

ORDINANCE NO. 277

AN ORDINANCE OF THE TOWN OF IGNACIO, COLORADO FOR THE PURPOSE OF ESTABLISHING RULES AND REGULATIONS PERTAINING TO THE TOWN'S SEWAGE COLLECTION SYSTEM AND AMENDING THE TOWN CODE BY THE ADDITION OF CHAPTER X, TO THE TOWN CODE.

WHEREAS, the Town is a Statutory Town authorized to provide sanitation services in the Ignacio area; and

WHEREAS, The Town has established an enterprise known as the Ignacio Sewer Enterprise to operate the Sewer system; and

WHEREAS, the Board of Trustees has determined that a comprehensive sewer use resolution governing the operations and functions of the Town is desirable and necessary; and

WHEREAS, the Board of Trustees has further determined that an equitable rate structure for plant investment fees (tap fees) and monthly user charges, based on the actual costs of constructing, maintaining and operating the Town's facilities is desirable; and

WHEREAS, the Town's sewage collection facilities will function best if the system is not used to collect industrial type wastes and, it is the intent of the Town to exclude the burden of industrial type wastes from sewage to be collected by the Town facilities; and

WHEREAS, this Ordinance shall supersede any previous resolutions or rules and regulations of the Town which are in conflict with the provisions hereof.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF IGNACIO AS FOLLOWS:

THE TOWN CODE IS AMENDED BY THE ADDITION OF CHAPTER X REGARDING RULES AND REGULATIONS FOR THE IGNACIO SANITATION SYSTEM AS FOLLOWS:

Section 10-101. DEFINITIONS

Unless the context specifically indicates otherwise, the meaning of terms used in this Ordinance shall be as follows:

101.1 BOARD or BOARD OF TRUSTEES:

The governing body of the Town of IGNACIO.

101.2 BOD₅ (Biochemical Oxygen Demand):

The quantity of oxygen utilized in the chemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty degrees centigrade (20°C), expressed in

milligrams per liter (mg/l).

101.3 BUILDING DRAIN: That part of the lowest horizontal piping of a drainage system which receives the discharge from waste and other drainage inside the walls of the building and conveys it from the building five feet outside the outer face of the building wall.

101.4 CODES & STANDARDS:

The Town's processes, procedures, technical specifications, checklists and forms which govern the design, construction, inspection, testing, acceptance, operation and maintenance of the Town sewage collection system. These rules and regulations are a part of the Codes & Standards.

101.5 COMBINED SEWER: A sewer receiving both surface or storm water and sewage. Combined sewers are prohibited in the Town.

101.6 EQUIVALENT RESIDENTIAL TAP or ERT:

The typical sewage flow originating from any single family home, mobile home, condominium, townhouse, dwelling unit, or other unit based on 250 gallons per day flow, a five day average BOD₅ of 250 ppm and 250 ppm total suspended solids.

101.7 FLOATABLE OIL: Oil, fat or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. All wastewater shall be considered free of floatable oil if it is properly pretreated and does not interfere with the collection system.

101.8 GARBAGE: Solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

101.9 INFILTRATION: Any material such as surface waters, ground waters or storm waters entering service lines or public sewers which is not sewage.

101.10 INDUSTRIAL WASTE:

The liquid wastes from industrial processes as distinct from sanitary sewage. Industrial waste is prohibited in the Town sewage collection system.

101.11 NATURAL OUTLET: Any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

101.12 OFFICIAL NOTICE: Written notice issued by authority of the Board of Trustees directed to the owner of the property as shown in the records of the County Assessor, mailed to the address shown in the records

of the County Assessor by certified mail, return receipt requested, which notice shall be deemed to have been given as of the date of mailing.

101.13 PERSON: Any individual, firm, company, association, society, corporation, group or trust or other entity.

101.14 pH: The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

101.15 PLANT INVESTMENT FEE or PIF: The fee required to be paid to the Town as a proportionate share of the capital cost of the Town's facilities sometimes called a tap fee plus fees paid by the Town to the Tribe under the Sanitation Treatment Contract. The PIF includes an amount for the capital cost of the existing Town facilities and an amount for the capital cost of expansion of Town facilities. The combination of these two components supports the Town's policy that growth pays for growth.

101.16 PROPERLY SHREDDED GARBAGE The wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch (1.27 centimeters) in any dimension.

101.17 PUBLIC SEWER or SEWER MAIN: Any sewer which is owned and maintained by the Town.

101.18 SANITARY SEWER: A sewer which carries sewage and to which storm, surface and ground waters are not admitted intentionally.

101.19 SERVICE LINE: The extension of pipe from the building drain to the public sewer or other place of disposal. The term service line shall include lines serving more than one unit which have not been accepted by the Town such as collection lines in mobile home parks, townhouse or condominium projects or similar multi-unit situations.

101.20 SEWAGE (WASTEWATER): A combination of the liquid and water carried wastes from residences, businesses, and institutions.

101.21 SEWAGE TREATMENT PLANT: Any arrangement of devices and structures used for treating sewage also called the "Wastewater Treatment Plant or "WWTP" which is owned and operated by the Tribe under

contract with the Town.

101.22 SEWAGE COLLECTION SYSTEM:

All facilities for collecting, pumping, delivering and disposing of sewage to the Sewer Treatment Plant owned by the Tribe.

101.23 SEWER:

A pipe or conduit for carrying sewage.

101.24 SHALL, MAY:

Shall is mandatory; May is permissive.

101.25 STORM DRAIN:

A pipe or conduit which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

101.26 SUSPENDED SOLIDS:

Solids that either float on the surface of or are in suspension in water, sewage, or other liquid and which are removable by laboratory filtering.

101.27 USER FEES:

A monthly service fee or stand by fee paid to the Town for a proportionate share of the operation and maintenance expenses of the Town's facilities and fees paid to the Tribe including depreciation.

1.28 WATERCOURSE:

A channel in which a flow of water occurs, whether continuously or intermittently.

Section 10-102. OWNERSHIP AND OPERATION DISTRICT FACILITIES

102.1 General Statement of Policy. The Town has agreed to undertake the provision of sewage collection service to property in the Ignacio area. In order to achieve that goal, the Town has assumed responsibility for the operation and maintenance of the sewage collection system in accordance with this Ordinance however, the Town assumes no liability or responsibility for inadequate treatment or interruption of service due to circumstances beyond the Town's control. Treatment of sewage shall be completed by the Tribe under contract with the Town.

102.2 Liability. The Town shall not be liable for any claims or damages arising from clogging in the system causing backup of effluent, breakage of lines, injuries to persons or property growing out of the maintenance or operation of the sewage collection and treatment system or from interruption of service. Although the Town will inspect service lines, it assumes no responsibility for the negligent design, installation, maintenance or operation of service lines. The Town does not waive any defenses or immunity from claims arising under the Governmental Immunity Act of the State of Colorado.

102.3 Ownership. All public sewer mains within the Town's service area shall become and are the property of the Town. Town ownership shall be valid without any conveyance required. All service lines, whether presently existing or connected in the fixture, shall become and are the

property of the owner who receives service from such line.

102.4 Agents of the Town. Any duly authorized representatives of the Town, including its manager, engineer, attorney or other employee or subcontractor, is authorized to enforce the provisions of the Codes & Standards, including this Ordinance and, to the extent necessary, to enter upon public and private property for the purpose of inspection, observation, sampling, testing and enforcement.

Section 10-103. UNLAWFUL ACTS: CONNECTION REQUIRED

103.1 Deposits of Wastes. It shall be unlawful for any persons to place, deposit, or permit to be deposited any human excrement, garbage or other objectionable waste in any unsanitary manner on public or private property within the jurisdiction of the Town.

103.2 Unlawful Discharge. It shall be unlawful to discharge to any natural outlet within the jurisdiction of the Town any sewage or other polluted water except where suitable treatment has been provided in accordance with the provisions of this Ordinance.

103.3 Private Systems prohibited. Except as provided in Section 104, it shall be unlawful to construct or maintain within the Town any privy, privy vault, septic tank, cesspool, or other private facility intended or used for the disposal of sewage.

103.4 Connection required. The owner of any house, building, improvement or property used for human occupancy, employment, recreation or other purposes, situated within the Town's service area and abutting on any street, alley or easement in which there is now located or may in the future be located a public sanitary sewer of the Town, is hereby required, whenever necessary for the protection of public health, to connect such premises directly with the proper public sewer in accordance with the provisions of this Resolution within thirty (30) days after the date of official notice to do so; provided that said public sewer is within four hundred feet (400') of the premises. Failure to comply with this paragraph is an unlawful act and, in addition to any other remedies the Town may have, the Town may connect the premises to the public sewer and assess the cost of connection and any other appropriate fees to the owner.

Section 10-104. PRIVATE SEWAGE DISPOSAL SYSTEMS

104.1 Connection to approved private system. Where a public sewer or sewer main is not available under the provisions of subsection 103.4 of this Ordinance, the building sewer may be connected to a private sewage disposal system complying with the provisions of this Ordinance and the rules and regulations of the San Juan Basin Health Unit.

104.2 Abandonment of private systems. At such time as a public sewer becomes available requiring connection pursuant to subsection 103.4 of this Resolution, all septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material, in accordance with all state and local ordinances, rules and regulations.

Section 10-105. SEWER CONNECTION PERMITS AND REQUIREMENTS

105.1 **Unauthorized connection.** No unauthorized person shall uncover, make any connection with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Town.

105.2 Service to Property Previously Within the Sanitation District.

105.2.1 The Town assumed the provision of sewer service from the Ignacio Sanitation District as of January 1, 2010. Subject to availability of capacity and compliance with all other conditions stated in this Section, including the payment of all applicable fees, the Town shall provide service to a residential connection on property that was legally included in the Sanitation District by the issuance of a permit for a single residence that is otherwise in compliance with all regulations of the Town, the County or any other governmental entity with jurisdiction. If the property to be served is located outside Town limits and if legally possible, the owner of any such property shall be encouraged to annex the property to the Town. However, no annexation shall be compelled solely as a condition of receiving sewer service for residential service.

105.2.2 The provision of service to any commercial or other non-residential property that was legally included in the Sanitation District shall be provided service, however, any such connection may require compliance with additional conditions imposed by the Town. If legally possible, the owner of any such property shall be encouraged to annex the property to the Town, but no annexation shall be compelled solely as a condition of sewer service.

105.3. **Provision of Service Within the Town.** Except as otherwise provided herein, it shall be the general policy of the Town to provide sewer service only to property that is legally annexed into the Town. Any person seeking service for property that is eligible for annexation shall submit a petition to annex and pay all fees and expenses associated with the annexation of property into the Town. Nothing contained herein shall require the Town to annex or provide sewer service to any property.

105.4 Provision of Service Outside Town Boundaries.

105.4.1 The Town may agree, by action of the Board of Trustees, to provide sewer service to areas outside the Town by contract, but only in cases where the property to be served is not legally eligible for annexation. Any such contract shall contain, at a minimum, provisions for the collection of fees and charges, limits on effluent, and provisions for the compliance with all rules and regulations contained herein or otherwise imposed by the Town. In addition, the owner of any property served by contract shall execute and agreement or other documents reasonably required by the Town to consent to annex the property into the Town when the property becomes eligible for annexation.

105.4.2 Any consent for service required for any subdivisions or other development located outside Town limits which requires County land use approval of any type, either under the County Land Use Code or under the terms of any Intergovernmental Agreement between the Town and the County shall require Town Board approval, which may include compliance with terms specific to any such development, including but not limited to requirements to construct improvements and

the payment of impact fees.

105.5 Application for service. Any person desiring sewer service shall make application on a Sewer Tap Application furnished by the Town. The application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Town. The PIF as determined hereunder and an inspection fee established by the Town shall be paid to the Town at the time a building permit is obtained.

105.6 Owner's responsibilities for service line. All sewer services shall be privately owned and maintained from the Owner's property until the actual point of connection at the Town's sewer main. All costs and expenses incident to the installation, connection, operation and maintenance of the service line shall be borne by the Owner. The Owner shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation, operation or maintenance of the service line.

105.7 Shared service lines. A separate and independent service line shall be provided for each lot or parcel. The Town shall have no maintenance responsibility for any service line, including shared service lines. More than one building or unit may be connected to the service line provided it is of adequate size to serve all connections. The portion of the line which serves more than one building or unit shall be known as a "shared service line". In the event the lot or parcel is later subdivided, each new lot or parcel shall have a separate service line.

105.8 Existing service lines. Old service lines may be used in connection with new buildings only when they are found, on examination and/or testing by the Town, to meet all requirements of the Codes & Standards.

105.9 Service line specifications. The size, slope, alignment materials of construction of a service line, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the Town's Codes & Standards and the state plumbing code or as may otherwise be determined by the Town Engineer.

105.10 Private lift stations. Whenever possible, the service line shall be brought to 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 sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the service line, at no expense to the Town.

105.11 Connections prohibited. No person shall make connections of roof down spouts, interior or exterior foundation drains, areaway drains, floor drains or other sources of surface runoff or groundwater to a service line which in turn is connected directly or indirectly to a public sanitary sewer. All clean water drain connections are specifically prohibited.

105.12 Inspection of service lines. The applicant for sewer service shall notify the Town when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Town, at the expense of the applicant.

105.13 Safety and restoration required. 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, paving cuts and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Town and other governmental entities.

105.14 **Extension of sewer mains.** Any person who (1) does not have access to sewer main service of the Town within 400' of his premises during initial construction or petitions for annexation to the Town; and (2) requires sewer main extension for service, shall be required to extend the sewer main of the Town to his property in accordance with Section 108.

Section 10-106. DISCHARGE REGULATIONS AND LIMITATIONS

106.1 **Clean water and industrial process water prohibited.** No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff; subsurface drainage including interior and exterior foundation drains or industrial process waters to any sanitary sewer of the Town.

106.2 **Prohibited sewage.** No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers, which are hereinafter called "prohibited sewage":

106.2.1. Any gasoline, oil, benzene, naphtha, fuel or other flammable or explosive liquid, solid or gas.

106.2.2. Any waters or wastes containing radioactive, toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, to constitute a hazard to humans or animals, to create a public nuisance, or to create any hazard in the collection system of the sewage treatment plant.

106.2.3. Any waters or wastes having a pH lower than 5.5 or higher than 9.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage collection and treatment system.

106.2.4. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage collection and treatment system such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, whey, buttermilk, carcasses or hides of dead animals or fowl, whole blood, paunch manure, hair, entrails, paper dishes or cups, milk containers and similar items either whole or ground.

106.3 **Town right to prohibit discharge of special sewage.** No person shall discharge or cause to be discharged the following described substances, materials, water; or wastes (hereinafter called "special sewage ") if it appears likely in the opinion of the Town that such special sewage can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property or constitute a nuisance. In forming its opinion as to the acceptability of special sewage, the Town will give

consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treat ability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:

106.3.1. Any liquid or vapor having a temperature higher than one hundred fifty degrees Fahrenheit (150°F or 65°C).

106.3.2. Any water or wastes containing fats, wax, grease or oils whether mulsified or not, in excess of one hundred (100) mg/l.

106.3.3. Any garbage that has not been properly shredded.

106.3.4. 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.

106.3.5. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

106.3.6. Any waters or wastes having:

(a) A five (5) day BOD₅ greater than three hundred (300) parts per million by weight, or

(b) Containing more than three hundred (300) parts per million by weight of suspended solids, or

(c) An average daily flow greater than two percent (2%) of the average sewage flow of the Town, shall be subject to the review of and approval for discharge by the Town.

106.4 Procedures for special sewage. If any special sewage is discharged, or is proposed to be discharged to the public sewers, which in the judgment of the Town may have a deleterious effect upon the sewage collection and treatment system, processes, equipment, or receiving waters, or which otherwise create a hazard to life to constitute a public nuisance, the Town may:

(a) Reject the wastes;

(b) Require preliminary treatment to an acceptable condition before discharge to the public sewers (see subsection 106.5);

(c) Require control over the quantities and rates of discharge; and/or;

(d) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges.

If the Town permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Town, and subject to the requirements of all applicable codes, ordinances and laws. Where preliminary treatment or flow-equalizing facilities are provided for any special sewage, they shall be maintained continuously in satisfactory and effective operation by the owner at the owners expense.

106.5 Preliminary treatment. Where necessary in the opinion of the Town, the owner shall provide at his expense, such preliminary treatment as may be necessary to:

- (a) Reduce the biochemical oxygen demand to three hundred (300) parts per million by weight, or
- (b) Reduce the suspended solids to three hundred (300) parts per million by weight, or
- (c) Control the quantities and rates of discharge of such waters or wastes.

Plans, specifications and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the Town and no construction of such facilities shall be commenced until said approvals are obtained in writing.

106.6 Interceptors required. Grease, oil, and/or sand interceptors shall be provided by the owner at the owner's expense when, in the opinion of the Town, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All establishments where food is prepared for sale, including restaurants, carry-out facilities, butcher shops and similar establishments shall install and maintain a grease interceptor. The design, construction and maintenance of all interceptors shall be in accordance with Codes & Standards adopted by the Town.

106.7 Observation manholes. When required by the Town, the owner of any property serviced by a service line carrying special sewage requiring pretreatment shall install a suitable control manhole together with such necessary meters and other appurtenances in the service line to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessible and safely located, and shall be constructed in accordance with plans approved by the Town. The manhole shall be installed by the owner at the owner's expense, and shall be maintained by the owner so as to be safe and accessible at all times.

Section 10-107. INSPECTION REQUIRED: ENFORCEMENT

107.1 Inspection permitted. The Town or its representatives shall have the authority at any time to inspect any portion of the facilities of the Town and the building drains and service lines connected to those facilities.

107.2 Inspection of service lines. At such time as a service line has been prepared for connection to the Town's sewer mains, a representative of the Town shall be empowered to make

a visual inspection of said connection. The inspection will consist of a visual assurance that excessive infiltration and inflow are not present in the service line and that the connection has been made in accordance with Town's specifications. No service line shall be backfilled without said inspection and approval.

107.3 Excess infiltration. At any time that reasonable evidence exists that infiltration or type of flow from a building sewer has changed to the detriment of the Town or exceeds permitted levels, the Town's representative may cause to be uncovered or inspected said service line in order to determine the magnitude of such changes. The Town may give the owner official notice to make repairs to the service line within a specified period of time. Repairs ordered by the Town to a service line will be at the cost of the owner of the property. If the owner fails to make the repairs, the Town may make the repairs and assess the cost of such repairs and any other appropriate fees to the owner.

107.4 Interference with sewage collection and treatment system. The Town shall have the power to enforce all provisions of this Ordinance. In addition, the Town shall have the power to prevent any interference or obstruction of the Town's sewage collection and treatment system. This shall include, but not limited to, malicious mischief, illegal connections, improper discharge to system, unauthorized lifting of manhole lids, trespass on the sewage treatment site and other similar acts.

107.5 Abandonment of service lines. Whenever a service line is abandoned or temporarily disconnected, the owner of the property served by such line shall properly excavate and cap the service line so as to prevent any infiltration to the public sewer. No capped service line shall be backfilled without the inspection and approval by the Town.

107.6 Enforcement. The Town shall have the power to enforce all provisions of the Codes & Standards, including these Rules and Regulations, by an action for damages, injunction, or both or by criminal prosecution in any court of competent jurisdiction. The Town shall also have the right, after Official Notice, to enter the property of any person to make necessary repairs, connections or disconnections of service lines and related facilities, at the expense of the owner. Unpaid monies due to the Town are a perpetual lien on the property served or subject to the charge and are the personal liability of the owners of such property until paid. Such monies may be collected by an action to foreclose the lien, for money, damages or in any other method provided by law. In all enforcement and collection matters, the owner or person responsible shall pay all costs incurred by the Town, including reasonable attorney's fees.

Section 10-108. SEWER MAIN EXTENSIONS

108.1 Approval required. No sewer main shall be constructed within the boundaries of the Town, or connected to the existing facilities of the Town without written approval from the Board. All sewer mains shall be constructed in accordance with the Town's Codes & Standards, and if no specific standards have been adopted, then all installations shall be completed in accordance with the requirements of the Town Engineer.

108.2 Costs of extensions. Except when the Town determines that an extension would be in the best interest of the Town, all public sewer extensions shall be constructed at the sole expense of

the developer, owner or person requesting such extension. In addition to the actual construction costs, the owner, developer or person requesting the extension shall pay all expenses incurred by the Town in connection with the extension including all Town engineering fees for the design review, inspection and testing of the extension, all legal expenses incurred by the Town in preparing, reviewing, approving and enforcing the extension agreement.

108.3 Required submittal. For approval of any extension the following documents and information must be submitted for review:

- (a) A copy of the proposed or final plat for any subdivision;
- (b) Drawings and specifications for all sewer lines, manholes, lift stations and related equipment prepared and certified by a registered engineer;
- (c) Construction and performance bond equal to 100% of the construction cost of the proposed extension; and
- (d) Easements, deeds, title reports and other evidence to demonstrate that sufficient easements for the extension exist.
- (e) Any other information deemed necessary for complete review by the Town.

After approval of the proposed extension, the Town will enter into an agreement authorizing the extension in accordance with this resolution.

108.4 Acceptance or extensions. After construction and prior to acceptance for maintenance of any extension and prior to permitting any connection of service lines to the extension, the following must be submitted and approved by the Board:

- (a) As-built drawings and profile maps of the sewer extension stamped or certified by a registered engineer in paper and electronic formats.
- (b) Drawings and specifications for lift stations, if any in paper and electronic formats.
- (c) Deeds for all new easements and bills of sale or other documents of conveyance for all lines and other facilities.
- (d) An agreement to provide a two (2) year warranty for all improvements.

108.5 Compensation for oversized facilities. No person extending the public sewer shall be entitled to any reimbursement or other compensation from adjoining land owners who connect to the extension, except when the Town requires over sizing of the facilities in order to serve future development. In those cases where over sizing is required, the Town will enter into a recovery agreement allowing the person financing the extension to recover a portion of the additional costs resulting from the over sizing of the facility.

Section 10-109. PLANT INVESTMENT FEES

109.1 **Plant Investment Fees.** All persons connecting to the facilities of the Town sewage collection and treatment system shall be required to pay a Plant Investment Fee (PIF) or tap fee which shall be a proportionate share of the capital investment in the cost of the Town facilities. The PIF is primarily based on PIF fees charged to the Town by the Tribe, which may include an amount for the capital cost of expansion of Town and Tribal facilities.

109.2 **Equivalent Residential Tap.** Unless otherwise provided in the contract between the Town and the Tribe for Sewage Treatment, for the purposes of determining the proportion of total flow any user contributes to the system an Equivalent Residential Tap (ERT) unit is established. An ERT shall be the average sewage flow in terms of both quantity and strength originating from any single family home, mobile home, condominium, townhouse or dwelling unit. From that ERT definition, the schedule for calculating the ERTs for various uses is adopted and attached as Exhibit "A". This schedule is based upon Colorado Department of Health Guidelines for per capita flow and the Town engineer's recommendations concerning loading for the types of uses shown, derived generally, but not exclusively, from a 250 gallons per ERT sewage flow, a five (5) day average BOD₅ of 250 ppm and 250 ppm total suspended solids.

109.3 **Payment of PIF.** Prior to connection of any service line to the Town's facilities the PIF shall be paid in full. The amount of the PIF shall be determined by multiplying the total ERTs from the Sewer Tap Application by the current rate established for each ERT. The Town reserves the right to periodically adjust the rate for the purpose of providing sufficient funds for depreciation, expansion and replacement of the Town's facilities or for fees payable to the Tribe.

109.4 **Transferability.** ERTs shall be purchased for a specific property and shall not be transferable to another property. ERTs shall be automatically transferred to successive owners of the same property.

109.5 **Expanded use.** If any owner at any time is approved for the expansion of uses that increases the ERT use on his property beyond that stated in the Sewer Tap Application for which the owner paid the Town, such owner shall apply and pay an additional PIF for such additional ERTs. Such further PIF payment shall be at the rate in effect as of the date of application or date of actual use, whichever is higher, shall be due as of the date of first use and shall bear interest from date of first use until paid at the rate of 12% per annum.

109.6 **Relinquishment of ERTs.** Whenever any person desires to permanently abandoned ERTs (or any portion thereof), such person shall complete and submit to the Town a relinquishment form. The form will specify the address and legal description of the property, the number of ERTs being abandoned and shall contain an acknowledgment by the owner that relinquishment constitutes a full and complete surrender of all rights and privileges for the ERTs. Any future sewer use on the property shall require new application and payment of all PIFs, permit fees and related expenses. Upon acceptance of the relinquishment by the Town, the ERTs shall be relinquished and no further user charges for the relinquished ERTs shall be assessed.

Section 10-1010. USER FEES

1010.1 **Service charge.** Commencing on the billing date for the month following payment of a Plant Investment Fee, a monthly user fee shall be paid for each ERT. The monthly user fee shall be charged regardless of whether the connection has been made or whether the building sewer is being utilized. Payment will be required for unoccupied dwellings, businesses shut down or temporarily idle, vacant mobile home spaces, and all other permitted ERTs. Failure to pay said service charge within 6 months will be grounds for revocation of the privilege to utilize the sewer system of the Town and all PIFs paid will be subject to forfeiture.

1010.2 **Rates.** The Town shall establish a monthly service charge or user fee per ERT. The amount of such charge may be changed periodically by ordinance of the Board. The Town further reserves the right to require installation of a water meter and a metered rate for any user.

1010.3 **Billing.** Utility bills will be mailed to all utility customers by the 5th of the month, and shall be due by the 20th. The utility bill may be mailed to the renter if permitted in writing by the property owner/landlord. Utility deposits will no longer be required. The property owner will ultimately be responsible for the utility bill.

Accounts not paid in full by the due date will become past due. 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. A Disconnect Notice will be generated for accounts with any balance. Disconnect Notice will be mailed to the landlord and the renter if the account is a rental, if the renter's address is available. The past due amount must be paid before the last working day of the month. Shut off will be the next business day.

Accounts shut off for nonpayment fall into a reconnect status. Any past due amount must be paid in full before services are reactivated, and a reconnect fee of \$40.00 will be charged during regular working hours. (Monday – Friday 8:00am – 5:00pm) The reconnect fee will be \$50.00 after hours, weekends and holidays. A fee of \$15.00 will be assessed for special meter reading outside of the regular cycle reading. (Exception: when a property is changing owners.) Only the Owner/landlord can request a Special Read.

1010.4 **Expanded use.** From and after the date any owner is approved for expansion of the ERT use on property already served by sewer connection the owner shall to pay the Town the service charge for the expanded ERTs together with interest at 12% per annum from the date of first use.

1010.5 **Surcharge.** The Town may assess a surcharge rate on any users reasonably suspected of discharging wastes having a flow or BOD₅ or TSS concentration greater than that represented by the number of ERTs purchased by that user. The Town may compel any owner to install sealed water meters on all of the owner's water sources at owner's expense to meter flows for the purpose of enacting a surcharge. The surcharge shall be calculated as follows:

(a) For a flow in excess of 250 gallons per day per ERT, a surcharge at a rate established by the Board per 1,000 gallons of excess flow per month.

(b) For BOD₅ or TSS, a surcharge at a rate established by the Board for each

50 ppm in excess of 250 ppm.

1010.6 **Collection.** Any payment due to the Town shall be a perpetual lien on the property to which the charge applies and shall be the personal responsibility of all owners of the property until paid. All delinquent amounts except monthly user fees shall bear interest at the rate of 1% per month until paid. Delinquent amounts may be collected by civil suit and/or foreclosure of the lien against the property and the owners. Town shall be entitled to collect all reasonable costs of collection, including court costs and reasonable attorney fees.

Section 1011. Emergency Clause. The Town has agreed to assume the operations and the obligations of the Ignacio Sanitation District as of January 1, 2010. Therefore, this Ordinance is necessary to the immediate preservation of the public safety, health, and welfare and shall be effective upon its adoption.

DONE AND ADOPTED at Ignacio, Colorado, this 8th day of December, 2009.

TOWN OF IGNACIO, COLORADO

Attest

Georgina Valdez
Town Clerk

George F. Smith
Mayor

EXHIBIT "A"

(To be the same as the ERT Exhibit on the Tribal Waste Water Contract)