted or contaminated waters; all types of process waters and “used waters” originating from the public potable water system which may have deteriorated in sanitary quality; chemicals in fluid form; plating acids and alkalies, circulated cooling waters connected to an open cooling tower and/or cooling towers that are chemically or biologically treated or stabilized with toxic substances; contaminated natural waters such as from wells, springs, streams, rivers, bays, harbors, seas, irrigation canals or systems, etc.; oils, gases, glycerine, paraffins, caustic and acid solutions and other liquid and gaseous fluids used in industrial or other purposes or for fire-fighting purposes.

16. “Manager” means the Town Manager of the Town of Eagle or his/her duly authorized representative.

17. “Non-potable water” means water that is not safe for human consumption or that is of questionable potability.

18. “Pollution” means the presence of any foreign substance (organic, inorganic,

radiological or biological) in the water that may degrade the water quality so as to constitute a hazard or impair its usefulness.

19. “Potable water” means water free from impurities in amounts sufficient to cause disease or harmful physiological effects. The bacteriological, chemical, and radiological quality shall conform with State of Colorado Drinking Water Regulations.

20. “Submerged inlet” means a water pipe or extension thereto from a public water supply terminating in a tank, vessel, fixture or appliance which may contain water of questionable quality, waste or other contaminant and which is unprotected against backflow.

21. “Vacuum” means any pressure less than that exerted by the atmosphere.

22. “Vacuum breaker, atmospheric type” means a vacuum breaker which has a moving element inside, which during flow prevents water from spilling from the device and during cessation of flow, drops down to provide a vent opening. The atmospheric vacuum breaker cannot be installed where there can be backpressure, only where there can be back-siphonage. This device should not remain under pressure for long durations (more than twelve (12) hours in any twenty-four (24) hour period) and it cannot have any shut-off valve downstream of it.

23. “Vacuum breaker, pressure type” means a vacuum breaker that cannot be installed where there can be back-pressure, only where there can be back-siphonage. The pressure vacuum breaker can have shut-off valves downstream of the device.

24. “Water-service connection” means the terminal end of a service connection from the public potable water system; i.e., where the Town loses jurisdiction and sanitary control over the water at its point of delivery to the customer’s water system. If a meter is installed at the end of the service connection, then the service connection shall mean the downstream end of the meter. There shall be no unprotected takeoffs from the service line ahead of any meter or backflow prevention device located at the point of delivery to the customer’s water system. Service connection shall also include water service connection from a fire hydrant and all other temporary or emergency water service connections from the public potable water system.

12.22.030 Requirements.

A. WATER SYSTEM

1. The water system shall be considered as made up of two (2) parts: the utility system and the customer system.

2. The utility system shall consist of the source facilities and the distribution system; and shall include all those facilities of the water system under the complete control

of the utility, up to the point where the customer's system begins.

3. The source shall include all components of the facilities utilized in the production, treatment storage, and delivery of water to the distribution system.

4. The distribution system shall include the network of conduits used for the delivery of water from the source to the customer's system.

5. The customer's system shall include those parts of the facilities beyond the termination of the utility distribution system which are utilized in conveying utility-delivered domestic water to points of use.

B. POLICY

1. No water service connection shall be installed or maintained by the Town unless the water supply is protected as required by State laws and regulations and this Ordinance. Service of water to any premises shall be discontinued by the Town if a backflow prevention device required by the Ordinance is not installed, tested and maintained, or if it is found that a backflow prevention device has been removed, by-passed, or if an unprotected cross-connection exists on the premises. Service will not be restored until such conditions or defects are corrected.

2. The customer's system should be open for inspection at all reasonable times to authorized representatives of the Town Manager to determine whether cross-connections or other structural or sanitary hazards, including violations of these regulations exist. When such a condition becomes known, the Town Manager shall deny or immediately discontinue service to the premises by providing for a physical break in the service line until the customer has corrected the condition(s) in conformance with State and agency statutes relating to plumbing and water supplies and the regulations adopted pursuant thereto.

3. An approved backflow prevention device shall be installed depending on degree of hazard. Such a device shall be installed at or near the property line or immediately inside the building being served; but, in all cases, before the first branch line leading off the service line wherever the following conditions exist:

a. In the case of premises having an auxiliary water supply which is not or may not be of safe bacteriological or chemical quality and which is not acceptable as an additional source by the Town Manager, the public water system shall be protected against backflow from the premises by installing a backflow prevention device in the service line appropriate to the degree of hazard.

b. In the case of premises on which any industrial fluids or any other objectionable substance is handled in such a fashion as to create an actual or potential hazard to the public water system, the public system shall be protected against

backflow from the premises by installing a backflow prevention device in the service line appropriate to the degree of hazard. This shall include the handling of process waters and waters originating from the utility system which have been subject to deterioration in quality.

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

4. The type of protective devices required in this Code shall depend upon the degree of hazard which exists as follows:

a. In the case of any premises where there is an auxiliary water supply and it is not subject to any of the following rules, the public water system shall be protected by an approved air-gap separation or an approved reduced pressure principle backflow prevention device.

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

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

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

e. In the case of any premises where, because of security requirements or other prohibitions or restrictions it is impossible or impractical to make a complete in-plant cross-connection survey, the public water system shall be protected against backflow or back-siphonage from the premises by the installation of a backflow prevention device in the service line. In this case, maximum protection will be

required; that is, an approved air-gap separation or an approved reduced pressure principle backflow prevention device shall be installed in each service to the premises.

5. Any backflow prevention device required herein shall be of a model and size approved by the Town Manager. The term “approved backflow prevention device” shall mean a device that has been manufactured in full conformance with the standards established by the American Water Works Association entitled:

AWWA C506-78 Standards for Reduced Pressure
Principle and Double Check
Valve Backflow Prevention Devices:

and have met completely the laboratory and field performance specifications of the Foundation for Cross-Connection Control and Hydraulic Research of the University of Southern California established by:

Specifications of Backflow Prevention Device - #69-2
dated March 1969 or the most current issue.

Said AWWA and FCCC&HR Standards and Specifications are hereby adopted by reference by the Town of Eagle. Final approval shall be evidenced by a “Certificate of Approval” issued by an approved testing laboratory certifying full compliance with said AWWA Standards and FCCC&HR Specifications.

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

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

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

Only “Approved Backflow Prevention Devices” may be used.

6. It shall be the duty of the customer user at any premises where backflow devices are installed to have certified inspections and operational tests made at least once (1) per year. The fee shall be twenty-five dollars (\$25.00) per inspection. In those instances where the Town Manager deems the hazard to be great enough, he/she may require certified inspections at more frequent intervals. These shall be performed by Town personnel or a certified inspector and/or tester approved by the Public Works Director. These devices shall be repaired, overhauled or replaced at the expense of the customer-user whenever said

devices are found to be defective. Records of such tests, repairs and overhauls shall be kept and made available to the Town Manager. The form, to be provided by the Town, shall be submitted to the agency within thirty (30) days after the device has been tested and/or inspected.

7. Installation of new devices - The Town will be informed of all backflow prevention devices that are installed on any premises. Upon installation, the device will be inspected and tested by Town personnel or a certified inspector and/or tester approved by the Public Works Director. The agency will be informed in writing of the results of this inspection and test.

8. Backflow prevention devices currently installed which are not approved shall be replaced with an approved device within three (3) years from the effective date of this Chapter, unless the device fails an annual operational test. If the device fails any such test, it shall be replaced immediately with an approved device.

12.22.040 Existing Cross-Connections. Within three (3) years following the adoption of this Chapter, existing cross-connections between a public water system and any secondary water system shall be eliminated or protected by means of an approved backflow preventer.

12.22.050 Specific System Requirements.

A. Irrigation systems. The following guidelines relating to backflow prevention devices for irrigation systems shall apply:

1. Atmospheric vacuum breakers shall be installed after the last control valve of each sprinkler circuit and at a minimum of six inches (6") above the highest irrigation head. The atmospheric vacuum breaker shall be installed only on irrigation circuits with heads that will not return any pressure in the circuit when the circuit control valve is closed.

2. Pressure vacuum breakers shall be installed at the beginning of each irrigation circuit and at a minimum of twelve inches (12") above the highest irrigation head on the circuit. Individual irrigation circuits having quick coupling valves or other similar type heads that will permit pressure to be retained in the circuit shall have a pressure vacuum breaker installed as a minimum requirement for each circuit. Irrigation systems using the subsurface drip method shall have a pressure vacuum breaker on each circuit. A pressure vacuum breaker may not be installed where a double check valve assembly, reduced pressure principle backflow prevention device, or air-gap separation is required.

3. A double check valve assembly may be installed to serve multiple irrigation circuits in lieu of vacuum breakers on each individual irrigation circuit.

4. A reduced pressure principal backflow preventer or air-gap separation shall be required before any piping network in which fertilizers, pesticides and other chemicals or toxic contaminants are injected or siphoned into the irrigation system. A reduced pressure

principal backflow preventer may be installed to serve multiple irrigation circuits in lieu of vacuum breakers on each individual irrigation circuit.

B. Fire systems. Water systems for fighting fire, derived from a supply that cannot be approved as safe or potable for human use shall, whenever practicable, be kept wholly separate from drinking water pipelines and equipment. In cases where the domestic water system is used for both drinking and firefighting purposes, approved backflow prevention devices shall be installed to protect such individual drinking water lines as are not used for fire-fighting purposes. It is hereby declared that it is the responsibility of the person or persons causing the introduction of said unapproved or unsafe water into the pipelines to see (1) that a procedure be developed and carried out to notify and protect users of this piping system during the emergency; (2) that special precautions be taken to disinfect thoroughly and flush out all pipelines which may have become contaminated before they are again used to furnish drinking water. In the event the means of protection of water consumers is by disinfection of the auxiliary firefighting supply, the installation and its use shall be thoroughly reliable.

When disinfection of the auxiliary supply itself depended upon to render the water safe, the means of applying the disinfectant under this regulation shall be automatic with operation of the pump or pumps employed with the dangerous water in question. Adequate supplies of chlorine or its compounds must be kept on hand at all times. Chlorine dosing equipment shall be tested daily and kept in good operating condition.

The public water supply must be protected against backflow from dual domestic fire systems.

12.22.060 Violations and Penalties.

A. The Town Manager shall notify the owner, or authorized agent of the owner, of the building or premise which there is found a violation(s) of these regulations. The Town Manager shall set a specific time for the owner to have the violation removed or corrected. If the owner fails to correct the violation(s) in the specified time, the Town Manager may, in his/her judgment an imminent health hazard exists, request that the water service to the building or premise be terminated. Additional fines or penalties may also be invoked following termination of service.

B. Any person, firm, or corporation who violates any provision of this Chapter shall be deemed guilty of a Class A municipal offense. Any such offense shall be deemed one of "strict liability." Each separate day or any portion thereof during which any violation of this Chapter occurs or continues shall be deemed to constitute a separate offense. (Amended Ord. 10-2001 §139, 2001).

C. In the event any person, firm, or corporation fails to comply with this Chapter, said person, firm, or corporation shall be liable for civil damages done to the Town's water supply system, and for the costs of any repairs and clean-up.

12.22.070 Severability. If any provision of this Chapter, or its application to any person or circumstance held invalid, the application of such provision to other persons or circumstances, and the remainder of this Chapter, shall not be affected thereby.

Chapter 12.24

WATER QUALITY

Sections:

12.24.010	Definitions.
12.24.020	Water Quality Standards.
12.24.030	Jurisdiction for Water Quality.
12.24.040	Discharges Unlawful.
12.24.050	Waste Prohibited.
12.24.060	Compliance with Permits.
12.24.070	On-Site Waste Disposal Systems.
12.24.080	Disposal of Animal Carcasses Required.
12.24.090	Specific Activities Causing Pollution.
12.24.100	Accumulation of Standing Water on Land Regulated.
12.24.110	Penalties and Relief.

12.24.010 Definitions. As used in this Chapter, unless the context otherwise requires:

- A. “Enjoined” shall include temporary, preliminary, and permanent injunctive relief.
- B. “Municipal water supplies” means all surface and/or underground water rights of the Town, and the water flowing at or available to at the point of diversion of such water rights, whether or not the decreed point of diversion is the same as the actual point of diversion, whether absolutely or conditionally decreed, which are used or are capable of being used for any beneficial purpose, including without limitation, municipal, commercial, aesthetic, irrigation, minimum stream flow, fish and game propagation, recreation, domestic, and industrial uses.
- C. “Non-point source” means any source of pollutant other than a point source and includes, without limitation, water use and development practices, activities which encroach on riparian areas, vegetation disturbance, soil disturbance and earth movement, impervious cover, and storm water runoff from developed areas.
- D. “Permit” means a permit lawfully issued pursuant to Public Law 92-500, the Federal Water Pollution Control Act Amendments of 1972 (33 U.S.C. 1251, et seq.) or pursuant to C.R.S. 1973, 25-8-501, et seq.
- E. “Person” means an individual, corporation, partnership, association, municipality, district, federal or State agency, commission, or other State or federal body or political subdivision thereof.
- F. “Point source” means any discernible, confined and discrete conveyance, including,

but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, or concentrated animal feeding operation, from which pollutants are or may be discharged.

G. “Pollutant” means dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical waste, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, agricultural waste, dirt, and slurry.

H. “Presumption” means that any person charged with the waste of water resources shall bear the burden of proving that the water diversions which were wasted did not contribute to or result in a degradation of the water quality standards set forth in Section 12.24.020.

I. “Sources” means any area which contributes to the water supply of any stream or river and includes, without limitation, any drainage basin or underground aquifer.

J. “Waste” means the failure to apply water diverted from any source which contributes to municipal water supplies to a beneficial use and includes, without limitation, causing or permitting the application of water in excess of that reasonably required to accomplish the purpose or purposes for which the water is diverted; permitting water to escape from ditches, canals, or other structures in excess of reasonable loss; and any diversion of water rights decreed for a given purpose under circumstances which cannot reasonably justify such usage.

12.24.020 Water Quality Standards. Within the jurisdictional areas set forth in Section 12.24.030, the standards for water quality shall be those standards adopted from time to time by the Water Quality Control Commission pursuant to C.R.S. 1973, 25-8-202(b) and 25-8-204, as applicable to the waters located within the jurisdiction of this Chapter. Said standards are incorporated in this Chapter by reference.

12.24.030 Jurisdiction for Water Quality. Pursuant to Section 31-15-707(b), C.R.S. and for the purpose of maintaining and protecting its municipal water supply from injury and pollution, the Town shall exercise regulatory and supervisory jurisdiction within the incorporated limits of the Town and over all streams and sources contributing to municipal water supplies for a distance of five (5) miles above the points from which municipal supplies are diverted. The Board of Trustees shall approve a map outlining the approximate boundary of said jurisdiction which shall be on file in the Town Clerk’s office.

12.24.040 Discharges Unlawful. Within the jurisdictional areas defined in Section 12.24.030, any person who discharges from either a point source or a non-point source any pollutant or engages in any activity which will result in the degradation of water quality below the standards set forth in Section 12.24.020 commits a Class A municipal offense. (Amended Ord. 10-2001 §140, 2001).

12.24.050 Waste Prohibited. Within the jurisdictional areas defined in Section 12.24.030, any person who wastes water resources commits a non-criminal municipal offense. The

failure to apply water to a beneficial use shall give rise to a presumption of waste. (Amended Ord. 10-2001 §141, 2001).

12.24.060 Compliance with Permits. Compliance with an applicable permit held by any person charged with a violation of this Chapter shall constitute an absolute defense to any such violation.

12.24.070 On-Site Waste Disposal Systems.

A. It is unlawful for the owner or occupant of any building used for residence or business purposes within the incorporated limits of the Town to construct or reconstruct an on-site sewage disposal device for the purpose of collecting, storing, or disposing of sewage; provided, however, that temporary, self-contained privies may be placed on construction sites or at public gatherings for the duration of the construction or attraction. These temporary facilities shall be maintained in a clean and sanitary condition at all times.

B. If any structure within the jurisdictional limits defined in Section 12.24.030 is currently being served by an on-site sewage disposal system and that system fails or malfunctions to the extent that it no longer is effectively treating waste and a danger is created that pollution of the Town's water supply may occur, the owner or occupant shall make application within five (5) days from the date on which the owner or occupant first learns of said failure or malfunction to the sanitation district for attachment of the structure to the public sewage system. If said structure is not within a sanitation district, or capable of being attached to a public sewage system, the owner or occupant shall be responsible for controlling, repairing, or replacing said failure or malfunction within five days from the date on which owner or occupant first learns of said failure or malfunction. Any malfunction or failure of an on-site waste disposal system is a public nuisance.

C. Any violation of this Section shall constitute a Class A municipal offense. (Amended Ord. 10-2001 §142, 2001).

12.24.080 Disposal of Animal Carcasses Required. Any animal which shall be killed or die from any cause in the Town or within one hundred feet (100') of the banks of Brush Creek, East Brush Creek, West Brush Creek, or any tributary thereto, that is within the jurisdictional limits defined in Section 12.24.030, shall be at once removed to a designated landfill by the owner or person having had such animal in his or her possession, control, or charge, and the carcass of such animal shall be buried or disposed of in a sanitary manner. If ownership of the animal cannot be determined, it shall be the responsibility of the animal control department to pick up and dispose of such an animal carcass as provided in this Chapter.

12.24.090 Specific Activities Causing Pollution.

A. It is unlawful for any person or persons to have, keep, or maintain any grazing livestock or other animal within one hundred feet (100') of any water treatment facility, reservoir, intake point, distribution stream, trench, inlet pipe, or drain comprising a part of the Town municipal water utility.

B. It is unlawful for any person to bathe or swim in any of the reservoirs or other part of the Eagle water utility.

C. Any violation of this Section shall constitute a non-criminal municipal offense. (Amended Ord. 10-2001 §143, 2001).

12.24.100 Accumulation of Standing Water on Land Regulated. It is unlawful for any person owning or occupying any premise(s), lot, or parcel of land within the jurisdictional limits defined in Section 12.24.030 to allow an accumulation of standing water that is or is likely to become offensive or injurious to public health. Any person owning or occupying any premise(s), lot, or parcel of land whereupon water shall be standing as aforesaid shall be deemed guilty of a Class B municipal offense. (Amended Ord. 10-2001 §144, 2001).

12.24.110 Penalties and Relief.

A. Unless otherwise provided in this Chapter, any person, firm, or corporation committing any municipal offense contained in this Chapter, shall be guilty of a Class A municipal offense. Said offense shall be deemed one of “strict liability.” Each separate day or any portion thereof during which any violation of this Chapter occurs or continues shall be deemed to constitute a separate offense. (Amended Ord. 10-2001 §145, 2001).

B. The Town of Eagle may apply to any court of competent jurisdiction for an injunction, enjoining any person from further or continued violation of any provision of this Chapter.

Chapter 12.26

WATER RIGHTS

Sections:

- 12.26.010 Intent and purpose.
- 12.26.020 Definitions.
- 12.26.030 Basic Dedication Requirement.
- 12.26.040 Dedication of Water Rights for Open Space.
- 12.26.050 Procedure.
- 12.26.060 Agricultural and Open Space Property.
- 12.26.070 Option to Purchase.

12.26.010 Intent and Purpose. It is the intent and purpose of this Chapter to further the health, safety and welfare of the citizens of the Town by requiring the dedication of water rights prior to the extension of treated or raw water service to new customers and to thereby assure an adequate and stable supply of water to the Town service area; to prevent the abandonment of water rights to the detriment of the Town; to ensure the financial stability of the Town water utility; and to promote the general welfare of the public.

This Chapter, in part, provides a supplemental requirement for annexation pursuant to Chapter 4.14 of the Eagle Municipal Code and The Municipal Annexation Act of 1965, C.R.S. 1973, 31-8-101 et seq. and is not to be construed as altering, modifying, eliminating or replacing any requirements set forth therein.

12.26.020 Definitions. As used in this Chapter, unless the context otherwise requires:

- A. “Town” means the Town of Eagle, Colorado.
- B. “Board” means the Board of Trustees of Eagle, Colorado.
- C. “Town Manager” means the Town Manager of Eagle, Colorado.
- D. “Equivalent residential unit” (“EQR”) as used in this Chapter means a number related to the volume of water consumptively used by a single-family residential unit housing a statistical average of three and one-half (3.5) persons and having not more than two thousand five hundred (2,500) square feet of irrigated lawn or garden. The water consumption for each EQR is 1.0 acre-foot per year if wastewater is returned to the Eagle River system by the municipal wastewater treatment facilities serving the Town. For deliveries to demand utilizing wastewater treatment facilities which are one hundred percent (100%) consumptive in nature without material effluent return flows to the Eagle River or Brush Creek, the water consumption for each EQR is 1.0 acre-foot per year. For deliveries to water uses not utilizing the Town’s municipal wastewater treatment

facilities, it is assumed that no return flows are generated to the Eagle River or Brush Creek systems; this presumption may be rebutted by a licensed professional engineer's analysis of actual return flow efficiency of the wastewater system to be utilized. If wastewater efficiencies are less than those of Town sewer facilities but greater than a system which is totally consumptive, the water consumption per EQR shall be modified by the appropriate fraction. The consumptive use as to all other residential (but not commercial) uses is considered to bear the same ratio to the consumptive use of an average single-family residence as the EQR value assigned to that use in the respective tables of EQRs in Section 12.16.060 bears to the EQR value assigned to the single-family residence in the table of EQRs for the respective wastewater system utilized. Consumptive use for commercial uses shall be determined by a licensed professional engineer based upon the circumstances of each particular case.

E. "Annexation" means the act of attaching, adding, joining, or uniting a parcel of land to the legal entity known as the Town of Eagle.

F. "Subdivide" means to separate into smaller divisions a tract of land into two (2) or more lots, tracts, parcels, sites, separate interests in common, condominium interests or other divisions for the purpose, whether immediate or for future, of transfer of ownership, or for building or other development, or for street use by reference to such subdivision or a recorded plat thereof.

G. "Plat" is an accurately surveyed map or chart of a piece of land subdivided into lots with streets, alleys, roads and other such avenues of transportation delineated thereon and drawn to scale.

H. "Replat" means to make a change in the original plat.

I. "Appurtenant" means belonging to, accessory or incident to, adjunct, appended, or annexed to.

J. "Dedication" means the conveyance of a water right to the Town, made by the owner, and the acceptance of such conveyance by the Town in accordance with this Chapter, for use by the Town through its municipal water system for service to the Town, its inhabitants, and water customers.

K. "Water right" means a decreed right to use in accordance with its priority a certain portion of the waters of the State by reason of the appropriation of the same.

L. "Conveyance of water rights" means the legal process by which legal title to the water rights to be dedicated is transferred to the Town by appropriate deed.

M. "Transfer of water rights" means all actions required under the laws of the State of Colorado to be brought in the water court and elsewhere to change said water right for use through and within the Town's water system. Such actions may include, but not by way of exclusion or limitation, a plan for augmentation, a change in the type, place, or time of use, a change in the point

of diversion, a change from a fixed point of diversion to alternate or supplemental points of diversion, a change from alternate or supplemental points of diversion to a fixed point of diversion, a change in the means of diversion, a change in the place of storage, a change from direct application to storage and subsequent application, a change from storage and subsequent application to direct application, a change from a fixed place of storage to alternate places of storage, a change from alternate places of storage, or any combination of such changes. “Transfer of water rights” includes transfer of conditional water rights as well as transfer of water rights.

N. “Lease” means any grant for permissive use which results in the creation of a landlord-tenant relationship on a contractual basis.

O. “Party” means an individual, a partnership, a corporation, a municipality, or any other legal entity, public or private.

P. “Historical use affidavit” means a document which sets forth the following information concerning the water rights proposed for dedication:

1. The name(s) and address(es) of the owner(s) of the water rights proposed for dedication;
2. A legal description of the land to be annexed or provided with municipal water service;
3. The total number of acres to be annexed, subdivided, replatted, or provided with municipal water service and the current use of the property;
4. The total number of acres presently being irrigated and/or intended to remain in irrigation;
5. A copy of all decrees concerning all water rights appurtenant to property and/or all water rights proposed for dedication;
6. A copy of any legal decree or judgment which affects the title of those water rights entered since the owner received title to the water rights appurtenant to the property and/or proposed for dedication;
7. A copy of the documents by which the owner received Title to the water rights appurtenant to the property and/or proposed for dedication;
8. A copy of all diversion records of the water rights proposed for dedication;
 - a. The owner’s statement as to the historic use of water rights appurtenant to the property and/or proposed for dedication.

Q. “Sufficient legal priority” means that the water rights proposed for dedication may be reasonably expected to provide a dependable water supply throughout the season of use in the amount for which they are decreed, and that such water rights are reasonably expected to be transferrable for use by the Town at its existing and proposed points of diversion. In making this determination, factors to be considered shall include, but not by way of limitation, the adjudication date and appropriation date of the water rights, the decreed use(s), the historic use of the water under the decree, the physical flow available, and the administration practices of the office of the State Engineer, and the location and amounts of other water rights which may be injured by any transfer; provided, however, that any water right proposed for dedication which has Brush Creek as its decreed source of supply shall not be deemed to have sufficient legal priority unless the water right was lawfully adjudicated prior to January 1, 1900.

12.26.030 Basic Dedication Requirement.

A. A dedication and transfer of direct flow and/or storage water rights to the Town shall be required:

1. Prior to the approval of the annexation of any land to the Town; or
2. prior to all extensions of municipally treated water service outside the Town limits as they existed on the effective date of this Chapter as originally codified; or
3. prior to the subdivision or replatting of any land now located within the Town, if such subdivision or replatting requires a change of zone district.

B. The dedication requirement shall be calculated in accordance with subsection (C) of this Section on forms provided by the Town Manager. Such forms shall be accompanied by a historical use affidavit. For those persons whose compliance with subsection (C) of this Section results in a total EQR of greater than thirty (30) EQR no historical use affidavit shall be required, but an engineering analysis, acceptable to the Town, of the historic use of the water rights proposed for dedication shall be required.

C. The basic dedication requirement for the irrigation season shall be 0.95 AF/year of historic consumptive use of a water right of sufficient legal priority for each domestic or residential EQR calculated under the table of EQRs in Section 12.16.060 for Town sewer water service. The basic dedication requirement for the irrigation season shall be 0.95 AF/year of historic consumptive use of a water right of sufficient legal priority for each domestic or residential EQR for “Evapo-Transpirative Sewered Service”. For purposes herein, “Evapo-Transpirative Sewered Service” means any system which processes or disposes of liquid or solid wastes through transference from the earth’s surface to the atmosphere or through transpiration by plants. The basic dedication requirement for the non-irrigation season for all uses shall be a fee to be paid to the Town at the time of conveyance of the water rights. The fee shall be determined by the Town Board, based on costs for acquisition, administration, and maintenance of the Town’s contract for water service from Green Mountain Reservoir. For raw water uses, commercial uses, or other uses not calculated under the table of EQRs, the basic requirement for the irrigation season shall be the quantity of water to be

required ultimately in the satisfaction of those use(s) as contemplated by the new user and taking into account the return flow patterns of such use to Brush Creek and to the Eagle River.

D. The basic requirement shall be satisfied by the person seeking approval of annexation, subdivision, replatting, or the extension of municipally treated water service, whether or not that person will be the ultimate user(s).

12.26.040 Dedication of Water Rights for Open Space. The owner of any property proposed to be annexed or subdivided who dedicates property to the Town pursuant to Section 4.13.160 to be used for open space, park, aesthetic, recreation, or irrigation purposes shall also comply with the provisions of this Chapter for the property to be dedicated.

12.26.050 Procedure.

A. In accordance with the basic requirements set forth in Section 12.26.030, the Town Manager shall determine, after consultation with a person or persons skilled in the knowledge of water rights, whether the water rights proposed for dedication pursuant to the provisions of this Chapter will be of sufficient legal priority under the laws of the State of Colorado to ensure the Town's ability to meet the service demands of the new user. This determination will be aided by a historic use affidavit or engineering report provided by the new user.

B. The Town shall have the right, in its sole discretion, to accept or reject any water rights proposed for dedication pursuant to the provisions of this Chapter which the Board has determined do not have sufficient legal priority. If the Board determines that the water rights proposed fail to satisfy the basic dedication requirement, the following alternatives, or combination thereof, may be used to otherwise satisfy the basic dedication requirement:

1. The person required to comply with the basic dedication requirement may pay to the Town a cash amount equal to the fair market value of the water rights necessary to satisfy the basic dedication requirement.

2. The Town Manager may, in his/her discretion, negotiate with the new user to establish other terms or conditions which shall constitute compliance with the basic dedication requirement of this Chapter.

C. The new user shall dedicate the water rights determined by the Town by filing with the Town Board an offer thereof. It is the intent of this Chapter that no water service shall be extended to a new user until the agreed to water rights have been dedicated to the Town; however, if there are matters pending resolution in the water court concerning the water rights to be dedicated, or if there is other delay beyond the control of the new user, the Town Manager shall have the discretion to approve the extension of such water service prior to the dedication of water rights to the Town.

D. Subject to negotiations with the Board, all costs and expenses attendant to the conveyance and transfer of water rights dedicated to the Town shall be borne by the new user. The

Town Manager may, with approval by the Board, determine for small uses to negotiate a one-time, up-front fee to be paid by the developer and used by the Town for the costs of conveyance and transfer. Otherwise, the Town Manager shall establish a deposit requirement to be held by the Town and maintained by the new user to pay for such costs.

E. Any decision of the Town Manager made hereunder shall be appealable at the next regularly scheduled meeting of the Board of Trustees, whose determination shall be final.

12.26.060 Agricultural and Open Space Property. If the owner of the property proposed to be annexed or subdivided desires to retain the land or any portion thereof in agricultural production or as open space prior to development, he may be permitted to lease back, on an annual basis, and for irrigation, aesthetic and recreational purposes only, the water rights transferred pursuant to this Chapter. The terms of the lease shall be negotiated with the Board.

12.26.070 Option to Purchase.

A. Time. Any person required to comply with the basic dedication requirement shall also grant to the Town the option to purchase any and all water rights which are appurtenant to the land to be annexed but which are in excess of the basic dedication requirement. Said option may be exercised by the Town at any time for a period of one (1) year following the date of the grant to the Town with regard to any or all of the water rights subject to the grant.

B. Price. The option price shall be that price agreed upon by the parties. If the parties do not agree upon an option price within thirty (30) days after notice of the Town's intent to exercise its option is received by the owner, appraisal at the Town's expense will establish the price that reflects the fair market value of the water right(s). The appraisal shall be conducted by one (1) appraiser appointed by the Town, one (1) appraiser appointed by the owner of the water rights, and a third (3rd) appraiser who shall be appointed by both parties. The average of the three (3) appraisals shall be the option price.

C. Right of First Refusal.

1. Grant of Right. In addition to the grant of the option to purchase by the new user(s), there shall be a grant to the Town by the user(s) of a right of first refusal regarding the water rights subject to said option to purchase. If the Town for any reason should choose not to exercise its option to purchase, it shall retain said right of first refusal, in the event the water rights are sold independently of the land, for a period of ten (10) years following annexation or final approval, or replatting, or extension of water service to a subdivision, whichever last occurs.

2. Notice Period. If the owner of the water rights subject to said right of first refusal wishes to sell the water rights to a third party, he shall give to the Town at least ninety (90) days' notice of his intention to effect a sale of said water rights by delivering to the Town a bona fide written offer to purchase made by a third party.

3. Exercise of Right. During the ninety (90) day notice period provided for above, the Town shall enjoy its right of first refusal entitling it to purchase the water rights subject to its right and proposed for sale. If within ninety (90) days following notice by the owner of his intention to sell his water rights, the Town chooses to exercise its right to purchase, then the Town shall pay to the owner the fair market price of the water rights prevailing at the time of the offer, which price shall be at least equal to the amount tendered to the owner in the bona fide offer by the third party. In the event that the Town determines not to exercise its right to purchase the water rights offered for sale, the owner shall be free to sell the water rights to the third party; provided, however, that any such sale to a third party shall be for a price which is at least equal to that price which was tendered to and refused by the Town.

Chapter 12.32

WASTEWATER COLLECTION SYSTEM-DEFINITIONS

Sections:

12.32.010	Generally.
12.32.020	Act or Clean Water Act.
12.32.030	Building Drain.
12.32.040	Collection System.
12.32.050	Connection Permit.
12.32.060	Discharge Permit.
12.32.070	Industrial Discharger or Discharger.
12.32.080	Industrial Waste.
12.32.090	Pollutant.
12.32.100	Pretreatment.
12.32.110	Runoff Waters.
12.32.120	Service Line.
12.32.130	Slug.
12.32.140	Superintendent.
12.32.150	Town.
12.32.160	Wastewater.

12.32.010 Generally. For the purposes of Chapters 12.38, contained in this Title, certain terms and words are defined and shall have the meanings ascribed to them in this Chapter unless otherwise more specifically defined or it is apparent from the context that a different meaning is intended. (Ord. 18-1997 §1 (part), 1997).

12.32.020 “Act or Clean Water Act” shall mean the Clean Water Act of 1977 (Pub.L. 95-217), 33 U.S.C. §1251 et seq., as the same is in effect on the date of the ordinance codified in this Chapter becomes effective or as may hereafter be amended. (Ord. 18-1997 §1 (part), 1997).

12.32.030 “Building Drain” means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the wastewater line, beginning five feet (5') outside the inner face of the building wall. (Ord. 18-1997 §1 (part), 1997).

12.32.040 “Collection System” means a system of wastewater mains that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions together with minor quantities of groundwater, storm water, and surface water that are not admitted intentionally. “Collection system” only includes those wastewater mains that have been accepted by the Town for public ownership, maintenance, repair and control and which are designated on official maps of the Town or previously by the Eagle Sanitation District. The wastewater mains of the

“collection system” are generally those lines receiving discharge from multiple service lines and which are located between publicly accepted manholes. (Ord. 18-1997 §1 (part), 1997).

12.32.050 “Connection Permit” means a permit to connect to the collection system of the Town issued in accordance with Section 12.36.040 of this Title. (Ord. 18-1997 §1 (part), 1997).

12.32.060 “Discharge permit” means a permit to discharge industrial waste into the collection system of the Town of Eagle, as authorized and permitted by Sections 12.36.090 through 12.36.110 of this Title. (Ord. 18-1997 §1 (part), 1997).

12.32.070 “Industrial Discharger or Discharger” means any nonresidential user who discharges an effluent into the collection system by means of pipes, conduits, pumping stations, force mains, constructed drainage ditches, surface water intercepting ditches, and all constructed devices and appliances appurtenant thereto, as described in Section 12.36.080 of this Title. (Ord. 18-1997 §1 (part), 1997).

12.32.080 “Industrial Waste” means solid, liquid or gaseous waste resulting from any industrial manufacturing trade or business process, or from the development, recovery or processing of natural resources. (Ord. 18-1997 §1 (part), 1997).

12.32.090 “Pollutant” means any substance discharge into the Town wastewater treatment facilities or its collection system, which is listed in the National Pretreatment Standards, 40 C.F.R. Part 4003, as the same is now in effect or may hereafter be amended. (Ord. 18-1997 §1 (part), 1997).

12.32.100 “Pretreatment” means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into the collection system of the Town. This reduction or alteration may be obtained by physical, chemical or biological processes, process changes or by other means, except as otherwise prohibited. Appropriate pretreatment technology includes control equipment such as equalization tanks or facilities for the protection against surges or slug loadings that might interfere with or otherwise be incompatible with the wastewater treatment facilities of the Town. (Ord. 18-1997 §1 (part), 1997).

12.32.110 “Runoff Waters” means any water from storm or surface runoff, including by way of example but not by limitation, ground waters, or storm and surface runoff from building foundations or roof drains, or any other collected or uncollected water from natural sources. (Ord. 18-1997 §1 (part), 1997).

12.32.120 “Service Line” means the extension from the building drain to the public collection system or other place of disposal, also called “house connection”, whether on private property, a public right-of-way or easement, including the saddle or connecting device to the wastewater main. (Ord. 18-1997 §1 (part), 1997).

12.32.130 “Slug” means any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration of flows from such user during normal operation and which adversely affect the Town’s collection system or performance of its wastewater facilities. (Ord. 18-1997 §1 (part), 1997).

12.32.140 “Superintendent” means the official designated by the Town Manager to be superintendent of wastewater facilities of the Town, or his authorized deputy, agent or representative. (Ord. 18-1997 §1 (part), 1997).

12.32.150 “Town”, where the context so requires or permits, shall mean the Town of Eagle, Colorado, Wastewater Enterprise, the wastewater activity enterprise owned by the Town, which business is responsible for the operation and maintenance of the Town wastewater collection and treatment system and which business receives under ten percent (10%) of its annual revenues in grants from all state and local governments combined and which is authorized to issue its own revenue bonds. The term “Board of Trustees”, where the context so requires or permits, shall mean the governing body of the Town of Eagle, Colorado, Wastewater Enterprise. (Ord. 18-1997 §1 (part), 1997).

12.32.160 “Wastewater” means water carried industrial waste, human waste, or any other waste, including that which may be combined with any ground water, surface water, or storm water that may be discharged into the wastewater treatment facilities of the Town, also means sewage. (Ord. 18-1997 §1 (part), 1997).

Chapter 12.34

WASTEWATER COLLECTION SYSTEM-GENERALLY

Sections:

- 12.34.010 Wastewater Collection and Treatment System Established.
- 12.34.020 Extra-Territorial Wastewater Collection Service.
- 12.34.030 Wastewater Collection Main Extensions.
- 12.34.040 Operation and Control.
- 12.34.050 Regulations.
- 12.34.060 Violations and Penalties.

12.34.010 Wastewater Collection and Treatment System Established. Effective January 1, 1995, the Town of Eagle wastewater collection and treatment system was created and established for the express purpose of carrying and disposing of human waste and, under certain specified conditions, industrial waste of a liquid nature and other waste, pursuant to Sections 31-35-401, et. seq., C.R.S., as amended. (Ord. 18-1997 §2 (part), 1997).

12.34.020 Extra-Territorial Wastewater Collection Service. The Town shall not extend wastewater collection service to any property lying outside the corporate limits of the Town or the boundaries of the now dissolved Eagle Sanitation District except as set forth in this Section.

A. Except as provided in subsection (C) of this Section, no property lying outside the corporate limits of the Town or the boundaries of the now dissolved Eagle Sanitation District that is eligible for annexation to the Town shall be provided wastewater collection service until such property is annexed to the Town. An owner of property not subdivided and approved for residential and/or commercial development as of November 3, 2001, requesting wastewater collection service shall petition for annexation of the property to the Town prior to obtaining such subdivision or development approval. Such property shall be annexed to the Town prior to any further subdivision or development approval, and prior to receiving wastewater collection service. Provided, however, nothing contained herein shall require the Town to annex any eligible property. (Amended Ord. 33-2005 §5 (part), 2005).

B. Except as provided in subsection (C) of this Section, no property lying outside the corporate limits of the Town or the boundaries of the now dissolved Eagle Sanitation District not currently eligible for annexation to the Town shall be provided wastewater collection service unless (1) lack of municipal wastewater collection service creates a demonstrable hardship upon the owner of the property; (2) the property is capable of being annexed within a reasonable time as determined by the Board of Trustees; (3) the owner, for itself, its successors and assigns, executes a binding agreement with the Town to annex the property to the Town at such time as it becomes eligible for annexation; and (4) development and future annexation of said property is in accordance with the Town's 3 mile annexation plan, and all other applicable Town plans. (Amended Ord. 33-2005 §6

(part), 2005).

C. Notwithstanding the requirements contained in subsections (A) and (B) above, wastewater collection service may be provided to property lying outside the corporate limits of the Town when said property is owned by the United States, the State of Colorado, or the County of Eagle, and the Board of Trustees finds and determines that it is in the best interest of the Town to provide requested extraterritorial wastewater collection service to such property. Such wastewater collection service shall be provided upon any terms and conditions deemed appropriate or necessary by the Board of Trustees and any such terms or conditions shall be incorporated into an extraterritorial wastewater services agreement entered into by the Town and the governmental entity requesting service. Following the extension of wastewater collection service to the property, if the governmental entity conveys the property to private person(s) or a private entity, the Town shall cease to provide wastewater collection service to the property unless subsection (A) or subsection (B) is complied with. (Amended Ord. 33-2005 §7 (part), 2005).

D. All provisions of this Title 12 shall apply to those areas served outside the corporate limits of the Town, except those areas covered by a contract existing as of the effective date of this Section which expressly establishes other rules for the area served under the contract. (Amended Ord. 33-2005 §8 (part), 2005).

E. Nothing contained in this Section shall obligate the Town to provide wastewater collection service to any property lying outside the corporate limits of the Town or the boundaries of the now dissolved Eagle Sanitation District when the Board of Trustees determines that it is not in the best interests of the Town to provide the requested extraterritorial wastewater service. The Town may impose such contract and performance guarantee requirements as it deems necessary to safeguard the best interests of the Town. (Amended Ord. 33-2005 §8 (part), 2005).

F. Any person desiring to connect a service line which is located outside the corporate limits of the Town to the Town's wastewater collection system shall make application to the Town Clerk or Public Works Director for wastewater collection service. The application for service shall be supplemented by any plans, specifications or other information deemed necessary by the Town Manager to determine compliance with all ordinances, goals, policies, plans, regulations or rules concerning the wastewater collection system. The Town Manager shall review and approve or disapprove the application as complying or failing to comply with all such ordinances, goals, policies, plans, regulations or rules concerning the Town's wastewater collection system. Upon consent by the Board of Trustees to provide extraterritorial wastewater collection service pursuant to contract, including an agreement to annex the served property when eligible, plant investment fees and connection fees shall be assessed. Notwithstanding the payment of any fees pursuant to the provisions of this Title, connections to the Town's wastewater collection system for service outside the Town shall at all times be subject to availability. (Amended Ord. 33-2005 §8 (part), 2005). (Ord. 18-1997 §2 (part), 1997; Amended Ord. 19 §3 (part), 2001).

12.34.030 Wastewater Collection Main Extensions. All construction, extension or enlargement of collection mains necessary to collect wastewater from existing undeveloped areas,

new subdivisions, additions, or annexed territory shall be extended by the owner or developer of the property to be served by such collection mains from the existing collection main to the point or points of the property line farthest from the existing collection main. Application for said extension shall be made in writing and shall require the written consent of the Town Board of Trustees. Such application shall include a map or plat of existing and proposed rights-of-way and easements and a map of the proposed extension or enlargement of the collection system prepared by a licensed land surveyor or civil engineer. All such extensions and enlargements of the collection system shall be constructed by the prospective developer or owner in accordance with Town specifications contained in Chapter 12.32 through Chapter 12.38 of this Title or regulations issued pursuant to such Chapters. The applicant shall bear the sole cost and expense of such extensions and enlargements of the wastewater collection system unless otherwise approved in writing by the Town Board. (Ord. 18-1997 §2 (part), 1997).

12.34.040 Operation and Control. The operation and management of the wastewater collection and treatment system shall be under the control of the superintendent, who shall direct the maintenance and operations thereof. In all cases not particularly provided for by this Title or other provisions of law, the superintendent shall determine in what manner and upon what terms wastewater collection service may be provided to any property owner or collection system user and the character of the connections which may be made or used. (Ord. 18-1997 §2 (part), 1997).

12.34.050 Regulations. The Town Manager may, from time to time, propose technical rules, regulations and specifications not inconsistent with Chapter 12.32 through Chapter 12.38 contained in this Title governing the operation and use of the Town of Eagle’s wastewater collection system. Such proposed regulations shall be presented to the Town Board of Trustees and approved by resolution. Once approved, such regulations, rules and specifications shall have the same force and effect as any ordinance of the Town. (Ord. 18-1997 §2 (part), 1997).

12.34.060 Violations and Penalties.

A. In the event any provision of Chapter 12.32 through Chapter 12.38 contained in this Title governing the operation and use of the Town of Eagle’s wastewater collection system is violated by a user, the Town may suspend wastewater collection system service to the violator, as determined by the superintendent. Any person notified of the suspension of wastewater collection system service shall, within a reasonable period of time as determined by the superintendent cease using the wastewater collection system. In the event of failure of the violator to comply voluntarily with the suspension order within the specified time, the superintendent shall, upon notice, immediately terminate water service to the user and may commence judicial proceedings to compel compliance with such order.

B. Any person, firm, or corporation who violates any of the provisions of Chapter 12.32 through 12.38 contained in this Title governing the operation and use of the wastewater collection system, or rules, regulations and specifications adopted thereunder, commits a Class A municipal offense. Each day during which such offense occurs shall be deemed a separate and distinct offense. Any such violation shall be deemed one of “strict liability.” (Ord. 18-1997,§2 (part) 1997; Amended Ord. 10-2001 §146, 2001).

Chapter 12.36

WASTEWATER COLLECTION SYSTEM - REGULATIONS CONCERNING
CONNECTIONS, DISCHARGES ENFORCEMENT AND INSPECTIONS

Sections:

- 12.36.010 Privies and Septic Tanks Prohibited.
- 12.36.020 Connection to Collection System Required.
- 12.36.030 Plant Investment and Connection Fees Required.
- 12.36.040 Application for Connection to Wastewater Collection System.
- 12.36.050 Plant Investment and Connection Fee.
- 12.36.060 Wastewater Connections.
- 12.36.070 Conformance with Rules, Regulations and Specification Standards.
- 12.36.080 Discharge of Certain Materials.
- 12.36.090 Industrial Discharges - Permit Required.
- 12.36.100 Discharge Permit - Structures Required.
- 12.36.110 Discharge Permit - Conditions and Reports.
- 12.36.120 Inspection and Sampling.
- 12.36.130 Confidentiality of Information.
- 12.36.140 Enforcement - Dischargers.
- 12.36.150 List of Enforcement Actions - Discharges.
- 12.36.160 Recovery of Costs.
- 12.36.170 Entry onto Private Property.
- 12.36.180 Abandonment of Wastewater Service Line.
- 12.36.190 Interference Prohibited.
- 12.36.200 Town Responsibility/Property Owner Responsibility.
- 12.36.210 Malicious or Negligent Damage.
- 12.36.220 Unpaid Sewer Charges - Lien - Collection.

12.36.010 Privies and Septic Tanks Prohibited. Except as otherwise expressly provided, no person shall maintain within the Town any privy, privy vault, septic tank, cesspool or other facility intended for use for the disposal of wastewater. (Ord. 18-1997 §4 (part), 1997).

12.36.020 Connection to Collection System Required.

A. The Town Board of Trustees deems it necessary for the protection of the public health that the owners of all residential dwellings, buildings, or properties used for human occupancy, employment, recreation, nonresidential or other purposes, situated within the Town, install at the owner's expense suitable toilet facilities therein, and connect such facilities directly with the collection system in accordance with the provisions of this Chapter. Such connection with the collection system shall be made prior to issuance of a temporary certificate of occupancy, certificate of occupancy, or within thirty (30) days after date of written notice given by certified or registered mail to such owners notifying them to connect their premises with the collection system.

B. The Board of Trustees may grant an exception, on a case by case basis, and at their sole discretion, to not require a connection to the system when considering the following factors. For purposes of considering distances in this section, the measurement shall be from the dwellings or buildings to a designated point on the collection system and on an alignment of the service line approved by the Town Engineer.

1. Where a collection system main does not run within four hundred feet (400') of a property boundary line, or

2. Where a collection system does not run within five hundred feet (500') of the perimeter of a residential dwelling unit or non-residential structure within the Town or in any area under the jurisdiction of the Town, or

3. When the Town Engineer makes a recommendation that connecting to the system would present undue hardship due to grade; and/or difficulty in stream, road or railroad crossings, and

4. The private wastewater service line serving such property or in such residential dwelling unit, as applicable, is required be connected to a private Individual Sanitary Disposal System complying with the provisions and recommendations of the Colorado Department of Public Health and Environment, as administered by the Eagle County Department of Environmental Health.

C. At such time as a public wastewater collection main runs within four hundred feet (400') of the property line of any property served by a private wastewater disposal system or within five hundred feet (500') of the perimeter of a residential dwelling unit or non-residential structure served by a private wastewater disposal system, a direct connection shall be made to the collection system in accordance with the provisions of this Chapter, unless otherwise determined by the Town Engineer in accordance with subsection (B)(3) above, and any septic tank, cesspool or similar wastewater disposal facilities shall be abandoned and filled with suitable material, all at the owner's expense. (Ord. 5-2009 §1, 2009)

12.36.030 Plant Investment and Connection Fees Required. No service installation, wastewater tap or other connection with the wastewater mains and lines of the Town of Eagle wastewater collection system shall be made without approval of the superintendent and until all applicable plant investment and connection fees have been paid and a permit has been issued. It is unlawful for any person to make any connection to the wastewater collection system contrary to the provisions of this Title or any other ordinance or regulation of the Town. (Ord. 18-1997 §4 (part), 1997).

12.36.040 Application for Connection to Wastewater Collection System.

A. Application for wastewater collection service shall be made in writing to the Town Clerk and to the superintendent, on such forms as the Town Manager may prescribe. Application

must be made by the owner of the property to be served or his duly authorized representative, designating the property, stating the purpose for which the wastewater collection service may be required, and stating the number of EQR Units associated with such purpose.

B. No wastewater collection system connection permit shall be issued nor any connection commitment approved except as provided in this Chapter, unless the plant investment and connection fee is paid, or the connection permit is issued and paid for pursuant to a phasing agreement, or other agreement with the Town to the contrary, unless said fee is waived or reduced pursuant to the provisions contained in Chapter 5.12 of the Eagle Municipal Code. (Ord. 36-2006 §4, 2006)

C. At the time of application for any Town building permit, construction, or for any use which will use the Town's wastewater collection system, the owner or authorized representative shall make application for wastewater collection service. Plant investment and connection fees shall be assessed at the rate applicable under this Chapter and shall be due and payable at the same time the building permit is issued.

D. In the event an application is made for a building permit issued by another entity, the owner or authorized representative of the property for which wastewater collection service is sought, shall make application to the Town for wastewater collection service to the property for which the building permit is sought. Plant investment and connection fees shall be assessed at the rate applicable under this Chapter and shall be due and payable at the same time the building permit is issued.

E. Wastewater collection service shall be provided on a first come, first served basis with other wastewater collection service customers. No property owner shall receive any preference for or the assurance of the availability of wastewater collection service from the Town until payment of the plant investment and connection fee. Prepayment of plant investment and connection fees shall not be permitted.

F. Any commitment by the Town to extend wastewater collection service shall not be transferred to any property other than that for which the commitment was made. (Ord. 18-1997 §4 (part), 1997).

12.36.050 Plant Investment and Connection Fee. No wastewater collection service shall be furnished to a consumer unless the plant investment and connection fee and other applicable expenses have been paid to the Town. Each applicant shall be required to submit plant investment and connection fees in the amount of ten thousand dollars (\$10,000.00) per EQR, as calculated in accordance with the Table of Equivalent Units contained in Section 12.016.060 of this Title. Provided, however, any additional service or change in use that nets additional EQR usage from the present EQR usage or previously paid EQR for non-residential buildings and properties or for the expansion of non-residential buildings (size of expansion not to exceed 1,000 square feet) shall be entitled to receive a discount of fifty percent (50%) for such supplemental plant investment fee. Such discount shall expire on December 31, 2016, unless said period is extended by the Board of Trustees. Such discount shall not apply to the initial plant investment fee for a new wastewater tap.

(Ord. 13 §1, 2006; Amended Ord. 26 §2, 2007; Amended Ord. 25 §3, 2007; Amended Ord. 24 §2, 2008; Amended Ord. 12 §2, 2013; Amended Ord. 29-2015 §2 – 10/13/2015)

12.36.060 Wastewater Connections. Any user of the wastewater collection system, either inside or outside of the Town must install and maintain its service line to the collection system. All connections made directly to the wastewater main shall be performed by employees of the Town. Connections made to pre-tapped service lines at the property line may be made by the property owner subject to inspection by the superintendent.

A. A separate and independent service line shall be provided for every lot or parcel of property. Where more than one (1) building exists on one (1) lot or when multifamily development is planned, a plan showing the service line system must be presented to the Town for approval by the superintendent.

B. Building service lines for existing buildings may be used in connection with additions and renovations only when they are found, upon examination and testing by the superintendent, to meet all requirements of the ordinances and any wastewater collection system installation regulations of the Town.

C. Whenever possible, the building wastewater service line shall be brought from the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public wastewater collection system an accepted means of lifting and discharging the wastewater into the public collection system shall be required.

D. No person shall make connection of roof downspouts, foundation or floor drains, areaway drains, or other sources of surface runoff or groundwater to a building drain or service line which in turn is connected directly or indirectly to the collection system.

E. All connections of the service lines into the collection system shall be made watertight and verified by proper testing. Any deviation from the procedures and materials prescribed in this Chapter and any wastewater collection system installation specifications of the Town must be approved by the superintendent before installation. The applicant for a connection permit shall notify the superintendent when the service line is ready for inspection and connection to the collection system. The connection and testing shall be made under the supervision of that official or his representative.

F. All excavations for service line installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored by the owner, at the owner's expense and in a manner satisfactory to the Town. If connection of the service line to the collection system requires construction in the public right-of-way, the superintendent may require an application for construction within the right-of-way permit be submitted and approved.

G. All costs and expenses incidental to the installation and connection of the service line

shall be borne by the owner of the property to be served regardless of whether the installation is within the public right-of-way.

H. All costs and expenses incurred by the Town incidental to the installation and connection of a wastewater service line to the collection system from the premises of a customer, shall be borne by the owner of the premises. Such costs and expenses shall include, by way of example and not limitation, costs for all labor and inspections by the Town, based upon hourly rates set by the Town Manager or his designee; the cost of any materials and machinery required to be installed, and the costs of all services provided by the Town. (Ord. 18-1997 §4 (part), 1997).

12.36.070 Conformance with Rules, Regulations and Specification Standards. The size, slope, alignment, materials of construction of the collection system and service lines, the methods to be used in excavating, placing of the pipe, jointing, testing, backfilling the trench, and connection of the building drain and service line into the collection system, shall all conform to the requirements of all applicable Town ordinances, regulations and specifications which may be adopted by the Town Manager. Such regulations shall be presented to the Town Board of Trustees and approved by resolution. When so approved, they shall have the same force and effect as any ordinance of the Town. (Ord. 18-1997 §4 (part), 1997).

12.36.080 Discharge of Certain Materials. In order to prevent the discharge into the collection system of the Town, of any waters which may interfere with the operation of the wastewater treatment facilities, or cause injury, damage or pollution;

A. No person shall discharge or cause to be discharged any of the following described water or wastes into the wastewater treatment facilities of the Town:

1. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas;
2. Any waters containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any treatment process, constitute a hazard to humans or animals, create a public nuisance or create any hazard in the receiving waters of the wastewater treatment plant;
3. Any waters or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment or personnel of the wastewater works;
4. Solid or viscous substances in quantities or of size capable of causing obstruction to the flow in the collection system, or other interference with the proper operation of the wastewater facilities such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, underground garbage, whole blood, cattle manure, hair and fleshings, entrails or, either whole or ground by garbage grinders, paper dishes, cups or milk containers;

5. Any toxic substance, as the same is defined in the Rules and Regulations of the Environmental Protection Agency embodied in 40 CFR §403;

6. Any substance which would cause the wastewater treatment plant of the Town to violate any permit issued by the State of Colorado, the federal government, or any other applicable agency.

B. The following described substances, materials, waters or waste shall not be discharged into the Town's wastewater collection system in concentrations or quantities which will harm the collection system or wastewater treatment facilities, process or equipment, or employees; have an adverse effect on the receiving water course; or otherwise endanger lives, limb, public property, or constitute a nuisance:

1. Any wastewater having a temperature which will inhibit biological activity in the wastewater treatment facilities plant resulting in interference; but in no case, wastewater with a temperature at its introduction into the collection system higher than one hundred fifty degrees (150°) Fahrenheit or sixty-five degrees Celsius (65°).

2. Wastewater containing more than twenty-five (25) milligrams per liter of petroleum, oil, nonbiodegradable cutting oils, or product of mineral oil origin;

3. Wastewater from industrial plants containing floatable oils, fat or grease;

4. Any garbage that has not been properly shredded. Garbage grinders may be connected to service lines of residential dwellings, hotels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers;

5. Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances to such degree that any such material received in the composite wastewater at the wastewater treatment facility exceeds the limits established for such materials by the appropriate official of the Town;

6. Any waters or wastes containing odor-producing substances exceeding limits which may be established by the Town;

7. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Town in compliance with applicable State or federal regulations;

8. Quantities of flow, concentrations, or both which constitute a "slug" as defined in Chapter 12.32.

9. Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed by the Town, or amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge of the receiving waters from the Town's treatment facilities;

10. Any water or wastes which, by interaction with other water or wastes in the wastewater collection system, release obnoxious gases, form suspended solids which interfere with the collection system, or create any condition deleterious to the structures or processes of the Town's treatment facilities, or would cause such facilities to violate the terms and conditions of any applicable permit:

11. Any pollutant, as defined in Chapter 12.32.

12. Any water or wastes which are defined in 40 CER, §403, as requiring pretreatment, or as toxic.

C. If any waters or wastes are discharged, or are proposed to be discharged to the collection system, which waters contain the substances or possess the characteristics enumerated in subsections (A) and (B) of this Section, the superintendent shall have those remedies as are set forth in Section 12.36.140 of this Chapter.

D. In the case of an industrial or non-industrial discharger, grease, oil, and sand interceptors shall be provided by the owner of the property at his expense when, in the opinion of the superintendent or building official, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, or any flammable wastes, sand, petroleum products, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity required by the Uniform Plumbing Code and approved by the superintendent or building official and shall be located so as to be readily and easily accessible for cleaning and inspection. In maintaining these interceptors the owner shall be responsible for the proper removal and disposal by appropriate means of the captured materials, and shall maintain records of the dates and means of disposal, which records are subject to review by the superintendent. Any removal and hauling of the collected materials not performed by the owner must be performed by currently licensed waste disposal firms. (Ord. 18-1997 §4 (part), 1997).

12.36.090 Industrial Discharges - Permit Required.

A. All industrial dischargers who propose to connect to, or to discharge wastewater, industrial wastes and other wastes to the Town wastewater treatment facilities shall obtain a discharge permit. All existing industrial dischargers connected to or discharging to the wastewater treatment facilities of the Town shall obtain a discharge permit within sixty (60) days after the effective date of the Ordinance codified in this Chapter.

B. A permit application shall be filed with the superintendent, in a form prescribed by

him, which shall contain the following information:

1. The name, address and location of the discharger;
2. The standard industrial classification (S.I.C.) number of the business according to the standard industrial classification manual;
3. Disclosure of wastewater constituents and characteristics, including, but not limited to, those mentioned in this Chapter, including the regulations of the United States Environmental Protection Agency as incorporated herein, as determined by appropriate chemical or biological analyses. Sampling and analysis shall be performed in accordance with the procedures established by the United States Environmental Protection Agency, and contained in 40 CFR, Part 136, as amended;
4. Disclosure of the time and duration of discharge;
5. Disclosure of average daily and instantaneous peak wastewater flow rates, and gallons per day, including daily, monthly and seasonal variations, if any. All flows shall be measured, unless other verifiable techniques are approved by the superintendent due to cost or other reasons;
6. Disclosure of site plans, floor plans, mechanical and pumping plans, and details to show all drains, service line connections, inspection manholes, sampling chambers and appurtenances by size, location and elevations;
7. A description of activities, facilities and plant processes on premises, including all materials which are or may be discharged to the collection system of the Town; disclosure of the nature and concentration of any pollutants or materials prohibited by this Chapter in the discharge, together with a statement regarding whether or not compliance is being achieved with this Chapter on a consistent basis, and if not, whether additional operation and maintenance activities or additional pretreatment would be required in order for the discharger to comply with this Chapter;
8. Where additional pretreatment and/or operation or maintenance activities will be required to comply with this Chapter, the discharger shall provide a declaration of the shortest schedule by which it will provide such additional pretreatment and/or implementation of additional operation and maintenance activities;
9. Disclosure of each product produced by type, amount, process or processes and rate of production; disclosure of the type and amount of raw materials utilized (average and maximum per day);
10. All permit applications shall be signed by the discharger, or its authorized agent, under oath and subject to the penalties of perjury, and shall be approved by an

engineer licensed to practice in the State of Colorado. (Ord. 18-1997 §4 (part), 1997).

12.36.100 Discharge Permit-Structures Required. The owner of any property which requires a discharge permit shall install a suitable structure, together with such necessary meters and other appurtenances in the building drain or service line to facilitate observation, sampling and measurement of the wastes. Such structures shall be constructed in accordance with plans approved by the superintendent. The structure shall be installed and maintained by the owner at his expense so as to be safe and accessible at all times. (Ord. 18-1997 §4 (part), 1997).

12.36.110 Discharge Permit-Conditions and Reports. Within ninety (90) days after the effective date of this Chapter, and then each June and December thereafter, all dischargers subject to this Chapter, shall file a written report with the superintendent. This report shall contain at least the following information:

- A. The nature and concentration of prohibited or regulated substances in the effluent;
- B. A record of all measured or estimated average and maximum daily flows during the reporting period;
- C. Whether or not the applicable pretreatment standards or requirements are being met on a consistent basis, and if not, what additional pretreatment may be necessary in order to bring the discharger into compliance with the applicable standards;
- D. The results of all sampling and analysis of the discharge, including the flow and nature of the concentration or production en masse where required by the superintendent. All analyses shall be performed in accordance with 40 CFR, Part 136.

All such periodic reports shall be signed by a responsible official of the discharger, under oath, and subject to the penalties of perjury, and if required by the superintendent, shall be signed by an engineer licensed to practice in the State of Colorado. (Ord. 18-1997 §4 (part), 1997).

12.36.120 Inspection and Sampling. The superintendent may inspect the monitoring facilities of any discharger to determine compliance with the requirements of this Chapter. The discharger shall allow the superintendent or his representative to enter upon the premises of the discharger at all hours, for the purpose of inspection, sampling or records examination. The superintendent shall have the right to set up on the discharger's property such devices as may be found necessary to conduct sampling, inspection, compliance monitoring or metering operations. (Ord. 18-1997 §4 (part), 1997).

12.36.130 Confidentiality of Information. Information and data furnished to the superintendent with respect to the nature and frequency of discharges shall be available to the public or other governmental agency without restriction, unless the discharger specifically requests and is able to demonstrate to the satisfaction of the superintendent that the release of this information

would divulge information, processes or methods of production entitled to protection as trade secrets or proprietary information.

When requested by a discharger furnishing a report, the portions of the report which may disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available upon written request to governmental agencies for uses related to this Title, or the permits which the Town holds. (Ord. 18-1997 §4 (part), 1997).

12.36.140 Enforcement-Dischargers. In the event of the discharge of any waters or waste which are prohibited by this Chapter, the superintendent may:

A. Suspend the wastewater collection service, and the discharge permit of either a discharger or a user when the actual or threatened discharge presents or may present an imminent or substantial danger to the health, safety or welfare of persons, substantial danger to the environment, interference with the operation of the wastewater treatment facilities, violate any pretreatment limits imposed by this Chapter, or any discharge permit issued pursuant to this Chapter. Any discharger notified of the suspension of wastewater collection service or the discharge permit shall, within a reasonable period of time as determined by the superintendent, cease all discharges. In the event of failure of the discharger to comply voluntarily with the suspension order within the specified time, the superintendent shall immediately terminate water service to the facility and may commence judicial proceedings to compel compliance with such order;

B. The superintendent may further revoke the permit of any discharger who fails to:

1. Factually report the wastewater constituents and characteristics of its discharge;
2. Report significant changes in wastewater constituents and characteristics;
3. Refuses reasonable access to the discharger's premises by representatives of the Town for the purpose of inspection or monitoring; or
4. Violates the conditions of its permit, or this Chapter, or any final judicial order entered with respect thereto.

C. Following the entry of any order by the superintendent with respect to the conduct of any discharger contrary to the provisions of this Chapter, the Town Attorney may, following the authorization of such action by the Board of Trustees, commence an action for appropriate legal and/or equitable relief in the District Court of Eagle County. (Ord. 18-1997 §4 (part), 1997).

12.36.150 List of Enforcement Actions-Dischargers. A list of all significant dischargers who were the subject of enforcement proceedings pursuant to this Chapter during the previous twelve (12) months shall be published annually by the Town in the legal publication of the Town.

This list shall summarize the enforcement actions taken against the dischargers during the period. (Ord. 18-1997 §4 (part), 1997).

12.36.160 Recovery of Costs. Any discharger violating any of the provisions of this Chapter, or who discharges or causes a discharge producing a deposit or obstruction, or causes damage to or impairs the Town's wastewater disposal system shall be liable to the Town for any expense, loss or damage caused by such violation or discharge. The Town shall bill the discharger for the costs incurred by the Town in any cleaning or repair or replacement work caused by the violation or discharge. Refusal to pay the assessed cost shall constitute a violation of this Chapter, enforceable as provided in Section 12.38.030. (Ord. 18-1997 §4 (part), 1997).

12.36.170 Entry Onto Private Property.

A. Whenever necessary for the purposes of inspection, observation, measurement, sampling, and testing pertinent to wastewater discharges into the Town's collection system in accordance with the provisions of this Chapter, or whenever there is reasonable cause to believe that a violation of Chapter 12.32 through Chapter 12.38 contained in this Title concerning the Town's wastewater collection system exists in any building or upon any real property subject to said provisions, the superintendent or other duly authorized employees of the Town may, upon presentation of proper credentials if requested, enter such building or real property at all reasonable times to inspect the same or to perform any duty imposed upon them by the Eagle Municipal Code; provided, that if such building or real property is unoccupied, the authorized official shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or real property and request entry. If entry is refused, or the owner cannot be located, the superintendent, or his authorized designee, is expressly authorized to obtain a search warrant from the Eagle Municipal Court pursuant to Rule 241(b)(2) of the Colorado Municipal Court Rules of Procedure in order to gain entry. When entering private property, Town employees shall observe all safety rules applicable to the premises established by the owner or contractor for its own employees.

B. The superintendent and other duly authorized employees of the Town shall be permitted to enter all private properties through which the Town holds an easement dedicated for public or utility purposes for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, maintenance, or replacement of any portion of the Town's collection system lying within said easement. All entry and subsequent work, if any, within such easement, shall be done in full accordance with the terms of the easement. (Ord. 18-1997 §4 (part), 1997).

12.36.180 Abandonment of Wastewater Service Line. A previously used or purchased wastewater connection permit or wastewater service line serving a premises shall be deemed abandoned at such time as the water service to the property has not been used for twenty-four (24) consecutive months. When a wastewater service line is deemed abandoned, the Town may require that the owner of the premises at its expense effectively seal the connection, in a manner directed by the superintendent or his designee. When a wastewater connection permit or wastewater service line is deemed abandoned, the Town shall have no further obligation to provide wastewater collection service to the premises, except upon re-application for a connection permit and payment of all

applicable fees (including system improvement fees) and installation costs. (Ord. 18-1997 §4 (part), 1997).

12.36.190 Interference Prohibited. No person shall in any way interfere with the employees of the Town in the discharge of their duties in the tapping of any wastewater collection pipe, main, or lateral. No person shall dig up or cause to be dug up any public street, public alley or right-of-way in the Town, without first obtaining a permit for construction within any portion of such street, alley or public right-of-way for:

- A. Connecting a service line with the collection system of the Town; or
 - B. Repairing, maintaining or replacing any service line which shall fail.
- (Ord. 18-1997 §4 (part), 1997).

12.36.200 Town Responsibility/Property Owner Responsibility.

A. The Town shall be responsible only for the repair and maintenance of the public wastewater collection system. The responsibility for and the expense and cost of maintaining, repairing and replacing any service lines from the point where such lateral taps the wastewater main (including the saddle or connecting device) to the boundary of the user's property, and the service line within the user's property, shall be borne and paid for by the property owner(s) served by such lateral. In such instances that a service lateral is in disrepair and raw wastewater is leaking above or below ground or such disrepair presents a danger to the public or environment, the superintendent may order corrective action satisfactory to the Town. If corrective action is not made within seven (7) days following written notice by the superintendent that such action needs to occur, the Town shall have the right to terminate water service to buildings contributing to the leakage. Additionally, the Town shall have the right to correct the repair, which cost for labor, materials and machinery shall be paid immediately upon request by the effected property owner(s). If no payment is made within thirty (30) days, said costs shall constitute a lien on the property in accordance with Section 12.38.030 of this Title.

B. In instances where a service lateral needs repair and multiple users are using said line, the responsibility and cost of repair of the service lateral shall be equally borne by all users upstream of the damaged section of service line.

C. Except as otherwise required by law, the Town shall not be responsible to any person, firm or corporation for any damage caused by blockage of either a wastewater main or wastewater lateral. The fact that a blockage has occurred shall not create a presumption of negligence on the part of the Town or Town employees. Notwithstanding the foregoing, the Town Manager may, without acknowledging responsibility or liability, and in cases where the cleanup is estimated to be less than two thousand dollars (\$2,000), authorize the cleanup of any wastewater backup which, in his opinion, may have been created by blockage of the wastewater main. This provision is intended to alleviate the problems caused by wastewater backup in cases where it is difficult to determine the responsibility therefor. In no case shall the agreement by the Town to provide this service constitute an admission of liability of any kind.

(Ord. 18-1997 §4 (part), 1997).

12.36.210 Malicious or Negligent Damage. No person shall maliciously, willfully or negligently break, damage or destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the Town's public wastewater collection and treatment system. (Ord. 18-1997 §4 (part), 1997).

12.36.220 Unpaid Sewer Charges - Lien - Collection. A. All rates, fees, charges and assessments provided under Chapter 12.32 through Chapter 12.38 contained in this Title concerning the Town's wastewater collection system, from the time the same shall be due and payable, shall become and remain a lien on the premises served until said rates, fees, charges and assessments have been paid to the Town. This lien on the premises may be foreclosed by an action at law or in equity in the name of the Town in any court having jurisdiction thereof. If the Town must resort to court action for collection of said amounts due, the Town shall also be entitled to its reasonable attorney's fees and other expenses incurred in such action if the Town prevails.

B. In the event said rates, fees, or charges, and assessments are not paid when due, the Town Treasurer may certify the amount of the same to the Eagle County Treasurer, to be placed on the tax list for the current year, and collected in the same manner as other taxes are collected, with ten percent (10%) added thereto to defray the cost of collection, pursuant to Section 31-20-105, C.R.S. All laws of this State for the assessment of general taxes, including the sale of the property for taxes and redemption of the same, shall apply.

C. Alternatively, or in conjunction with the actions provided in subsections (B) and (C) above, the Town may terminate water service to the premises until all unpaid rates, fees, charges and assessments made in connection with the Town's wastewater collection system are paid in full.

(Ord. 18-1997 §4 (part), 1997).

Chapter 12.38

WASTEWATER COLLECTION SERVICE - USE AND CHARGES

Sections:

- 12.38.010 Wastewater Collection Service Bills - Payment - Penalty.
- 12.38.020 Wastewater Collection Service Account in Name of Owner.
- 12.38.030 Unpaid Wastewater Collection Service Charges - Lien - Collection.
- 12.38.040 Regulations Part of Contract.
- 12.38.050 Grievance Procedures.
- 12.38.060 Schedule of Wastewater Collection Service Rates.

12.38.010 Wastewater Collection Service Bills - Payment - Penalty.

A. All wastewater collection service use charges shall be billed monthly. Said charges shall be due and payable ten (10) days following the date of mailing of the statement by the Town, unless a different date is shown on said statement. The Town may combine the billing of wastewater collection service fees with the billing of water service fees and refuse collection fees. Payment for wastewater collection service shall be for use during the preceding billing period. All other payments due under this Chapter shall be paid ten (10) days following a statement is issued by the Town. If a payment is received by the Town in response to a combined billing statement as set forth above, such payment shall first be credited towards all outstanding wastewater collection service charges, then to all outstanding refuse collection charges, and finally to all outstanding water service charges.

B. If payments required under this Chapter are not made by the dates said payments are due and payable, a late charge of five dollars (\$5.00) per month shall be assessed against the party in whose name the wastewater collection service account is listed, said charge to be added to said party's wastewater collection service bill and collected as a part thereof. (Ord. 28-1996 §1 (part), 1996; Amended Ord. 18-1997 §3 (part), 1997).

12.38.020 Wastewater Collection Service Account in Name of Owner.

A. All charges for wastewater collection service shall be the responsibility of the owner of the property served. Payment shall be made for wastewater collection service by the owner or his legally authorized agent.

B. Wastewater collection service accounts may be established in the name of a non-owner after application is made to the Town Clerk. In the event that a non-owner proves to be repetitively delinquent in payment the Town may require that the account be transferred back to the name of the owner. Nothing in this Section shall relieve the owner of the ultimate responsibility for payment of wastewater collection service charges or to the remedies for collection set forth in Section 12.38.030.

(Ord. 28-1996 §1 (part), 1996; Amended Ord. 18-1997 §3 (part), 1997; Amended Ord. 12-2004 §13

(part), 2004).

12.38.030 Unpaid Wastewater Collection Charges - Lien - Collection.

A. All rates, fees, charges and assessments provided under Chapter 12.32 through Chapter 12.38 contained in this Title concerning the Town's wastewater collection system, from the time the same shall be due and payable, shall become and remain a lien on the premises served until said rates, fees, charges and assessments have been paid to the Town. This lien on the premises may be foreclosed by an action at law or in equity in the name of the Town in any court having jurisdiction thereof. If the Town must resort to Court action for collection of said amounts due, the Town shall also be entitled to its reasonable attorney's fees and other expenses incurred in such action if the Town prevails.

B. In the event said rates, fees, or charges, and assessments are not paid when due, the Town Treasurer may certify the amount of the same to the Eagle County Treasurer, to be placed on the tax list for the current year, and collected in the same manner as other taxes are collected, with ten percent (10%) added thereto to defray the cost of collection, pursuant to Section 31-20-105, C.R.S. All laws of this State for the assessment of general taxes, including the sale of property for taxes and redemption of the same, shall apply.

C. Alternatively, or in conjunction with the actions provided in subsections (B) and (C) above, the Town may terminate water service to the premises until all unpaid rates, fees, charges and assessments made in connection with the Town's wastewater collection system are paid in full. (Ord. 28-1996 §1 (part), 1996; Amended Ord. 18-1997 §3 (part), 1997).

12.38.040 Regulations Part of Contract. All regulations contained in this Title governing the operation and use of the Town's wastewater collection system or regulations promulgated by the Town Manager shall be considered a part of the contract of every person using the Town's wastewater collection system, and every person using such wastewater collection system shall be considered as having expressly consented to be bound thereby. (Ord. 28-1996 §1 (part), 1996; Amended Ord. 18-1997 §3 (part), 1997).

12.38.050 Grievance Procedures. In the event of any dispute between a person and the Town regarding wastewater collection service, the following procedures shall be followed. Any person who desires to protest the amount of any monthly wastewater collection service usage charge shall present a written statement of such complaint to the Town Manager prior to the date said charge is due and payable. In the event such person fails to present a written complaint within the time herein provided, such protest or complaint shall be barred.

Any complaints regarding wastewater collection service shall be submitted to the Town Manager in writing within ten (10) days of the occurrence or any further protest shall be barred.

In the event agreement cannot be reached between the Town Manager and any person filing a protest or complaint, the sole method of appeal shall be to the Board of Trustees. The hearing on such appeal shall be scheduled for the next regular meeting of the Board of Trustees. To the extent

practicable, said hearing shall be conducted in the manner provided for in Chapter 2.20 of the Eagle Municipal Code.

(Ord. 28-1996 §1 (part), 1996; Amended Ord. 18-1997 §3 (part), 1997).

12.38.060 Schedule of Wastewater Collection Service Rates.

A. All rates and charges from municipal wastewater collection service shall be billed on a monthly basis. There shall be no reduction in rates or charges or any rebates thereof, for use for less than the full monthly period, except for rates charged users making new connections to the Town’s wastewater collection system, which rates shall be prorated on the basis of the number of days remaining in the billing period in which the new connection is made. Payment for wastewater collection service shall be for use during the preceding monthly billing period.

B. Commencing on the first day of January, 2016, and on the first day of each month thereafter, sewer service rates shall be calculated, assessed and charged for each property receiving sewer service in accordance with the schedule contained in subsection (c) at the rate of \$50.82 per unit.

(c) SEWER SERVICE UNIT SCHEDULE

<u>Use</u>	<u>Units</u>
1. Single Family Dwelling - per unit	1 unit
2. Multiple Family Dwelling - per unit	1 unit
3. Hotels and Motels - per double bed; <u>NOT</u> including restaurant, bar, swimming pool areas, etc. - at their respective fees.	
(a) without kitchens	.5 unit
(b) with kitchens	.75 unit
4. Mobile Homes	1 unit
5. Cafes, Restaurants, Bars, Private Clubs Per 1,000 square feet of customer service area	2 units
6. Drive-in Restaurants, per car space	.33 unit
7. Filling Stations and Garages	
(a) without washing racks	2 units
(b) additional - each washing rack	1 unit
8. Laundry - self-service, per washer	.25 unit
9. Schools - per student and staff member per month	.10 unit
10. Hospital - per bed	1.1 unit
11. Auto Dealers -.25 unit per 1,000 square feet of building; minimum = one unit	1 unit (minimum)

	Use	Units
12.	Barber Shops - per chair, .25 unit; minimum=one unit	1 unit (minimum)
13.	Beauty Shops - per chair, .4 unit; minimum=one unit (minimum)	1 unit
14.	Boarding House - per bed	.25 unit
15.	Boarding School - per bed	.25 unit
16.	Bowling Alleys - per lane, excluding bars, restaurants, etc.	.15 unit
17.	Car Wash, Do-it-yourself - per stall, coin operated, at 10-gallons or less per car.	1 unit
18.	Car Wash, Mechanical - per stall, without conveyor, over 10-gallons per car	1.5 units
19.	Car Wash - Conventional	10 units
20.	Commercial Building, including officer - per 1,000 square feet	.75 unit
21.	Cleaners - per 1,000 square feet	1 unit
22.	Convalescent Homes - per bed	.25 unit
23.	Convents - per bed	.25 unit
24.	Country Clubs - per 1,000 square feet of general building area plus restaurant, bars, pools, etc., at their respective rates	1.5 units
25.	Drug Stores, without fountain service - per 1,000 square feet	1 unit
26.	Drug Stores, with fountain service (Add (a) and (b))	
	(a) per 1,000 square feet, plus	.7 unit
	(b) per chair	.1 unit
27.	Factories - per 1,000 square feet, <u>NOT</u> including industrial wastes which shall be assigned a rate appropriate to each case	.75 unit
28.	Fraternal Organizations, <u>NOT</u> including bars, restaurants	1 unit
29.	Grocery Stores and Super Markets - per 1,000 square feet	.8 unit
30.	Office Buildings and Clinics - per 1,000 square feet	.7 unit
31.	Public Institutions - other than hospitals per 1,000 square feet	.7 unit

Use	Units
32. Auxiliary Dining Room - open not more than 20 hours per week - per 1,000 square feet	2 units
33. Stores, other than specifically listed, with restrooms - per 1,000 square feet; minimum 1 unit	.5 unit
34. Drive-thru Drive-ins - per drive thru lane	2 units
35. Public Swimming Pool - when connected to system - per 1,000 square feet of net area of pool. See Country Club for building unit	3 units
36. Theater, includes snack bar, 50 seats and restroom	1 unit
37. Theater - Drive-in - per car space, includes snack bar and restrooms	1 unit
38. Warehouse - per 1,000 square feet	.15 unit
39. Private Swimming Pool, home pools, when connected to system	1 unit
40. Public Restrooms - per restroom	1 unit
41. Jail - per cell	.33 unit

NOTE: The minimum monthly service fee for all uses shall be the fee for 1 unit.

(Amended Ord. 27 §1(part), 2001; Amended Ord. 43 §1 (part), 2006; Amended Ord. 25 §2, 2007, Amended Ord. 30 §1, 2013; Amended Ord. 33 §1, 2014; Amended Ord. 36-2015 §1 – 12/8/2015).

D. Changes in the wastewater collection service rates schedule contained herein shall be by ordinance enacted by the Board of Trustees and notice of such changes shall be published in a newspaper of general circulation in the County so as to inform all users of such changes. (Amended Ord. 27-2001 §2(part), 2001).

E. The Town Treasurer shall keep available at all times for public inspection to interested persons, schedules of wastewater collection service rates for service within and without the corporate limits of the Town or the boundaries of the now dissolved Eagle Sanitation District. Copies of such schedules shall be furnished to interested persons by the Town Clerk upon request.

(Amended Ord. 27-2001 §2(part), 2001)