

CHAPTER IV: Utilities: Permits, Connections, Conservation, Billing
(Ordinance 168, 11-10-98. Rev Ordinance 218, 3-9-04,
Ordinance 258, 11-14-2007)

4-1 Water

4-1-1 Compliance with Article.

It is unlawful for any person not authorized by the Article to make any connection with any water pipe or main of the waterworks or for any authorized person to *get a* tap or connection contrary to the provisions of the Article. No one except an employee approved by the Public Works Manager may open or shut off valves to the utility.

4-1-2 Permit.

- (A) REQUIRED. It is unlawful for any person to make any connection with the pipeline or waterline forming a part of the waterworks without having first obtained a tap permit therefore.
- (B) Application. The Public Works Manager shall supervise and Office Staff shall administer the issuance of all applications for water services, which shall be a permit to get a tap to the mains of the waterworks in accordance with the provisions of this Article. All application for permits to tap shall be on a form provided by the Town and shall be in writing to the Office Staff.
- (C) Issuance. All permits to tap, as required by this Article, shall be issued and signed by the Office Staff and shall set forth the requirements specified in subsection B.
- (D) Transfer. Any permit to tap issued under the provisions of this Article shall be for a specific lot or parcel of land and shall not be transferable to another lot or parcel, unless no actual connection has been made and the lot or parcel has not been sold or transferred and only with specific approval of the Board of Trustees.

4-1-3 Plant Investment Fee.

Any applicant desiring to take and use water from the water utility of the Town shall pay to the Town through the Office Staff, a plant investment fee pursuant to the schedule of plant investment fees then in effect pursuant to resolution duly adopted by the Board of Trustees. No water connection shall be made to the Town water utility until such time as the

plant investment fee, material or other connection charges have been paid and a tap permit issued.

4-1-4 Extension of Existing Service.

All building permit applications shall be reviewed by the Public Works Manager, and a determination shall be made by the Public Works Manager whether any proposed enlargement, addition or expansion of water using facilities can adequately be served by the existing water connection. Such determination shall be made by applying the standards of the American Water Works Association and with consultation with Tribal staff. If the Public Works Manager determines that a larger service is required, the person proposing such expansion shall be required to have the enlarged connection and meter installed by the Town, at the property owner's expense.

After December 1, 1998, a physical structure containing more than one business or residential unit may be served by one meter only under extraordinary circumstances with the specific written permission of the Tribe. (from Agreement SUIT and Town, 1998) Multiple units on one lot, which are not in the same structure, shall require an individual meter for each unit. Any extension of service which occurs after July 1, 1998 (whether or not a larger service is required or additional meters are required) shall include the installation of individual shut off valves on each use. Any new meter installation shall be done in accordance with Section 4-1, provided that the person making an expanded tap connection shall pay the then established plant investment fee for that connection, less credit for the existing tap at the current PIF rate. Any determination made by the Public Works Manager hereunder shall be subject to review by the Board of Trustees upon written request by the person seeking review of the decision.

4-1-5. Assessment of Costs.

All connections to the Town's distribution system shall be metered. Each meter shall be of adequate size determined by the standards of the American Water Works Association. On all connections with the main, the owner of the premises on which the connection is sought shall pay for the cost of the meter and the installation of the tap and meter through tap fees and pay separately for necessary pipe. All necessary trenching and backfilling shall be at the expense of the applicant under the supervision of the Public Works Manager and in accordance with the specifications set forth in this Article and the specifications in the Town's line from the main to the meter, including the meter.

The property owner shall own and maintain the service line from the meter to the premises served; provided, however, that in the event the meter is more than ten (10) feet inside the owner's property line, the Town shall own the meter and riser and maintain the service line from the main to the property line, and the property owner shall own and maintain the service line from the property line to the premises. All work upon service lines shall be supervised by the Public Works Manager. Any digging requires a call for locates to UNCC and a permit from Town Hall if any inspection is needed in order to use the utility after installation or repair.

4-1-6. Disconnection of Service; Removal of Town Property.

In case any owner of premises on which water is used ceases to use water and desires to disconnect his premises, he shall not be permitted to remove the meter, meter pit or any appurtenances. Such devices are the property of the Town and shall be removed only by the order of the Public Works Manager.

4-1-7. Water Use - Rates.

- (A) Schedule--In-Town. The monthly charges to consumers for water within the corporate limits of the Town shall be established by resolution of the Board of Trustees and a copy of such rates shall be available at the Town Hall. Each unit in a multi-unit structure shall be billed monthly for an established minimum monthly charge.
- (B) Stand By Fee. The Owner of any property, which is connected to the Town's water system by an active tap, but is not currently using water shall be deemed to be an inactive service and shall pay a monthly Readiness to Serve fee in accordance with the fee schedule adopted by the Board of Trustees by Resolution. The Owner of any property may avoid the Readiness to Serve fee by abandoning or otherwise relinquishing the water service tap for that parcel of property. Abandonment must be done in writing and notarized. Water service for any relinquished property may be reactivated only upon application for a new connection and payment of the full current Plant Investment fee and Tap fee.

4-1-8. Water Conservation. (Ordinance 179, 7-11-00, Ordinance 258, November 14, 2007)

- (1) Any property owner or their tenant found to be allowing water (treated or raw) to continuously run into the town street drainage system from their yard or lawn shall be in violation of this ordinance.
- (2) Any property owner or their tenant that has been informed by town staff that water is running and being wasted into the street drainage system and continues to allow the water to be wasted shall be in violation of this ordinance.
- (3) Any property owner or their tenant that is informed that a treated water meter is continually allowing water to run without any apparent use of water downstream of the meter shall be in violation of this ordinance.
- (4) Any property owner or their tenant that has been informed by an adjacent property owner that water is wasting into the adjacent property and the adjacent property owner has also informed town staff of that water wasting into the adjacent property, but continue to allow the water to run is in violation of this ordinance.
- (5) A tiered rate structure will be put in place and adjusted annually as needed. Determination of the tier will be based on annual usage; however, if a leak causes a higher rate tier to be assigned to a customer the following analysis will be made. Once the customer is notified, if the leak is repaired within 60 days and usage defaults to previous averages, no higher rate tier will be assigned to that same customer.
- (6) The hours of use for irrigation water, to include a complete ban if necessary, will be determined according to drought conditions and communicated to the public by the Town Manager. Violations will be cited into court, with a maximum fine of \$1,000. Exceptions to this law must be sought through the Town Manager. (Ordinance 204, 7-8-03)

4-2 Gas

4-2-1 Compliance with Article.

It is unlawful for any person not authorized by the town to make any connection with any gas pipe or main of the gas distribution system or for any authorized person to put in any tap or connection contrary to the provisions of the town. No one except an employee approved by the Public Works Manager or the Fire Department may turn on or off the gas at the meter.

Comment [i1]: 4-2-2????

4-2-3 Tap Fee.

(A) Any applicant desiring to use gas from the distribution system of the Town for a new structure shall pay to the Town through the Office Staff, a tap fee pursuant to the schedule of plant investment fees then in effect pursuant to resolution duly adopted by the Board of Trustees. No gas connection shall be made to the Town gas system until such time as the tap fee, material or other connection charges have been paid and a tap permit issued.

(B) Transfer. Any taps shall be for a specific lot or parcel of land and shall not be transferable to another lot or parcel, unless no actual connection has been made and the lot or parcel has not been sold or transferred and only with specific approval of the Board of Trustees.

(B) If an existing gas tap is kept active on gas standby status, whether or not anyone is living in the structure, new owners of previously developed gas taps do not pay a new plant investment fee or a utility deposit to the town, but are billed for usage monthly.

Comment [i2]: Should this be C????

4-2-4 Extension of Existing Service.

All building permit applications shall be reviewed by the Building Inspector or Public Works Manager, and a determination shall be made by the Building Inspector or Public Works Manager whether any proposed enlargement, addition or expansion of gas facilities can adequately be served by the existing gas connection. Such determination shall be made by application of the adopted codes. If the Building Inspector or Public Works Manager determines that a larger service is required, the person proposing such expansion shall be required to have the enlarged connection and meter installed by the Town at the property owner's expense.

Multiple units within a structure, such as an apartment house, shall require an individual meter for each unit. Single Family lots shall require an individual meter but may be connected to one gas riser serving two lots. The same owner with side-by-side lots who wishes to consolidate his property may use the same meter and

simply add service lines to the second structure. The owner who has a meter to his home may make a service line connection to a garage and is required to only have one meter.

Any extension of service shall include the installation of individual shut off valves on each use. Any determination made by the Public Works Manager hereunder shall be subject to review by the Board of Trustees upon written request by the person seeking review of the decision.

4-2-5. Assessment of Costs.

All connections to the Town's distribution system shall be metered. Each meter shall be of adequate size determined by the standards of town, state and federal regulations. On all connections with the main, the owner of the property on which the connection is sought shall furnish and pay for the all necessary trenching after the meter to the premises and backfilling shall be at the expense of the applicant under the supervision of the Public Works Manager and in accordance with the Town specifications.

The property owner shall own and maintain the service line from the meter to the premises served; provided, however, that in the event the meter is more than ten (10) feet inside the owner's property line, the Town shall own and maintain the service line from the main to the property line, and the property owner shall own and maintain the service line from the property line to the premises. All work upon service lines shall be supervised by the Public Works Manager. Any digging requires a call for locates to UNCC and a permit from Town Hall if any inspection is needed in order to use the utility after installation or repair.

4-2-6. Disconnection of Service; Removal of Town Property.

In case any owner of premises on which gas is used ceases to use gas and desires to disconnect his premises, he shall not be permitted to remove the meter, meter pit or any appurtenances. Such devices are the property of the Town and shall be removed only by the order of the Public Works Manager.

4-2-7. Gas Use - Rates.

(A) Schedule--In-Town. The monthly charges to consumers for gas within the corporate limits of the Town shall be established by resolution of the Board of Trustees and a copy of such rates shall be available at the Town Hall. Each unit in a multi-unit structure shall be billed monthly for an established minimum monthly charge and usage according to rates established by the Board of Trustees.

(B) Stand By Fee. The Owner of any property, which is connected to the Town's gas system by an active tap, but is not currently using gas shall be deemed to be an inactive service and shall pay a monthly fee in accordance with the fee

schedule adopted by the Board of Trustees by resolution. The Owner of any property may avoid the gas standby fee by abandoning or otherwise relinquishing the gas service tap for that parcel of property. Gas service for any relinquished property may be reactivated only upon application for a new connection and payment of the full current Plant Investment fee and Tap fee.

4-3 Irrigation (raw) Water

4-3-1 Compliance with Article.

It is unlawful for any person not authorized by the Article to make any connection with any pipe or main or for an unauthorized person to put in any tap or connection to the raw water irrigation system. No one except town maintenance crew or their assigned may turn on or off prior to the property owner's 1" valve.

4-3-2 Tap Fee

A one-time fee shall be paid to connect to the raw water irrigation system and a fee is charged monthly for six (6) months of the year. These fees are determined as needed by the Town Board of Trustees.

4-3-3 Any property owner or their tenant that allows the use of the irrigation water for the purpose of a commercial use or transports it out of the city limits without Town Board approval or for a purpose other than yard clean-up or lawn and garden irrigation shall be in violation of this ordinance.

4-4 Bills Collection, Penalties, Lien, Forfeiture

4-4-1 Bills- Collection.

The Town Clerk shall be responsible for billing for water, gas and irrigation services, and collection of the same and deposit of the proceeds collected to the credit of the appropriate fund of the Town. Statements for all charges shall be rendered monthly to the owner of the property served, provided, however, the Board of Trustees may at any time change the monthly billing cycle, if necessary or desirable. All charges shall be billed to and shall be the responsibility of the owner of the property being served regardless of whether the property is occupied by the owner or is rented to a third party.

4-4-2. Penalties.

Accounts not paid in full by the due date will fall into a past due status. Accounts with a balance greater than \$20.00 will be assessed a flat \$5.00 late fee on the sixth day after the due date.

Delinquent Accounts.

- (A) In the event that a bill for any utility uses is not paid when due, then the Town Clerk shall issue a notice by regular first class mail which informs the owner of the property that the account is delinquent. If the account is a rental, the Disconnect Notice will be mailed to the landlord.
- (B) The past due amount must be paid prior to the last business day of the month to avoid shut off. Shut off will be the last business day of the month. Any accounts that are disconnected must have all past due amounts paid in full and a reconnect fee will be charged during regular working hours and after hours, week-ends and holidays according to a fee schedule approved by the Town Board of Trustees.

If the person to whom such a notice is sent owes amounts for other utilities provided or collected by the Town, the Clerk may include a demand for those amounts in the demand for payment of the specified utility bills.

4-4-3. Lien.

(A) Until the past due amount is paid in full, all rates, fees and other charges provided for in this Article shall constitute a lien pursuant to C.R.S. 31-15-302 on or against the property being served. At the time service is disconnected in accordance with Section 4-4-2 (B), or any time thereafter, the Town may notify the owner of the property being served of the Town's intent to file a lien as provided herein. A collection fee of one hundred dollars (\$100.00) shall be added to any account for which a notice of intent to file a lien is given. (Ordinance 168, 11-10-98)

(B) The Town may, as provided by law, commence foreclosure proceedings on any lot or parcel of property on which a lien has been filed pursuant to this Article. An additional charge for attorney fees in a reasonable amount to be determined by the Court shall be added to the amount due on any account once a complaint in foreclosure of a lien has been filed. In addition, actual costs, such as filing fees and recording costs, shall also be charged to said account. In the event foreclosure proceedings result in judgment, additional attorney fees and expenses may be added as permitted by the court.

4-4-4. Forfeiture of Plant Investment Fee.

In the event an account remains delinquent for a period of 5 billing months, then the Town shall send notice by Certified Mail to the Owner that if all charges are not paid by the 6th month according to the disconnect policy, the plant

investment or tap fee on that property shall be deemed to be forfeited. No service shall be reconnected to on a property after such forfeiture until a new application is approved and the appropriate fees have been paid.

4-5 Other services

4-5-1 Compliance with Article.

It is unlawful for any person not authorized by the town to provide or receive trash, sewer or other services. Sewer and trash services are provided to properties in accordance with contracts the town makes with those providers. All billing and collection for these contracted services are completed through town office staff for the monthly utility billing that goes to each parcel owner. Bills will be collected in the same manner described in 4-4-1 AND 4-4-2, as applicable.