

CHAPTER 12. MUNICIPAL UTILITIES.

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¹ Chapter 12, Article 1 repealed and re-enacted, Ord. 1867 eff. 11/28/08

² Chapter 12, Article 2, Sections 12-5, 12-6, and 12-7 repealed and re-enacted, Ord. 1856, eff. 6/27/08

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¹ Chapter 12, Section 12-62 is amended and enacted. (Ord. 1741, eff., 12/12/03)

⁴ Chapter 12, Sections 12-46 thru 12-52 repealed and reenacted; Sections 12-52.1, 12-52.2, 12-57.1 and 12-57.2 enacted. (Ord. 1848, eff. 2/29/08)

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² Chapter 12 is amended by the addition of Section 12-85. (Ord. 1603, eff., 3/27/99)

CHAPTER 12. MUNICIPAL UTILITIES.

ARTICLE 1. UTILITY SERVICE AND BILLING.

Section 12-1. Initiation of utility service.

(1) Application for utility service.

(a) All applications for electrical, natural gas, sewer, and/or water service from the City shall be made in writing to the Finance and Accounting Department prior to the provision of utility service to the applicant(s). When possible, each applicant shall apply in person. The application for utility service shall generally conform to Form No. 1 attached to this Section 12-1 and shall indicate the type(s) of service requested, the date on which service connection is desired, and any other information required by the City. The City shall require each applicant to provide some form of identification. The application itself shall in no way obligate the City to provide utility service to the applicant(s).

(b) Applications for utility service shall meet the following signature requirements:

(i) The application must be signed by both husband and wife, if the applicant is married and both individuals reside at the premises for which utility service is requested.

(ii) The application must be signed by at least two adult residents where two or more adult residents reside at the same premises for which utility service is requested, none of whom are married to any other resident residing at such premises.

(iii) If the applicant is the owner of rental property, the application must be signed by all owners of record of such property.

(iv) One signature shall be sufficient if the applicant is the only adult residing at, or the only owner of record at, the location for which utility service is requested.

(v) If the premises for which utility service is requested are to be used for commercial rather than residential purposes, the application or applications must either be signed by all of the tenants of such location, or by all of the owners of record.

(vi) If the applicant is a corporation, the application must be signed by a person duly authorized to act on behalf of the corporation.

(vii) If the applicant is a partnership, the application must be signed by all partners.

(c) For large commercial and industrial applicants, a special written agreement may be required in addition to the application for utility service.

(d) An application for utility service shall not be approved if the applicant is delinquent in the payment of any utility bills to the City at the time of application.

(e) Delinquency in payment for utility service rendered to a previous occupant of the premises to be served, and unpaid charges for services or facilities not ordered by the present or prospective customer, shall not constitute a sufficient cause for refusal of services to an applicant; provided, however, the City may decline to provide utility service at the same premises for the use of a delinquent customer by subterfuge in any manner. Subterfuge includes, but is not restricted to, an application for service at a given location in the name of another party by an applicant whose account is delinquent and who continues to reside at the premises.

(f) An application for utility service at premises not currently connected to the City's distribution system, or a request for an increase in utility service at premises currently connected to the City's distribution system, shall be considered an extension of the City's distribution system and shall be subject to the terms and conditions of any applicable extension policy adopted by the City.

(2) Utility service deposits.

(a) Every application for utility service shall be accompanied by a cash deposit as set forth by Rules and Regulations promulgated by the Finance and Accounting Department and approved by the City Manager.

(b) An applicant who has, at any time, previously had utility service from the City discontinued for non-payment shall be required to make a cash deposit equal to twice the normal cash deposit, as set forth by the Rules and Regulations promulgated by the Finance and Accounting Department, or equal to an average month's bill for those utility services which are requested, whichever is greater.

(c) Monies collected as utility service deposits shall be placed in a trust fund to be used for the sole purpose of guaranteeing any unpaid utility bills when utility service is disconnected. When utility service is terminated, deposits shall first be applied to any outstanding utility bill owed by the customer. If such outstanding bills are satisfied, the remaining deposit, if any, shall be refunded to the customer.

(d) Any customer of the City's electrical, natural gas, sewer, and/or water service who has maintained an active service account in good standing for such utility service(s) for a continuous period of five (5) years shall have the cash deposit for each type of utility service refunded in the form of a credit applied against the customer's utility account during the billing cycle immediately following the completion of the five (5) year period. A customer's utility account shall be considered in good standing if the customer has not had utility service disconnected for non-payment.

(e) In the event that any customer receiving a deposit credit pursuant to Section 12-1(2)(d) subsequently terminates any utility service, and later re-establishes that utility account for

electrical, natural gas, sewer and/or water service, the customer shall be subject to the applicable utility service deposit(s) payable at the re-establishment of such utility service.

(3) Notification to the City. Any customer starting the use of service without first notifying the City and enabling the City to read the meter will be held responsible for any amount due for service to the premises from the time of the last reading of the meter, as shown by the City's records.

§ 12-1, Form No. 1: Application Form

APPLICATION FOR UTILITY SERVICE

RESIDENTIAL COMMERCIAL DATE: _____

OWN RENT (LANDLORD: _____)

NAME: _____

SERVICE ADDRESS: _____

MAILING ADDRESS: _____

TELEPHONE: (HOME) _____

(WORK) _____

PLEASE LIST ALL OCCUPANTS WHO ARE EIGHTEEN (18) YEARS OF AGE OR OLDER:

FORM OF IDENTIFICATION PRESENTED: _____

SOCIAL SECURITY NO.: _____

UTILITY SERVICE(S) REQUESTED: ELECTRIC COMMENCEMENT DATE: _____

NATURAL GAS _____

WATER

SEWER

SIGNATURE(S): _____

***** TERMINATION REQUEST *****

DATE RECEIVED: _____, 20____.

SIGNATURE(S): _____

Section 12-2. Utility billing.

(1) Consolidated bill for utility service. The City shall consolidate into one (1) bill all rents, rates, taxes, assessments, and associated charges for electrical, natural gas, sewer, and water service, and remit said bill to each customer monthly. For billing purposes, the term “month” shall mean the period between any two consecutive regular readings by the City of the meters at the customer’s premises, such readings to be taken as nearly as may be practicable every thirty (30) days. However, the City reserves the right to require the payment of bills for service at more frequent intervals. In such event, meters will be read at the intervals specified by the City. If the City is unable to read a meter after reasonable effort, the customer will be billed on an estimated usage based on the best available information.

(2) Contents of utility bill. All bills remitted to customers for metered service furnished shall show:

- (a) Net amount due for the previous one-month period, plus any delinquent balance, plus any accrued penalty charges;
- (b) Dates and meter readings beginning and ending the period during which service was rendered;
- (c) A distinct marking to identify an estimated bill;
- (d) An appropriate rate or rate code identification;
- (e) Last date payable after which the bill becomes past due; and
- (f) All other essential facts upon which the bill is based.

(3) Utility bill due date. The consolidated bill remitted to each City customer shall become due and payable within twenty (20) days after the billing date. If the total amount listed in the bill is not paid by 5:00 p.m. on the fifth (5th) day after the date it becomes due as indicated in the billing statement, a penalty fee of 1.5 percent of the unpaid balance shall be added to such unpaid balance.

(4) Customer’s receipt of utility bill. The bill will be considered as received by the customer when mailed to, or left at, the premises where service is used or at some other location that has been mutually agreed upon. Final bills, special bills, and bills for connection or reconnection are due upon presentation. If the customer fails to receive a bill, the City, upon request, will issue a duplicate.

(5) Failure to receive a utility bill. The customer is presumed to be aware of the customer’s liability for payment of bills for utility service, and failure to receive a utility bill shall not relieve the customer of the obligation to inquire of the City as to the amount.

(6) Installment payments. Any customer shall be permitted to make installment payments if a bill includes amounts from past billing periods arising solely from events under control of the City such

as meter malfunctions, billing errors, utility meter reading errors, or failure to read the meter. Any installment payments under the provisions of this rule may extend over a period equal in length to the period during which the errors were accumulated, and shall bear no interest.

(7) Budget Billing Plan. Residential customers may elect to pay monthly bills for service on a Budget Billing Plan subject to the terms and conditions set forth herein.

(a) Any customer electing the Budget Billing Plan shall pay a monthly amount equal to the minimum of one-eleventh (1/11th) of the total utility bills for the most recent twelve (12) months, adjusted to fully reflect any rate increases that may have become effective during said twelve (12) month period. Said monthly payment shall be made for the following eleven (11) successive months with the final or twelfth (12th) month's payment being a settlement amount equal to the difference between the total payments made during the prior eleven (11) months and the actual amount due for purchases for the twelve (12) month period. If the settlement amount is a credit balance of Twenty Dollars (\$20.00) or more, the City shall issue a check to the customer in the amount of the credit balance. If the settlement amount is a balance owed by the customer, the total balance shall be due and payable on the due date indicated on the bill for the settlement month.

(b) To be eligible to participate in the Budget Billing Plan, a customer shall meet the following requirements:

(i) A customer shall have been served by the City at such customer's current premises for a period of at least twelve (12) consecutive months.

(ii) The customer shall owe no amounts to the City for electrical, natural gas, sewer, or water service, except for the current bill.

(iii) The customer shall execute a standard form "Agreement for Budget Billing Plan" at least fifteen (15) days prior to the beginning of the Budget Billing Plan year.

(c) Normal collection procedures shall be applicable if a customer fails to pay the budget billing amount in any month when due. If the customer fails to pay the budget billing amount following due notice by the City in accordance with Section 12-4, the customer shall be removed from the Budget Billing Plan, the entire outstanding amount of the account shall be due and payable, and utility service to the customer may be discontinued.

(d) If utility service is discontinued for any reason to a customer on the Budget Billing Plan, the customer shall be removed from the Plan and the entire outstanding amount of the account shall be due and payable.

(e) The monthly budget billing amount may be adjusted, at the option of the City, for any increase in the City's rates of five percent (5%) or more. Said monthly budget billing amount may also be adjusted at the option of the City if the customer's use of electrical, natural gas, sewer, and/or water service increases significantly.

(f) The customer may elect to terminate the Budget Billing Plan at any time by notifying the City in writing and by paying in full the entire outstanding amount of the account.

(g) If a customer is removed from the Budget Billing Plan for any reason, the customer shall not be eligible to participate in the plan again for one (1) year.

(8) Customer disputes. A customer disputing the correctness of any utility bill should follow the rules governing complaints as set forth in Section 12-4.1.

Section 12-3. Termination of utility service.

It shall be the responsibility of a customer seeking to terminate utility service to request the City to read the meter. Failure to do so shall render the customer liable for payment of all utilities registering by the meter from the date of the last meter reading until such time as the City learns of the termination and is able to read the meter, or is otherwise advised of the meter reading.

Section 12-4. Discontinuance of utility service.

(1) Notice of discontinuance.

(a) The City shall not discontinue the utility service of any customer for violation of any rule of the City and/or for nonpayment of any amount due for utility service except upon written notice mailed by first class mail to the last known address of the customer, or delivered to the customer, at least fifteen (15) days in advance of the proposed discontinuance date, advising the customer as to what rule has been violated and/or the amount past due and the date by which the same shall be paid in order to avoid discontinuance. In the event the customer has previously executed a third-party notification form indicating a third party to whom notices of discontinuance are to be sent, written notice also shall be mailed by first class mail or delivered at least fifteen (15) days in advance of the proposed discontinuance date to said third party. The notice of discontinuance shall be conspicuous in nature and in easily understood language. The heading of the notice of discontinuance shall be in block capital letters. The heading shall contain, at a minimum, the following warning:

THIS IS A FINAL NOTICE OF DISCONTINUANCE OF UTILITY SERVICE
AND CONTAINS IMPORTANT INFORMATION INVOLVING YOUR LEGAL
RIGHTS AND REMEDIES.

The heading shall also contain the same warning in Spanish (below), with an additional sentence at the end of the warning stating in Spanish that, if the customer is unable to read the notice, the customer should seek assistance with translation:

ESTA ES UNA NOTICIA DE DISCONTINUAR FINAL ACERCA SU SERVICIO
UTILIDAD Y CONTIENE INFORMACION IMPORTANTE ENVOLVIENDO SUS
DERECHOS LEGALES Y SUS REMEDIOS. SI NO PUEDEN LEER ESTA
NOTICIA, NECESITAN QUE ALGUIEN LA TRADUZCA.

- (b) At a minimum, said notice shall advise the customer:
- (i) How to contact the City to resolve any dispute with respect to the amount or date due, and/or with respect to violation of any rule.
 - (ii) That the customer is entitled to a hearing in person, prior to a discontinuance of service, at a reasonable time and place within ten (10) days of the date of the notice of discontinuance before an impartial hearing officer, to protest or dispute the grounds provided for the proposed discontinuance.
 - (iii) That the customer has a right to call witnesses and present evidence at the hearing; that the customer has the right to review records and evidence against the customer prior to the hearing; that the customer has the right to be represented by an attorney at the hearing; that the customer has the right to cross-examine any witness appearing on behalf of the Finance and Accounting Department at the hearing; and that the customer is entitled to have an interpreter present at the hearing if same is requested at the time the request for hearing is made.
 - (iv) That the customer who is unable to pay for service as regularly billed by the City may avoid termination of service by paying the current month's bill in full and entering into a reasonable installment plan with the City to pay any past-due balance in no more than six (6) equal monthly installments.
 - (v) That in the event the customer is unable to pay for service as regularly billed by the City, or is able to pay for such service but only in reasonable installments, and there is a medical certification delivered to the City indicating that termination of service would be especially dangerous to the health or safety of the customer or a permanent resident of the customer's household, that there will not be discontinuance of service for sixty (60) days from the date of the medical extension.
- (c) If the customer does not request a hearing by the date on which the request must be made, and the required payment is not made by the proposed date of discontinuance, utility service shall be subject to discontinuance.
- (d) If the customer requests a hearing, a hearing shall be scheduled and held as soon as practicable following such request. The impartial hearing officer shall be the City Manager and/or the City Manager's designee. The hearing shall be conducted informally and recorded, said recording to be kept for a period of ninety (90) days. Within five (5) workdays after the hearing, the hearing officer shall issue a written decision and a statement of the reasons for the decision. Such decision shall be based entirely on the evidence presented at the hearing. Utility service shall not be discontinued until after the hearing officer has rendered his or her decision.
- (e) Utility service shall not be discontinued:
- (i) If all current utility bills are paid when due and all past due amounts are being

amortized by reasonable installment payments. The due date of the bill must specifically be indicated on the bill and the due date shall be no earlier than twenty (20) days subsequent to the mailing or delivery of the bill. "Current bill" means that portion of the bill which is not twenty (20) days past due. The minimum reasonable installment payment is that which pays a current bill in full and at least one-sixth (1/6th) of any past-due balance. A reasonable installment payment plan may require that a past-due balance be paid off in no more than six (6) equal monthly installments.

(ii) between 12:00 Noon on Friday and 8:00 a.m. the following Monday, or between 12:00 Noon on the day prior to and 8:00 a.m. on the day following any federal holiday or City-observed holiday.

(iii) during any period when discontinuance of service would be especially dangerous to the health or safety of the residential customer or a permanent resident of the customer's household, and such customer established that he or she is unable to pay for the service as regularly billed, or he or she is able to pay for such service but only in reasonable installments.

Discontinuance of service that would be especially dangerous to the health or safety of the residential customer or a permanent resident of the customer's household means that discontinuance of service would aggravate an existing medical condition or create a medical emergency for the customer or a permanent resident of the customer's household. Such shall be deemed to be the case when a physician licensed by the State of Colorado makes a certification thereof in writing and said certification is received by the City.

In the event a medical certification, as aforesaid, is delivered to or received by the City, the non-discontinuance of service as herein prescribed shall be effective for sixty (60) days from the date of said medical certification. One (1) thirty (30) day extension of non-discontinuance of service pursuant to this Section 12-4(c)(1)(iii) may be effected by delivery to or receipt by the City of a second medical certification, as aforesaid, prior to the expiration of the initial sixty (60) day non-discontinuance period. A residential customer may invoke the provisions of this Section 12-4(c)(1)(iii) no more than once during any period of twelve (12) consecutive months.

(iv) until the City has made a reasonable effort to give notice of the proposed discontinuance in person or by telephone both to the customer (or to a resident of the customer's household 18 years of age or over) and to any third party who is listed by the customer on a third-party notification form.

(v) in the event a customer at any time tenders full payment of any utility bill by cash or bona fide check to a service representative.

(f) Any customer who is mailed a notice of discontinuance shall be assessed a Ten Dollar (\$10.00) fee to cover administrative costs in addition to the original amount of the utility bill and any penalty assessed.

(g) Wherever reference is made herein to a notice or other document being mailed or delivered, that phrase shall mean that the notice or other document is either deposited in the United States mails, or physically delivered to the address of the addressee, and does not necessarily include actual physical receipt by the addressee.

(2) Discontinuance under hazardous conditions or meter bypass. These rules regarding discontinuance of service shall not apply where a meter bypass of any kind is discovered on a customer's service meter, or where any hazardous condition exists on a customer's premises, or in the case of a customer utilizing utility service in such a manner as to make it dangerous for occupants of the premises, thus making an immediate discontinuance of service necessary. In such circumstances, utility service will be immediately disconnected and will not be reconnected until the customer pays the following charges to the City:

- (a) A service charge calculated to compensate the City for all reasonable expenses incurred on account of such condition, including, but not limited to, costs of investigation, disconnection, reconnection, and service calls, but in no event less than \$40.00; and
- (b) The cost of repairing or replacing any damaged utility equipment; and
- (c) The actual or estimated charges not previously billed to the customer as a result of any tampering, bypassing, or unauthorized metering.

Section 12-4.1.Complaints and Related Matters.

(1) Scope. This section sets forth rules governing appeals from the application of any immediate shut-off policy, the handling of complaints of utility customers, and related matters, including the opportunity for such persons to be heard. These rules are made in the best interests of the City and its utility customers and shall be liberally construed to secure the just, speedy, and inexpensive determination of matters presented under the provisions of applicable law and these rules. These rules are intended to be fair and simple, and to settle disputes without complex procedures.

(2) Definitions.

- (a) "Customer" shall mean any person who directly receives electrical, natural gas, sewer, and/or water service from the City.
- (b) "Presiding officer" shall mean the City Manager and/or the City Manager's designee.
- (c) "Outside customers" shall mean and include electrical, natural gas, sewer, and/or water service customers of the City who or which are served outside the corporate jurisdictional limits of the City.

(3) Forms. The attached forms are not a part of these rules, but they should be followed whenever possible and are intended as a guide.

- (4) Deviation from rules. So long as not contrary to law, deviation from these rules may be permitted for good cause shown or if compliance therewith is found to be impossible, impracticable, or unreasonable, and to promote fairness in dealings between the City and its customers.
- (5) Pleadings.
- (a) Pleadings hereunder before the City are called “Petitions,” “Formal Complaints,” “Motions,” “Notices,” and “Responses.” A responsive pleading should be filed within ten (10) days, but the presiding officer, in order to promote fairness and a full hearing, may make such rulings as are necessary, desirable, or useful to a full and proper hearing.
 - (b) Pleadings should be typewritten or legibly handwritten on an 8 ½” x 11” sheet of paper. Pleadings should be properly filed with the City and signed by an authorized person. A pleading shall state the name and address of the party, identify the proceeding, and set forth a clear and concise statement of the matters relied upon as a basis for such pleading, together with an appropriate prayer when relief is sought.
 - (c) The presiding officer may permit any pleading to be amended or corrected, or any omission therein to be supplied. Defects which do not affect important rights of a party shall be disregarded.
 - (d) No party shall be required to be represented by an attorney. Pleadings of a party represented by an attorney shall be signed by said attorney, and shall set forth his or her attorney registration number, address, and telephone number. The signature of an attorney is a certification that he or she has read the pleading; that to the best of his or her knowledge, information, and belief there is good ground to support it; and that it is not interposed for purposes of delay.
- (6) Parties and non-parties. A person who desires to assist in the just and reasonable determination of a proceeding, and who has been permitted by the presiding officer, may be permitted to do so; however, such person may only present legal argument, either orally or in writing as permitted by the presiding officer.
- (7) Representation of parties. An individual who is a party to a proceeding and who wishes to appear by himself may represent only his own individual interest in said proceeding. A business entity of any type that is a party to a proceeding may be represented by its owner or any officer, manager, or duly-authorized employee. A party to a proceeding, other than a party appearing by himself, may be represented by an attorney, but need not be.
- (8) Changes affecting outside customers. When the City proposes to change any base rate, charge, or service to outside customers, it shall proceed to do so in the manner provided in Article 3.5 of Title 40, C.R.S.
- (9) Immediate shut-offs. When the City immediately shuts off service to a customer without prior notice, such customer may immediately appeal such action to the City Manager by filing a formal complaint generally conforming to Form No. 2 attached to these rules. The City Manager shall

designate a hearing officer to hear and determine complaints filed under these rules, and said hearing officer shall immediately determine any such complaint.

(10) Informal complaints and formal complaints.

(a) Informal complaints.

(i) An informal complaint is one that may be resolved without formal order. Customers must use the informal complaint procedure prior to filing a formal complaint with the City Manager, except for a complaint based upon an immediate shut off under Section 12-4.1(9), which precludes the use of the informal complaint procedure, or unless a proposed increase in rates to outside customers is involved.

(ii) An informal complaint should be made in writing, or it should be reduced to writing at the earliest possible moment, and contain such facts and other information, including supporting data and documents, to state adequately the circumstances by which any act or thing done or omitted to be done by the City has violated any provision of law or any rule or regulation of the City.

(iii) An informal complaint shall be referred to the utility Superintendent or the Superintendent's designee, and said Superintendent or designee shall attempt to resolve such complaint, within the law and rules and regulations of the City, as soon as reasonably practicable. If the said informal complaint is not resolved within thirty (30) days after filing, the same shall be deemed denied.

(iv) No anonymous informal complaint shall be considered.

(b) Formal complaints.

(i) When an informal complaint is not resolved to the satisfaction of the complainant, it may be appealed by filing a formal complaint with the City Manager. A formal complaint filed under this rule shall not be entertained unless said complaint is signed. If a formal complaint does not substantially comply with these rules, it can be rejected or dismissed for that reason alone.

(ii) Prior to appealing to the City Manager, the complainant must comply with the informal complaint procedures set forth in Section 12-4.1(10)(a) above. Nothing said or offered during settlement negotiations of an informal complaint may be used in any complaint to the City Manager against any party who made the statement or offer.

(iii) The formal complaint shall be in writing, and generally shall conform to Form No. 2 attached to these rules. The formal complaint shall set forth sufficient facts and other information to state adequately the circumstances upon which the complaint is based. The complaint may be amended at any time up to ten (10) days before the hearing, if a hearing is held.

(11) Consolidation. Two or more proceedings may be consolidated where it appears that the issues are substantially similar and that the rights of the parties will not be prejudiced by such consolidation.

(12) Hearings and notice of hearings. A formal complaint to the City Manager shall be set for hearing at the earliest practicable time. A formal complaint may be withdrawn by the complainant at any time, and it shall be dismissed where it has been set for hearing and the complainant fails to appear at the time, place, and date set for hearing without just cause. The City shall provide written notice of a hearing on a formal complaint by mailing a copy of the notice setting the matter for hearing at least ten (10) days before the first day of hearing, unless shortened by the City Manager or other presiding officer, to (i) each party to the proceeding as of the date of mailing; (ii) any other person who, in the opinion of the City Manager or presiding officer, would be interested in or affected by the proceeding involved in the hearing; and (iii) any person who has asked to receive notice of the hearing. The Notice of Hearing shall state the time, place, and date of the hearing.

(13) Conduct of hearings.

(a) Hearings on formal complaints shall be conducted by the presiding officer. Hearings shall be held in the City Council Chambers, or at such place or places in the City as may be designated in the Notice of Hearing. Any person who is disruptive, abusive, or disorderly at a hearing may be excluded from the hearing. Any hearing shall be recorded at the request of any party, including the City; the cost of such recording shall be borne by the party who requested that the hearing be recorded.

(b) A witness, before being permitted to testify, shall be required to swear or affirm that the testimony he or she is about to give is true. No witness who refuses to so swear or affirm shall be permitted to testify.

(c) In order to expedite the hearing, the presiding officer may limit the number of parties who shall be permitted to cross-examine witnesses or argue motions or objections.

(14) Admissibility of evidence. The presiding officer shall not be bound by the technical rules of evidence, and no informality in any proceeding or in the manner of taking testimony shall invalidate any order, decision, rule, or regulation made, approved, or confirmed. However, to the extent practicable, the Colorado Rules of Evidence applicable in civil non-injury cases in the district courts of Colorado will be followed in order to promote uniformity in the admission of evidence. Notwithstanding the foregoing, when necessary to ascertain facts affecting the substantial rights of parties to the proceeding, evidence not admissible under such rules may be received and considered if such evidence possesses probative value commonly accepted by reasonable and prudent persons in the conduct of their affairs.

(15) Burden of going forward and burden of proof.

(a) In formal complaint proceedings, the burden of going forward and the burden of proof shall be on the complainant. After the complainant has gone forward, any party who appears in support of the position of the complainant shall go forward. Then the City or its

representative, followed by any party who appears in support of the position of the City, shall go forward. The complainant shall then have the right to present rebuttal evidence.

(b) In proceedings other than formal complaint proceedings, the burden of going forward and the burden of proof shall be as determined by the presiding officer.

(16) Additional Guidelines. At any hearing, the presiding officer may be guided by the Rules of Procedure of the Public Utilities Commission of the State of Colorado on any of the following subjects if it will help reach a fair and just solution:

(a) Shortening or lengthening of time for pleadings or for action on pleadings.

(b) Striking improper matter from pleadings.

(c) Opening statements, procedure of hearings, and conduct of hearings.

(d) Continuances or conduct of hearings in the absence of the party.

(e) Definition of terms.

(f) Granting permission to customers to appear as a party.

(g) Permitting non-parties to testify.

(h) Holding pre-hearing conferences to expedite hearings or settle issues.

(i) Stipulations and whether they shall be approved or not approved.

(j) Documentary evidence.

(k) Interim orders and whether they should be issued.

(l) Written briefs or statements and whether they should be accepted.

(m) Whether a hearing shall be reopened and under what circumstances.

(17) Remedies. No customer may make complaint to any agency or court about any matter within the scope of these rules without first following the procedures and exhausting his or her remedies as set forth in these rules.

Section 12-4.1, Form No. 1: Informal Complaint Form

INFORMAL COMPLAINT

NAME: _____

ADDRESS: _____

TELEPHONE: (HOME) _____

(WORK) _____

COMPLAINT:

(Please state the specific act or omission complained of, together with such facts as are necessary to provide a full understanding of the situation.)

Signature of Complainant

FOR OFFICE USE ONLY:

Date Received: _____, 20____.

Disposition: _____

Section 12-4.1, Form No. 2: Formal Complaint Form

FORMAL COMPLAINT

BEFORE THE CITY MANAGER OF)
THE CITY OF TRINIDAD, COLORADO)

CASE NO. _____

FORMAL COMPLAINT OF: _____

COMPLAINT:

The Complainant(s) respectfully state(s):

1. The name, business, if any, business or residence address, and telephone number of each Complainant are as follow:
2. The Complainant(s) will pursue this Complaint in accordance with the City's rules and regulations and will appear at any hearing thereon if this Complaint is set for a hearing.
3. The specific act or omission complained of, together with such facts as are necessary to provide a full understanding of the situation, are as follows:

(Note: each allegation of this paragraph should be stated in a separately numbered subparagraph.)

WHEREFORE, Complainant(s) respectfully ask(s) that the City Manager of the City of Trinidad, Colorado, enter its Order granting to Complainant(s) the following relief:

Dated at _____, Colorado, this _____ day of _____, 20_____.

Signature of each Complainant if filed pro se,
or of attorney for Complainant(s)
(Name, Attorney Registration Number, Address,
and Telephone Number of Attorney)

ARTICLE 2. ELECTRICITY.

Section 12-5. National Electrical Code - Adoption by reference.³

The NFPA 70: National Electrical Code / International Electrical Code Series, 2008 Edition, published by the National Fire Protection Association, Inc., One Batterymarch Park, Quincy, Mass., 02169-7471, be and the same is hereby adopted by reference and incorporated as fully as if set out at length herein, except as modified in Section 12-6 of this Code. One complete copy of the 2008 Edition of the NFPA 70: National Electrical Code / International Electrical Code Series shall be kept on file in the Office of the City Clerk, which copy shall be available for review by the public. (Ord. 1856 eff., 6/27/08)

Section 12-6. Modifications and additions.⁴

The said Code is subject to the following modifications:

(1) Section 230.24 (B)(1) of the National Electrical Code (first two (2) paragraphs) shall be superseded by the following language:

Vertical Clearance from Ground: Service drop conductors where not in excess of 600 volts, nominal, shall have the following minimum clearance from final grade:

12 feet (3.66m) - at the electric service entrance to buildings, or at the drip loop of the building electric entrance, or above areas of sidewalks accessible only to pedestrians, measured from final grade or other accessible surface only for service-drop cables supported on and cabled together with a grounded bare messenger and limited to 150 volts. (Ord. 1856 eff., 6/27/08)

(2) The following additions to said Code are hereby adopted:

(a) Masts extending over three feet (3') above roof penetrations shall be guyed by not less than two guys. The angle between guys shall not be less than forty-five degrees (45°) if practicable. (Ord. 1856, eff., 6/27/08)

(b) Masts shall be no less than two inch (2") diameter galvanized rigid steel conduit (RGS). (Ord. 1856 eff., 6/27/08)

(c) Meter sockets shall be located not higher than five feet six inches (5'6") above finished grade level. (Ord. 1856 eff., 6/27/08)

(d) Diagram 12-6, Service Mast Diagram, is incorporated herein and made a part of this Section. (Ord. 1856 eff., 6/27/08)

³ Chapter 12, Article 2, Section 12-5 is repealed and reenacted. (Ord 1856, eff., 6/27/08)

⁴ Chapter 12, Article 2, Section 12-6 is repealed and reenacted. (Ord 1856, eff., 6/27/08)

Section 12-7. Penalty for violations.⁵

An person, firm, or corporation violating any of the provisions of this Code shall be deemed guilty of a misdemeanor, and each such person, firm or corporation shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of the provisions of this Code is committed, continued, or permitted, and upon conviction of any such violation, such person, firm or corporation shall be punished by a fine of not more than One Thousand Dollars (\$1,000.00) or by imprisonment for not more than ninety (90) days, or by both such fine and imprisonment. (Ord. 1790 eff., 7/1/05)

Section 12-8. Contractor to furnish plans.

Any electrical contractor applying for a wiring permit, for new construction, from the State Electrical Inspector shall furnish the plans and specifications for the proposed work to the City's Power and Light Department.

Section 12-9. Disconnecting wires in emergency.

Every person owning or controlling electrical wires and apparatus for the transmission of light, heat or power shall, in time of fire or in case of severe storm, wherein lives or property may be endangered by the operation of such wires and apparatus, upon the order of the Superintendent of Power and Light or his/her designee, disconnect such wires as are designated by such official; such person failing to comply with such order shall be guilty of a misdemeanor and for each hour such order is not complied with shall constitute a separate offense.

Section 12-10. Illegal acts.

Any person who shall violate any of the provisions of this Article and any occupant or owner of premises where electrical wiring or apparatus is used or to be used, who shall refuse to allow or shall prevent or interfere with the Electrical Inspector or his assistants in the discharge of their duties under this Article shall be guilty of a misdemeanor. (Code 1958, Sec. 7-18.)

Section 12-11. Meter deposits; meter ownership.⁶

(1) Every customer applying for electrical service shall be required to make a meter deposit at the following rates and pay the service charge on meter connects as set forth below:

- (a) \$ 30.00 - Residential
- (b) \$ 50.00 - Students
- (c) \$ 50.00 - Temporary service for construction of new homes.
- (d) \$ 75.00 - Stores, office buildings, etc.
- (e) \$500.00 - Large power customers
- (f) \$250.00 - Restaurants, bars and taverns

⁵ Chapter 12, Article 2, Section 12-7 is repealed and reenacted. (Ord. 1856, eff., 6-27-08)

⁶ 12-11(3) Repealed (Ord. 1512, 8-12-95 §3)

(g) \$ 10.00 - Service charge on meter connects.

(2) Where the deposit is found to be less than the average monthly bill it may be increased at the discretion of the Power & Light Superintendent to an amount sufficient to adequately properly protect the City, upon written notice to the customer thirty (30) days in advance.

Section 12-12. Rates for Electric Service, Power, and Energy. (Ord. No. 1909, 12/31/11)

Effective January 1, 2011, the established rate for electric service, power, and energy delivered shall be as follows:

(1) RESIDENTIAL ELECTRIC SERVICE:

(a) Applicability: Available for single-family units and individually metered multi-family units within the utility's service area for the purpose of lighting, cooking, household appliances, and space heating. Single-family units and individually metered multi-family units shall be considered as buildings or units used solely as residences. Residences used for commercial purposes shall be billed at the commercial rate, unless the residential and commercial services are arranged to allow separate metering of the residential portion.

(b) Character of service: Alternating current, 60Hz, single-phase, 120/240 volts.

(c) Monthly Rate:

Monthly Charge:	\$8.50
First 600 KWH	\$0.1279/KWH
Over 600 KWH	\$0.1247/KWH

(d) Power Cost Adjustment ("PCA"): When applicable, a power cost adjustment ("PCA"), as specified in subsection (7) herein, shall be applied to all kilowatt hours billed for the current month.

(e) Tax Adjustment: All rates are net and subject to applicable taxes.

(f) Multi-family Dwelling Units: Where two or more dwelling units are served through one meter, this rate shall apply by multiplying the above KWH blocks of the rate and the minimum charge by the number of dwelling units so served.

(2) ELECTRIC WATER HEATER SERVICE:

(a) Applicability: Available for individual permanently installed storage type electric water heaters of thirty (30) gallons or more capacity and of a type approved by the utility. Service hereunder shall be supplied through a separate meter. Each element within the water heater will be non-inductive and controlled by a separate thermostat. The upper thermostat and element will be interconnected with the lower thermostat and element to permit operation of only one element at any time.

(b) Character of service: Alternating current, 60HZ, single-phase, 240 volt.

(c) Monthly Rate:

Monthly Charge:	\$2.50
All Energy	\$0.1048/KWH

(d) Power Cost Adjustment (“PCA”): When applicable, a power cost adjustment (“PCA”), as specified in subsection (7) herein, shall be applied to all kilowatt hours billed for the current month.

(e) Tax Adjustment: All charges are net and subject to applicable taxes.

(3) GENERAL ELECTRIC SERVICE:

(a) Applicability: Available for commercial and non-residential customers for lighting and other electric services where the service is taken through one meter and does not require in excess of 50 KVA of transformer capacity.

(b) Character of Service: Alternating current, 60Hz, single-phase, 120 volts or 120/240 volts; three-phase, three-wire, 240 volts; three-phase, four-wire, 120/208 volts.

(c) Monthly Rate:

Monthly Charge:	\$13.00
First 500 KWH	\$0.1331/KWH
Next 1,000 KWH	\$0.1467/KWH
Over 1,500 KWH	\$0.1200/KWH

(d) Power Cost Adjustment (“PCA”): When applicable, a power cost adjustment (“PCA”), as specified in subsection (7) herein, shall be applied to all kilowatt hours billed for the current month.

(e) Tax Adjustment: All charges are net and subject to applicable taxes.

(f) Multiple Meters: All metering points shall be billed as separate customers.

(4) LARGE LIGHT AND POWER:

(a) Applicability: Available for commercial and industrial customers using electricity for lighting and power purposes through one point.

(b) Character of Service: Alternating current, 60Hz, single-phase, 120 volts or 120/240 volts; three-phase, three-wire, 240 volts; three-phase, four-wire, 120/208 volts; or at available distribution voltages.

(c) Minimum Charge: Demand charge, but not less than eighty percent (80%) of the highest demand of the preceding eleven (11) months or 50 KW, whichever is higher.

(d) Monthly Rate:

Monthly Charge:	\$25.00
Demand (30 minute integrated):	
All KW	\$6.60/KW
Energy:	
First 10,000 KWH	\$0.1153/KWH
Next 20,000 KWH	\$0.1048/KWH
Over 30,000 KWH	\$0.0992/KWH

(e) Multiple Meters: All metering points shall be billed as separate customers.

(f) Primary Metering Discount: When service is taken at distribution voltage, without transformation, a three percent (3%) discount will be allowed in both the energy and demand measurements.

(g) Power Cost Adjustment (“PCA”): When applicable, a power cost adjustment (“PCA”), as specified in subsection (7) herein, shall be applied to all kilowatt hours billed for the current month.

(h) Tax Adjustment: All charges are net and subject to applicable taxes.

(5) SECURITY LIGHTING:

(a) Applicability: Available for area lighting, in private areas and grounds, for protective and safety purposes only, where the City installs high-pressure sodium (“HPS”) type lighting fixtures in sizes determined by the City as appropriate for the area to be lit.

(b) Character of Service: Dusk-to-dawn operation of utility owned HPS fixtures.

(c) Installation Fees: A non-refundable fee for the installation of utility supplied poles shall be Sixty Dollars (\$60.00). The amount necessary for the costs of the wire, connections, and hardware will be calculated and added to the non-refundable fees set forth above.

(d) Monthly Rate:

Lamp type	\$/month	PCA KWH/month
100 HPS	8.16	38
150 HPS	12.24	58
200 HPS	17.34	77
250 HPS	17.34	96
400 HPS	26.52	153
175 MV	12.65	67
200 MV	13.65	76
400 MV	26.62	153

(e) Power Cost Adjustment (“PCA”): When applicable, a power cost adjustment (“PCA”), as specified in subsection (7) herein, shall be applied to all kilowatt hours billed for the current month.

(f) Tax Adjustment: All charges are net and subject to applicable taxes.

(6) STREET LIGHTING:

(a) Applicability: Available for municipal, county, and state street lighting on public roads, streets, and other public areas and grounds, for protective and safety purposes only.

(b) Character of Service: Dusk-to-dawn operation of government agency specified street lamps and poles that are utility installed, owned, and operated.

(c) Monthly Rate:

Lamp type	\$/month	PCA KWH/month
175 MV	12.65	67
200 MV	13.65	76
400 MV	26.62	153
100 HPS	8.16	38
150 HPS	12.24	58
200 HPS	17.34	77
250 HPS	17.34	96
400 HPS	26.52	153
165 INDUCT	12.65	63
70 MH	12.65	27
65 INDUCT	12.65	25

(d) Power Cost Adjustment (“PCA”): When applicable, a power cost adjustment (“PCA”), as specified in subsection (7) herein, shall be applied to all kilowatt hours billed for the current month.

(e) Tax Adjustment: All charges are net and subject to applicable taxes.

(7) POWER COST ADJUSTMENT (“PCA”):

(a) Any bill may be adjusted for variations in the cost of power to the utility. Such power cost adjustments (“PCAs”) may be recommended from time to time by utility staff and may be authorized by the City Council. The City Council may authorize a PCA in the event that significant revenue changes are necessary because of unexpected increases in the cost of power, including energy and demand costs; or because of other emergencies that are estimated to be greater than a ten percent (10%) deviation in fiscal year power costs budgeted.

(b) A PCA shall be calculated as follows:

$$\text{PCA} = \frac{(A - 0.0730)(\text{KWH billed during the preceding month}) + B}{\text{KWH sold during the preceding month}}$$

where “A” equals the energy cost per kilowatt hour (“KWH”) billed during the preceding month by the Arkansas River Power Authority, and “B” equals any energy cost adjustment billed during the preceding month by the Arkansas River Power Authority.

(c) If authorized by the City Council, a PCA shall be effective for a period not to exceed twelve (12) months. After such period, the PCA shall automatically expire unless re-authorized by the City Council. When applicable, a PCA shall be applied to all kilowatt hours billed in the current month. (Ord. 1909, 12/31/10)

Section 12-13. Establishment of Electric Light and Power Fund; sources.

There is hereby established a fund to be known and maintained as the "Electric Light and Power Fund", to be derived as follows:

- (1) All gross revenues and income from the operation of the electric light and power system;
- (2) All funds arising from the sale of by-products;
- (3) All profits from the sale of appliances and apparatus;
- (4) All funds arising from the sale of materials and equipment removed from the system and no longer required for operation;
- (5) Interest on monies invested from funds resulting from the operation of the system; and
- (6) All other funds derived either from the operation or ownership of the electric light and power system. (Ord. 948, Sec. 1.)

Section 12-14. Purposes of Electric Light and Power Fund.⁷

(1) There shall be first paid the necessary costs and expenses of the maintenance and operation of the Municipal Electric Light and Power System, including necessary repairs and replacements. Included in the term "operation" shall be such sums as may be needed for salaries, wages, material, equipment, insurance, bank charges, commercial expenses, promotion, payment in lieu of tax to the General Fund in annual amounts not to exceed five percent (5%) of gross receipts, new business and general miscellaneous expenses incurred in connection with the system.

(2) REPEALED

(3) After the payments and deductions specified in Subsection (1) and (2), the remaining part of said revenues and income shall be known as "Net Revenues". Such net revenues shall be deposited each month in an account with a national bank, or authorized depository, which is a member of the Federal Deposit Insurance Corporation, for such future purposes as may be determined by the budgeting process of the City. (Ord. 1235, 2/15/83.)

Section 12-15. City to pay for service.

The City will furnish no free service and so long as the City shall use electricity for street lighting and other municipal purposes it shall pay monthly into the Electric Light and Power Fund a fair and reasonable amount for such service, and in determining what shall be a fair and reasonable amount, the City Council shall take into consideration what other cities in Colorado, similarly situated, pay for like service. In no event shall the City pay a greater amount than would be charged a private consumer. (Ord. 948, Sec. 2.)

Section 12-16. Electric system to pay own expenses.

All costs and expenses incurred in connection with or incident to the operation and maintenance of the Electric Light and Power System shall be paid exclusively from the revenues of the System, and in no event shall any of such costs or expenses be paid out of or charged to the general fund or tax levies of the City, either directly or indirectly. (Ord. 948, Sec. 4.)

Section 12-17. Connections and extensions.⁸

(1) All customers shall apply in writing to the Power and Light Department before any connection can be made. The customer shall bear the expenses of all standard connections. (Ord. 1668, eff., 6-29-01)

(2) If any extensions are required in an area, the costs of such installations are to be charged to the customer or customers requiring the same. The Superintendent of Power and Light is authorized, however, to enter into a contract of service with such customer or customers for a minimum consumption within a limited period of time, having regard to the costs of the installations and

⁷ 12-14(2) Repealed (Ord. 1512, 8-12-1995, §2)

⁸ Chapter 12, Section 17 is repealed and reenacted. (Ord. 1668, eff., 6-29-01)

requiring a deposit on the cost of such installations to be returned according to the amount of energy used by the customers. (Ord. 1668, eff., 6-29-01)

(3) Customers who are permitted by the City to have their electric services placed underground, shall be charged with the expense of opening and closing the trench, the meter pedestal and ground level handhole, including the conduit, wire, connections, labor and equipment charges. (Ord. 1668, eff., 6-29-01)

(4) There shall be no extension of any electrical service without the approval of the Superintendent or his/her designee, and no one shall be employed to make the connection or installation except the person duly authorized by the City to perform such work. (Ord. 1668, eff., 6-29-01)

Section 12-18. Compliance with regulations; discontinuance of service for violation.

The provisions of this Article and the rules and regulations established by the Superintendent of Light and Power shall be considered a part of the contract with every customer who is supplied with electricity by the Department, and every such customer by consuming energy shall be deemed to express his/her assent to be bound thereby. Whenever any of the regulations or any other provision of this Code is violated, service may be discontinued.

Section 12-19. Granting rights-of-way and rights to alter vegetation.⁹

Before any customer may be served, the owner of the land shall grant to the City a right-of-way for connecting wire over or under the land served, and the right to make all reasonable alterations or repairs on vegetation or any other obstacle that may hinder the attachment of safe connections and maintenance of all electrical wiring appurtenances. All of the rights-of-way over or under land shall be given free of charge. (Ord. 1668, eff., 6-29-01)

Section 12-20. Avoiding compliance with Article or payment of charges.

It shall be unlawful for any person to do anything in any manner whatsoever to evade, avoid, or defeat any of the provisions of this Article, or to obtain electrical energy in any manner whatsoever without due and proper payment therefor.

Section 12-21. Establishment of the Arkansas River Power Authority as a separate governmental entity.

Contingent only upon similar authorizing action being taken by each of the other Municipalities, the City shall contract with the other Municipalities to establish a separate governmental entity to effect the development of electric energy resources and production and transmission of electric energy in whole or in part for the benefit of the inhabitants of the contracting Municipalities, the governmental entity to be known as the Arkansas River Power Authority ("Authority") by the execution and delivery of the ORGANIC CONTRACT ESTABLISHING THE ARKANSAS RIVER POWER AUTHORITY AS A SEPARATE GOVERNMENTAL ENTITY ("Organic Contract") in the form of said Organic Contract presented to this meeting and a copy of which shall be retained on file by

⁹

the City Clerk; and the Mayor and City Clerk are hereby authorized and directed to execute said Contract on behalf of the City. (Ord. 1154, 1979.)

Section 12-22. Successor to the non-profit corporation.

Upon the effective date of the Organic Contract, the Authority is acknowledged and recognized as the successor to the Non-Profit Corporation and the City does hereby approve, consent and agree that all contracts, agreements, indemnifications, obligations, undertakings or other instruments ("Existing Documents") which this Municipality has heretofore entered into with or on behalf of the Non-Profit Corporation shall, where applicable, be assigned and transferred to the Authority by the Non-Profit Corporation and shall after such transfer and assignment remain in full force and effect according to their respective terms and conditions which the Existing Documents shall include; and the Mayor is hereby authorized to execute any consents to such assignment which may be requested by the Authority. (Ord. #1154, 1979.)

ARTICLE 3. NATURAL GAS.

Section 12-23. Article title and citation.

This Article shall be known as the “Natural Gas Code” of the City, and may be cited as such.

Section 12-24. Trinidad Municipal Natural Gas Department and office of Superintendent created.

(1) The Trinidad Municipal Natural Gas Department and the office of the Superintendent of the Trinidad Municipal Natural Gas Department are hereby created.

(2) As used herein:

(a) *Department* shall mean the Trinidad Municipal Natural Gas Department.

(b) *Superintendent* shall mean the Superintendent of the Trinidad Municipal Natural Gas Department.

Section 12-25. Trinidad Municipal Natural Gas Department — operation and maintenance.

(1) The City Manager shall have the right and authority to hire all necessary employees for the proper maintenance and operation of the Trinidad Municipal Natural Gas Department.

(2) The Superintendent of the Department shall have the power and authority to establish rules and regulations consistent with the adopted tariff for the proper operation and maintenance of such Department, subject to the supervision and direction of the City Manager and subject to the approval of the City Council.

Section 12-26. Service classifications, rates, charges, and regulations — adoption of tariff.

(1) All service classifications, rates, charges, and regulations regarding the Trinidad Municipal Natural Gas Department’s provision of natural gas service shall be set forth in a gas tariff to be adopted by ordinance.

(2) The tariff entitled “City of Trinidad, Colorado, Trinidad Municipal Natural Gas Department, Gas Tariff No. 1” attached hereto is hereby adopted by reference, and shall become effective on December 1, 2008.

(3) One copy of the currently effective gas tariff shall be kept on file with the City Clerk and shall be available for public inspection during regular business hours.

(4) All changes to the tariff shall be adopted by ordinance, which ordinance shall adopt by reference the appropriate tariff sheet(s) to be revised.

Section 12-27. Natural Gas Fund — creation; purposes.

(1) There is hereby established and created a fund to be known and maintained as the “Natural Gas Fund,” to be derived as follows: all gross revenues and income from the operation of the natural gas system; all funds arising from the sale of by-products; all profits from the sale of appliances and apparatus; all funds arising from the sale of materials and equipment removed from the system and no longer required for operation of the system; and all other funds derived either from the operation or ownership of said natural gas system as it now exists and as it may be improved and extended.

(2) The Natural Gas Fund is irrevocably pledged for the purposes and payments herein set forth, to-wit:

(a) Out of such fund there shall be first paid the necessary costs and expenses of the efficient and economical maintenance and operation of the City’s natural gas system, including necessary repairs and replacements. Included in the term “operation” shall be such sums as may be needed for salaries, wages, materials, equipment, insurance, bank charges, commercial expenses, promotion, payment in lieu of tax to the General Fund in annual amounts not to exceed five percent (5%) of gross receipts, new business, and general miscellaneous expenses incurred in connection with the system.

(b) After the payments and deductions specified in Subsection (2)(a) herein, the remaining part of said revenues and income shall be known as “Net Revenues.” Such net revenues shall be deposited monthly or otherwise in an account with a national bank, or authorized depository which is a member of the Federal Deposit Insurance Corporation, for such future purposes as may be determined by the budgeting process of the City.

Section 12-28. Natural gas system to be self-sufficient.

All incidental costs and expenses incurred in connection with or incident to the operation and maintenance of the City’s natural gas system shall be paid exclusively from the revenues of the system, and in no event shall any of such costs or expenses be paid out of or charged to the General Fund or tax levies of the City, either directly or indirectly, except, however, that the City shall pay for natural gas service to City facilities.

Section 12-29. Tampering with gas system devices prohibited.

It shall be unlawful for any person to violate any of the rules and regulations provided and established for the Trinidad Municipal Natural Gas Department, or to in any manner tamper with the measuring devices and the meters of the Department, or to in any manner seek to defraud the City in the use of gas.

Section 12-30. Applicability of Article; exception.

(1) The provisions of this Article shall be applicable to all users of the City’s natural gas system.

(2) The Superintendent of the Trinidad Municipal Natural Gas Department, with the approval of the

City Council, may waive or vary the provisions of this Article so that any facility or building owned by the United States, the State of Colorado, or any other political subdivision may be serviced by the Trinidad Municipal Natural Gas Department; provided, however, that safety measures shall not be waived or changed without the adoption of amendments to this Article by the City Council. Any such gas service so supplied under this provision shall be paid by the user and no cost whatsoever shall be borne by the Department.

ARTICLE 4. SEWERS.

Section 12-46. Purpose, policy, definitions and abbreviations.

(a) Purpose and policy. This Article sets forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for the City and enables the City to comply with all applicable state and federal laws required by the Clean Water Act of 1977 and the General Pretreatment Regulations (40 CFR Part 403).

(b) Definitions. For the purpose of this Article certain words and terms used herein are defined as follows:

ACT or THE ACT means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 USC § 1251, et. seq.

ADMINISTRATIVE AUTHORITY means the City Manager or his or her authorized representative or such other City official or employee authorized to enforce the provisions of this Code and the ordinances of the City.

ANALYSIS PROCEDURES means the Guidelines Establishing Test Procedures for the Analysis of Pollutants: Final Rule; 40 CFR Part 136.

AUTHORIZED REPRESENTATIVE OF INDUSTRIAL USER means:

- a. A principal executive officer of at least the level of vice president, if the industrial user is a corporation;
- b. A general partner or proprietor if the industrial user is a partnership or proprietorship, respectively;
- c. A duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.

BIOCHEMICAL OXYGEN DEMAND (BOD) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five (5) days at twenty degrees Centigrade (20°C), expressed in parts per million/milligrams per liter.

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 building sewer, beginning five feet (5') outside the inner face of the building wall.

BUILDING SEWER means the extension from the building drain to the public sewer or other place of disposal.

CATEGORICAL INDUSTRY means any new or existing industry subject to Section 307 of the Clean Water Act.

CITY means the City of Trinidad, Colorado.

CITY MANAGER means the manager of the City of Trinidad, or his designee.

COMPOSITE SAMPLE means a combination of individual samples of water or wastewater taken at selected intervals, generally hourly, for some specified period, to minimize the effect of the variability of the individual sample. Individual samples may have equal volume or may be proportional to the flow at the time of sampling.

DIRECT DISCHARGE means discharge of treated or untreated wastewater directly to the waters of the State.

DISCHARGE RATE means that volume of effluent from an industrial or commercial discharger which has been determined by the Utilities Superintendent to be representative of the process effluent from that industrial or commercial operation. Such effluent shall be based upon metered water usage unless, in the opinion of the Utilities Superintendent, significant amounts of water are diverted and not discharged into the wastewater treatment system.

DISCHARGER means any person who discharges or causes the discharge of wastewater directly or indirectly to the POTW.

DOMESTIC (SANITARY) WASTES means liquid wastes:

- a. From the noncommercial preparation, cooking and handling of food;
- b. Containing human excrement and similar matter from the sanitary conveniences of dwellings, commercial buildings, industrial facilities and institutions.

ENVIRONMENTAL PROTECTION AGENCY means the United States Environmental Protection Agency, or where appropriate, the administrator or other duly authorized official of the agency.

EXISTING USER means an industrial user which is or was in operation at the time of promulgation of applicable Federal categorical pretreatment standards.

FLOW means volume of wastewater per unit time.

GARBAGE means solid wastes from the domestic and commercial preparation, cooking and dispensing of food, the processing of food by-products, the processing of agricultural products and the handling, storage and sale of produce.

GRAB SAMPLE is a single dip-and-take sample collected, over a period of time not to exceed 15 minutes, at a representative point in the discharge system.

INDIRECT DISCHARGE means the discharge or the introduction of nondomestic pollutants from any source regulated under Section 307 (b), (c) or (d) of the Act, into the POTW (40 CFR 403.3(i)).

INDIVIDUAL (PRIVATE) SEWAGE DISPOSAL SYSTEM means a septic tank or similar self-contained receptacle or facility which collects and/or treats or otherwise disposes of wastewater and which is not connected to the POTW.

INDUSTRIAL USER means any sources of indirect discharge (40 CFR 403.3(j)).

INDUSTRIAL WASTES means the liquid wastes from industrial processes as distinct from

domestic sewage. Any domestic waste mixed with an industrial waste is then considered an industrial waste.

INTERFERENCE means a discharge which, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge process, use or disposal; and therefore, causes a violation of any requirement of the POTW's NPDES permit or prevents sewage sludge use or disposal in compliance with specified applicable federal statutes, regulations or permits.

NATIONAL PRETREATMENT STANDARD means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act, which applies to industrial users. This term includes prohibitive discharge limits established pursuant to 40 CFR Section 403.5.

NATURAL OUTLET means any outlet into a watercourse, pond, ditch, lake or other body of surface water or groundwater.

NEW SOURCE means any source in which construction is commenced after publication of an applicable pretreatment standard provided that any of the conditions are met as detailed in 40 CFR 403.3 (m) and 40 CFR 403.6 (b).

NPDES (national pollutant discharge elimination system) means the federally instituted program for issuing, conditioning and denying permits for the discharge of pollutants from point sources into the navigable waters or groundwaters of the contiguous zone and the oceans pursuant to Section 402 of the Act.

NPDES (national pollutant discharge elimination system) PERMIT means a permit issued under the national pollutant discharge elimination system for discharge of wastewaters to the navigable water of the United States pursuant to the Act.

PASS THROUGH means a discharge which exits the POTW into the receiving stream in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit.

PERSON means any individual, firm, company, association, society, corporation, group or governmental agency.

pH means the logarithm of the reciprocal of the weight of hydrogen ions, in grams per liter of solution.

POLLUTANT means any substance which reduces the ability of waters to meet applicable federal, state or local water quality standards.

POLLUTION means the manmade or man-induced alteration of the chemical, physical, biological and radiological integrity of water.

PRETREATMENT or TREATMENT means the reduction of the amount of pollutants, the

elimination of pollutants or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes or process changes by other means, except as prohibited by 40 CFR Section 403.6(d).

PRETREATMENT REQUIREMENTS means any substantive or procedural requirement related to pretreatment, other than a natural pretreatment standard imposed on an industrial user.

PRETREATMENT STANDARDS means all applicable federal rules and regulations implementing Section 307 of the Act, as well as any nonconflicting standards or regulations; the more stringent thereof shall be applied.

PUBLIC SEWER means a sewer in which all owners of abutting properties have equal rights, which is placed in a public right-of-way or dedicated easement, which was constructed according to City specifications for public sewers which were current at the time of its installation or accepted as substantially equivalent in writing by the City, and which is controlled by public authority.

PUBLICLY OWNED TREATMENT WORKS (POTW) means a treatment works as defined by Section 212 of the Act which is owned in this instance by the City. This definition includes any public sewers that convey wastewater to the POTW treatment plant, but does not include pipes, sewers or other conveyances not connected to a facility providing treatment. For the purposes of this Article, POTW also includes any public sewers that convey wastewaters to the POTW from persons outside the City who are, by contract or agreement with the City, users of the City's POTW.

RECEIVING WATERS means lakes, rivers, streams or other watercourses which receive treated or untreated wastewater.

SANITARY SEWER means a sewer which carries sewage and to which storm, surface and groundwaters are not intentionally admitted, including the pipe or conduit system and appurtenances, for the collection, transportation, pumping and treatment of sewage. This definition also includes the terms **PUBLIC SEWER**, **SEWER SYSTEM**, **SEWER** and **COLLECTION LINE**.

SEWAGE means a combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments.

SEWER means a pipe or conduit for carrying sewage.

SHALL and **WILL** are mandatory; **MAY** is permissive.

SIGNIFICANT INDUSTRIAL USERS means:

- a. Any discharger subject to categorical pretreatment standards;
- b. Any other industrial user that discharges an average of twenty-five thousand (25,000) gallons per day or more of process wastewater (excluding sanitary, noncontact cooling and boiler blowdown wastewaters) or that contributes a process wastestream which makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the POTW; or
- c. Any industrial user that has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

SLUDGE means the accumulated solids separated from liquids (such as water or wastewater) during processing, or deposits on the channels of receiving waters, or the precipitate resulting from chemical treatment, coagulation or sedimentation of water or wastewater.

SLUG or **SLUGLOAD** means any discharge of water, sewer or industrial wastes which, in concentration of any give constituents or in quantity of flow, exceeds for any one (1) period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four-hour concentration, quantities or flow during the normal operation.

STATE means the State of Colorado.

STORM SEWER or **STORM DRAIN** means a sewer which carries stormwaters and surface waters and drainage, or other facilities used for the drainage of stormwater; but excludes sewage and polluted industrial wastes.

SUBDIVIDER or **DEVELOPER** means any person who plats and improves undeveloped land for the purpose of industrial, commercial or residential use; or redevelops land or property for industrial, commercial or residential use.

SUSPENDED SOLIDS or **TOTAL SUSPENDED SOLIDS (TSS)** means the total suspended matter, expressed in milligrams per liter, that floats on the surface of, or is suspended in water, wastewater or other liquids and which is removable by laboratory filtering in accordance with procedures set forth in 40 CFR Part 136.

TOTAL TOXIC ORGANIC POLLUTANTS means the sum of organic compounds found by use of the methods below, in an industrial user's wastewater discharge at a concentration greater than the method detection limit. Total toxic organic pollutants are measured using the methodologies, quality control techniques, sample container requirements and sample preservation techniques which must be followed as published in Guidelines Establishing Test Procedures for the Analysis for Pollutants (Final Rule; 40 CFR Part 136).

TOXIC POLLUTANT means any pollutant or combination of pollutants listed as toxic in regulations promulgated by the administrator of the Environmental Protection Agency under the provision of CWA 307(a).

USER means any person who contributes, causes or permits the contribution of wastewater into the City's POTW.

UTILITIES SUPERINTENDENT means the Superintendent of Water, Gas and Sewer.

(c) Abbreviations. The following abbreviations shall have the designated meanings:

BMR	Baseline monitoring report
BOD	Biochemical oxygen demand
CFR	Code of Federal Regulations
CWA	Clean Water Act 33 USC 1251, et. seq.
EPA	Environmental Protection Agency

mg/l	Milligrams per liter
NPDES	National pollutant discharge elimination system
POTW	Publicly owned treatment works
RCRA	Resource Conservation Recovery Act 42 USC 3251, et. seq.
SER	State Effluent Regulations
SWQS	State Water Quality Standards
TSS	Total suspended solids
USC	United States Code

Section 12-47. Deposit of objectionable wastes unlawful.

It is unlawful for any person to place, deposit or permit to be deposited in an unsanitary manner, upon public or private property within the City or in any area under the jurisdiction of the City, any human or animal excrement, garbage or other objectionable waste.

Section 12-47.1. Discharge of untreated, polluted waters unlawful.

It is unlawful to discharge to any natural outlet within the City, or in any area under the jurisdiction of the City, any sanitary sewage, industrial wastes or other polluted waters, except where an NPDES permit has been issued and suitable treatment has been provided in accordance with the Act.

Section 12-47.2. Discharge of waters into sanitary sewer prohibited.

No person shall make connection of downspouts, foundation drains, areaway drains or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer unless such connections are approved by the Utilities Superintendent, for the purpose of disposal of polluted surface drainage, unless such drainage is prohibited by SER and/or SWQS.

Section 12-48. Disposal facilities to conform to Article.

Except as provided in this Article, it is unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, inceptor or other facility intended or used for the disposal of sewage.

Section 12-49. Prohibited discharges; exceptions.

(a) General. As per 40 CFR 403.5(a), the discharge of any pollutant to a POTW which causes interferences is prohibited. The discharge of any waters containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to contaminate the sludges of the City wastewater treatment facilities, to injure, interfere with or pass through any sewage treatment process, to constitute a hazard to humans or animals, to create a public nuisance, or to create a public nuisance, or to create any hazard in the receiving waters of the wastewater treatment plant, is prohibited.

(b) Except as provided in this Article, no person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:

(1) Any liquid or vapor having a temperature higher than sixty-five degrees Centigrade (65°C) (150°F) at the point of entry to the public sewer or heat in amounts which will inhibit biological activity in the wastewater treatment plant resulting in interference, but in no case heat in such quantities that the temperature at the treatment plant influent exceeds forty degrees Centigrade (40°C) (104°F);

(2) Any pollutant, including oxygen demanding pollutants, released in a discharge of such volume or strength as to cause interference in the operation or maintenance of the wastewater treatment plant;

(3) Any water or waste which contains more than ten (10) mg/l or petroleum oil, non-biodegradable cutting oil or products of mineral oil origin in any single grab sample using the EPA gravimetric method;

(4) Any water or waste which contains grease, oil or any other substances that will solidify or become discernibly viscous at temperatures between zero degrees Centigrade (0°C) (32°F) and sixty-five degrees Centigrade (65°C) (150°F).;

(5) Waters containing sand and other inorganic particulate matter which will result in a settleable solids concentration greater than twenty-five (25) milliliters per liter in the discharge;

(6) Materials in sufficient amounts which may cause or do cause excessive coloration or light absorbency including, but not limited to, dye wastes and vegetable tanning solutions;

(7) Noxious or malodorous solids, liquids or gases, which either singly or by interaction with other wastes, are capable of creating a public nuisance or hazard to life or are or may be sufficient to prevent entry into a sewer for its maintenance and repair;

(8) Garbage that has not been ground or comminuted to such a degree that all particles will be carried freely in suspension under flow conditions normally prevailing in the public sewers, with no particle greater than one-fourth (1/4) inch in any dimension;

(9) Radioactive wastes or isotopes of such half-life or concentration that they do not comply with the provisions for *Disposal by Release into Sanitary Sewer Systems* in the latest edition of Rules and Regulations Pertaining to Radiological Control, published by the Colorado Department of Health;

(10) Wastewaters at a flow rate or containing such concentrations or quantities of pollutants that exceed, for any time period longer than fifteen (15) minutes, more than five (5) times the average twenty-four-hour concentration, quantities or flow during normal operation shall be defined as a *slug* and are prohibited;

(11) No user shall ever increase the use of process water, or in any way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the federal categorical pretreatment standards, or in any other pollutant-specific limitation developed by the City or State;

(12) Any toxic substances in amounts exceeding standards promulgated by the administrator of the United States Environmental Protection Agency pursuant to Section 307(a) of the Act, and chemical elements or compounds, phenols or odor-producing substances, or any other substances which are not susceptible to treatment, which may interfere with the biological processes or efficiency of the treatment system, that will pass through the system or that create toxicity in the City's discharge as measured by the NPDES whole effluent toxicity test;

(13) Solid or viscous wastes which will or may cause obstruction to the flow in a sewer or otherwise interfere with the property operation of the wastewater treatment system. Prohibited materials include, but are not limited to, grease, garbage, cement, dirt, rocks, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste from refining or processing of fuel or lubricating oil, and similar substances;

(14) Liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the sewage facilities or to the operation of the system. At no time shall two successive readings on an explosion hazard meter, at the point of discharge into the sewer system, be more than five percent (5%) nor any single reading over ten percent (10%) of the Lower Explosive Limit (LEL) meter. No pollutants shall cause any wastestream to exhibit a closed cup flashpoint of less than one hundred forty degrees Fahrenheit (140°F) (60°C) using the test methods specified in 40 CFR 261.21;

(15) Any waste which will cause corrosion or deterioration of the treatment system. All wastes discharged to the public sanitary sewer system must have a pH value in the range of six point zero (6.0) to nine point zero (9.0) standard units. Prohibited materials include, but are not limited to, concentrated acids, sulfides, chloride or fluoride compounds and substances which will react with water to form acidic products;

(16) Any waters or waste containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the wastewater treatment plant;

(17) Any water or waste containing any of the following substances shall meet effluent limitations as defined by State Effluent Regulations and/or State Water Quality Standards.

Pollutant	Limitation
Temperature	65°C/150°F
Oil and grease (petroleum or mineral oil origin)	10 mg/L
Explosive vapors	One reading max = 10% LEL Two successive readings = 5% LEL <140°F or 60°C closed cup flashpoint
pH	Min. 6.0 standard units Max. 9.0 standard units

Total toxic organic pollutants	SER/SWQS
Tetrachloroethane	SER/SWQS
Ethylbenzene	SER/SWQS
Xylene	SER/SWQS
Toluene	SER/SWQS

or as otherwise established in the user’s sewer use permit, whichever maximum concentration is less;

(18a) The following local limitations are established to prevent pass through and interference and to protect receiving water and sludge quality:

Pollutant	Daily Maximum Allowable Industrial Load
Cadmium	SER/SWQS
Copper	SER/SWQS
Hexavalent Chromium	SER/SWQS
Lead	SER/SWQS
Mercury	SER/SWQS
Nickel	SER/SWQS
Silver	SER/SWQS
Zinc	SER/SWQS

or as otherwise established in the user’s sewer use permit, whichever maximum concentration is less.

These Maximum Daily Industrial Loadings shall be allocated through Significant Industrial User permits, and the total loading to all permitted industrial users shall not exceed the limits shown. All industrial users shall monitor and report daily flows as required by their sewer use permit. In addition, the Utilities Superintendent may develop specific discharge limitations for any other toxic or inhibiting pollutant which may be determined to be of sufficient quality to cause POTW interference, pass through, endanger the health and safety of the POTW personnel or the general public, produce environmental harm, cause a POTW permit violation or render the POTW’s sludges unacceptable for economical reclamation, disposal or use.

(18b) The following daily maximum allowable industrial loadings shall be allocated through individual sewer use permits. The total loading to all permitted industrial users shall not exceed:

Pollutant	Daily Maximum Allowable Industrial Load
BOD	2,750 lbs./day
TSS	250 mg/l

or as otherwise established in the user’s sewer use permit, whichever maximum concentration is less.

(19) Any material or substance entering into the public sewer which interferes with the treatment process, even if it is within the concentration limits stated in Subsection (19) and (20) above, may be prohibited upon written notice by the Utilities Superintendent;

(20) Any material or substance not specifically mentioned in this section which in itself is corrosive, irritating or noxious to human beings and animals, or which by interaction with other water or waste in the public sewer system would produce undesirable effects or create any other condition deleterious to structures, treatment processes and quality of the receiving stream, is prohibited;

(21) Any materials, chemicals or compounds listed by the EPA as toxic, hazardous or explosive or which are otherwise listed by national prohibited discharge standards;

(22) Any waters or wastes that result in toxic gases, vapors or fumes within the POTW in a quantity that may cause acute worker health and safety problems are prohibited.

Section 12-50. Prohibited wastes; control of discharge.

(a) Regulatory actions. If wastewaters containing any substance described in Section 12-49 are discharged or proposed to be discharged into the sewer system or the City or to any sewer system tributary thereto, the Utilities Superintendent may take any action necessary to:

(1) Prohibit the discharge of such wastewater by issuing a cease and desist order to the discharger identifying the discharge violation and the Utility Superintendent's intentions for resolving the matter, which may include, but is not limited to, plugging the sewer service;

(2) Require a discharger to demonstrate that in-plant modifications will reduce or eliminate the discharge of such substances in conformity with this Article. Such in-plant modifications shall be performed at the expense of the discharger;

(3) Require pretreatment, including storage facilities or flow equalization necessary to reduce or eliminate the objectionable characteristics or substances so that the discharge will not violate these rules and regulations;

(4) Require the person making, causing or allowing the discharge to pay any additional cost or expense incurred by the City for handling and treating excess loads imposed on the treatment system;

(5) Temporarily suspend the discharger's sewer use permit or impose temporary restrictions on discharges where continued discharges would jeopardize the ability of the treatment system to meet water quality standards, threaten damage to the sewer system, or cause a nuisance or unsafe condition to occur;

(6) Take such other remedial action as may be deemed to be desirable or necessary to achieve the purpose of this Article.

(b) Protection from accidental discharge. Each industrial user shall provide protection

from accidental discharge of the prohibited materials or other wastes regulated by this Article. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner's or operator's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Utilities Superintendent for review, and shall be approved by him or her before construction of the facility. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify his or her facility as necessary to meet the requirements of this Article.

(c) Reporting of accidental discharge. An accidental discharge of prohibited materials or other wastes regulated by this Article shall be reported by telephone immediately upon such a discharge to the Superintendent of Wastewater Treatment. Within five (5) days following an accidental discharge, the user shall submit to the Superintendent a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage or other liability which may be incurred as a result of damage to the POTW, fish kills or any other damage to persons or property; nor shall such notification relieve the user of any fines, civil penalties or other liability which may be imposed by this Article or other applicable law.

(d) Notice to employees. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of an accidental discharge or prohibited wastes to the public sewer. Employers shall insure that all employees who may cause or suffer such an accidental discharge to occur are advised of the emergency notification procedure.

Section 12-51. Interceptors required; construction standards; maintenance of interceptors required.

(a) 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. All interceptors shall be of a type and capacity approved by the City, and shall be located as to be readily and easily accessible for cleaning and for City inspection at all times.

(b) Grease, oil and sand interceptors shall also be provided when, in the opinion of the administrative authority, they are necessary for the proper handling of liquid wastes containing oil or grease in excessive amounts, sand and 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 conforming to the Uniform Plumbing Code, as currently adopted by the City and approved by the administrative authority and shall be located as to be readily and easily accessible for cleaning and inspection.

(c) Grease, oil and sand interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight and equipped with easily removable covers which, when bolted in place, shall be gastight and watertight.

(d) All grease, oil and sand interceptors shall be maintained by the owner, at his or her expense, in continuously efficient operation at all times.

Section 12-52. Connection with sewer system – When required.

All residences, factories, mills, business houses, warehouse or any other houses having sewage matter to dispose of and situated on the line of any street or alley where there is a public sewer, shall be connected by the owner of the property or by his agent with such public sewer when possible or whenever required to do so by the Board of Health or declared of record by the City Council, and such declaration is placed on the record of proceedings of the City. The City Council, in its discretion may adopt policies pertaining to the allowance of Individual Sewage Disposal Systems which shall not be inconsistent with state laws and regulations or this Code.

Section 12-52.1. Sewer construction – Apportioning cost as to property benefitted.

(1) The cost of all sewers laid in the streets or alleys shall be paid for by direct assessment upon the lots abutting the sewers in proportion to their frontage upon such streets or alleys.

(2) The cost of all sewers or drains at street or alley intersections or crossings shall be paid for wholly by the City.

Section 12-52.2. No permit to connect sewers until assessments paid.

No permit shall be granted for the construction of any private drain or sewer heretofore constructed until the assessment or the assessments against such lot or lots from which such private drain or sewer is connected, shall first be paid.

Section 12-53. Sewage service rates.

(1) There shall be assessed and charged the following sewer service rates:

(a) S-1 URBAN RESIDENTIAL.

(I) Applicability. Applicable for sewage service within the corporate limits of the City to all residential customers.

(II)¹⁰ Monthly minimum per living unit in any month water service is furnished by the City shall be twenty dollars (\$20.00). That rate shall be increased to twenty-two dollars (\$22.00) on June 1, 2001. (Ord. 1636, eff., 7/28/00)

(III) Monthly incremental charge based upon potable water consumed in the dwelling as measured through the water service meter. The rate shall be fifty cents (\$.50) per 100 cubic feet of water consumed up to a maximum of 1,000 cubic feet or Five Dollars (\$5.00). This charge shall be in addition to the monthly minimum charge above.

(\$20.00), which ever amount is greater. On June 1, 2001, this rate shall be increased as follows:

the charge per month shall be an amount equal to eight-five percent (85%) of the same month's water charges plus six dollars (\$6.00), or twenty-two dollars (\$22.00), whichever amount is greater. (Ord. 1636, eff., 7/28/00)

(c) S-3 INDUSTRIAL AND MANUFACTURING PROCESS.

(I) Applicability. Applicable for sewage service to all customers using process water in a manufacturing, bottling or canning operation in which some water does not enter the City sewer system or which process discharges hard-to-treat industrial wastes.

(II) Charges shall be by negotiation with the City based on the amount and type of sewage discharged into City sewer mains. It shall be the customer's responsibility to provide measurement subject to a surcharge to be negotiated.

(d) S-4 RURAL RESIDENTIAL.

(I) Applicability. Applicable for sewage service to all residential customers outside the corporate limits of the City.

(II)¹⁴ Monthly minimum per living unit in any month water service is furnished by the City shall be twenty-eight dollars (\$28.00). That rate shall be increased to thirty-dollars (\$30.00) on June 1, 2001. (Ord. 1936, eff., 7/28/00)

(III) Monthly incremental charge based upon potable water consumed in the dwelling as measured through the water service meter. The rate shall be fifty cents (\$.50) per 100 cubic feet of water consumed up to a maximum of 1,000 cubic feet of Five Dollars (\$5.00). This charge shall be in addition to the month minimum charge above.

(IV) For any user of sewer service of less than a month the charge will be as follows:

0 to 10 days -----	1/3 of the monthly minimum
11 to 20 days -----	2/3 of the monthly minimum
21 to 31 days -----	full monthly minimum plus the monthly incremental charge.

(Ord. No. 1482, 9/6/94.)

¹⁴ Chapter 12, Article 4, Section 12-53(1)(d)(II) is repealed and reenacted. (Ord. 1636, eff., 7/28/00) Chapter 12, Page 46

(e) S-5 RURAL COMMERCIAL AND INDUSTRIAL.¹⁵

(I) Large Commercial, Industrial and Association.

(A) Applicability. Applicable for sewage service outside the corporate limits of the City to all commercial, industrial and association customers served by a water meter larger than one and one-fourth inch (1 ¼”) meter, and not using process water in a manufacturing, bottling or canning operation. (Ord. 1608, eff., 5/4/99)

(B)¹⁶ The charge per month shall be an amount equal to eighty-five percent (85%) of the same month’s water charges plus four dollars (\$4.00), or an amount equal to the monthly minimum water charge for Rural Large Commercial, Industrial and Association customers set forth in Section 12-74(1)(d)(III) and any amendment thereto, plus seven dollars (\$7.00), whichever amount is greater. On June 1, 2001, this rate shall be increased as follows:

the charge per month shall be an amount equal to eighty-five (85%) of the same month’s water charges plus six dollars (\$6.00), or an amount equal to the monthly minimum water charge for Rural Large Commercial, Industrial and Association customers set forth in Section 12-74(1)(d)(III) and any amendment thereto, plus nine dollars (\$9.00) whichever amount is greater. (Ord. 1636, eff., 7/28/00)

(II) Small Commercial & Industrial

(A) Applicability. Applicable for sewage service outside the corporate limits of the City to all commercial and industrial customers served by one and one-fourth inch (1 ¼”) or smaller water meter, and not using process water in a manufacturing, bottling or canning operation. (Ord. 1608, eff., 5/4/99)

(B)¹⁷ The charge per month shall be an amount equal to eighty-five percent (85%) of the same month’s water charges plus four dollars (\$4.00), or twenty-seven dollars (\$27.00), whichever amount is greater. On June 1, 2001, this rate shall be increased as follows:

the charge per month shall be an amount equal to eight-five percent (85%) of the same month’s water charges plus seven dollars (\$7.00), or twenty-nine dollars (\$29.00), whichever amount is greater. (Ord. 1636, eff., 7/28/00)

(2) Additional revenues generated by the rate structure changes contained in Sections 12-53 (1)(a) and (1)(d) as a result of the adoption of Ordinance No. 1482, shall be set aside specifically for the

¹⁵ Chapter 12, Article 4, Section 12-53(1)(e) is repealed and reenacted. (Ord. 1608, eff., 5-4-99)

¹⁶ Chapter 12, Article 4, Section 12-53(1)(e)(I)(B) is repealed and reenacted. (Ord. 1636, eff., 7/28/00)

¹⁷ Chapter 12, Article 4, Section 12-53(1)(e)(II)(B) is repealed and reenacted. (Ord. 1636, eff., 7/28/00)Chapter 12, Page 47

wastewater treatment plant expansion/modification to bring the wastewater treatment plant into full compliance with present and anticipated Environmental Protection Agency and Colorado Department of Health Rules and Regulations, as well as to increase the capacity of the plant to accept additional flow demand as new development takes place within the corporate limits of the City and the Trinidad Industrial Park. (Ord. No. 1482, 9/6/94.)

Section 12-54. Sewer main taps.

(1) ¹⁸Before a City sewer service shall be allowed or approved for any premises in any territory, area or subdivision, developed or undeveloped, there shall be made an initial sewer service charge to compensate the City partially for the treatment facilities and mains required to provide service. Such a charge, generally referred to as the plant Investment Fee, shall be as follows: (Ord. 1579, eff. 3-14-98)

SEWER PLANT INVESTMENT FEE

In-City	Outside City
4" tap - \$1,500	4" tap - \$3,000
6" tap - \$2,250	6" tap - \$4,500
8" tap - \$3,375	8" tap - \$6,750

(2) These charges are exclusive of the actual costs in physically tapping the sewer main by City forces or private plumbing contractors.

(3) Any sewer user with an existing tap wishing to increase the size of his/her service shall be charged a Plant Investment Fee equal to the difference in Plant Investment Fee charges between the old size and the new size tap. The tap on the sewer main shall be the basis of the Plant Investment Fee.

(4) Abandonment of a sewer tap shall not entitle the owner to a Plant Investment Fee refund.

(5) Where a tap is made on the main serving a business or industry established and operating within the legally defined perimeter of the Trinidad Industrial Park, the Sewer Plant Investment Fee shall be the same as that for a like tap inside the City.

(6) All Plant Investment Fees shall be placed in a special fund and the monies from the Plant Investment Fees will be used only for replacement or construction of capital facilities.

(7) All taps on City sewer mains shall be done by licensed Master Plumbers and shall be charged to the person requesting the tap.

(8) All taps on City sewer mains shall be issued by the Wastewater Superintendent, who shall determine the point of tap, minimum size of tap, sewer main extensions, manhole placement and improvements as needed. Copies of the permit shall be issued to the Plumbing Contractor and the City Building Inspector.

(9) All service lines from the main sewer line to the property served shall be vitreous clay pipe or PVC pipe conforming to ASTM (latest issue) D1784 for PVC compounds with the requirements of ASTM (latest issue) D3034 Type PSM for PVC sewer pipe and fittings. The service lines shall be installed by City forces or by a Colorado licensed Master Plumber with all work so performed and materials installed meeting the requirements of Standard Specifications provided by the City Engineering Department and Utilities Departments herein adopted by reference and shall be available upon request.

(10) Property to be served must be adjacent to City Mains and must be served directly therefrom.

(11) No sewer service shall be connected from the service of one (1) building to any other building, vehicle, trailer, mobile home or other structure or facility, fixed or mobile.

(12) Any complex of buildings containing ten (10) or more separate dwelling units, whether the same be apartments, houses, duplexes, or otherwise, but not including sleeping rooms, and owned by any one (1) person or a licensed trailer coach park are located on one (1) contiguous tract of ground owned by one (1) person, shall be allowed to install one (1) or more service lines and may make such taps from these service lines as are approved by the City Engineering Department and Wastewater Superintendent from plans submitted in advance of construction. No additional taps shall be made on these service lines until revised plans are submitted and approved. No tap shall be made to sell or give away to any agency, corporation or person. It is further provided that in the event any part of such tract owned by such person is sold or disposed of, the purchaser of said part may request individual service lines provided that all applicable ordinances are complied with including but not limited to, Uniform Building Code, Zoning Ordinances, and Uniform Plumbing Code.

(13) If the City initiates a main installation for replacement of or substitution for an existing City Main, the City shall bear the cost of the transferring taps and "tying over" the customers' service lines.

(14) Where a sewer tap has been granted and where such service is abandoned, either by non-use for a period of two (2) years or longer, or because of deterioration of the sewer service line and/or the building being served is razed, the customer's service shall be disconnected, capped or closed and the applicable Sewer Plant Investment Fee must be repaid unless a waiver or time extension is granted to the owner/customer by the Wastewater Superintendent.

Section 12-55. Sewer system extensions.

(1) The City shall make or cause to be made such extensions or replacements to the collection system of the sewer facilities as it deems necessary and feasible to serve any dwelling, commercial or industrial establishments, or property situated within the service area of the City utilities. Such extensions or replacements shall be made in accordance with the provisions of Section 12-54.

(2) All sewer main extensions of the City utility systems are to be under the exclusive control and ownership of the City. Upon written request, and the furnishing of satisfactory evidence that the request for a main extension is justified, the City will either make the extension or cause the

extension to be made in accordance with the provisions of this Chapter. The City shall have sole discretion in making main extensions and construction of appurtenant facilities both inside and outside the corporate limits of the City.

Section 12-56. General requirement for main extensions.

- (1) All requests for main extensions, whether they be for a single customer or developer of an area, shall be submitted to the City in writing so that the City Engineering and Wastewater Superintendent, and other departments as may be required, may review and consolidate their planning. Plans shall be approved in advance of any construction.
- (2) All new sewer services shall be served from mains only, and from mains adjacent to the property being served.
- (3) Design of within-city extensions shall be done by the City Engineer. Developers of outside-city properties shall submit plans for approval that shall include such information as street widths, lot size, street names, utility easements, and utility design, and other information as may be required by City departments.
- (4) Agreements on cost-sharing distribution shall be worked out prior to construction, and, rather than assessment of a front foot cost, the developer of an area may elect to include price of the utilities in the cost of the lot.
- (5) Owners of properties either inside or outside the City requiring the construction of new mains in order to be served by the utilities shall bear the cost of such main extensions. Cost shall include design, supervision, piping, manholes and appurtenances.
- (6) Mains shall be laid only in platted streets or in recorded right-of-way easements with provisions for access to maintain the facilities.
- (7) The City shall bear the cost of main extensions only under the following circumstances:
 - (a) Lines laid by the City for the exclusive use as transmission or trunk lines, or lines laid for general system upgrading, or multiple feeding for greater reliability, shall be at City expense. A person allowed to tap such lines shall pay to the City a front foot cost as though the main were laid for his/her service.
 - (b) Lines laid to municipal development such as parks or city owned industrial parks shall be at city expense.
- (8) No services will be provided for unplatted properties located within the City.

Section 12-57. Elements in planning, constructing and financing main extensions.

- (1) The location, route, and length of main extensions shall be determined by the City Engineer and the Wastewater Superintendent, based upon convenience, economy, service requirements and

capabilities, and ultimate requirements of the City utility system. The size, materials, piping, manhole placing, and other engineering considerations shall be determined by the City Engineer and Wastewater Superintendent for inside-city extensions. Outside-city extensions by developers shall be designed by competent personnel subject to approval of the design by the City Engineer and the Sewer Superintendent.

(2) No sewer main shall be laid within the city service area within the public right of way smaller than eight (8") inches in diameter.

(3) No tap shall be allowed on a main to serve a property until the main is extended to the far property line, unless the owner of the property signs an agreement approved in form by the City Attorney that he/she will pay the front foot costs for such main extension to or beyond his/her far property line. Such agreement shall contain the total amount of monthly payment installments to be made not to exceed twelve (12) months without authorization of City Council. City Council may waive this requirement if it finds and determines that no practical or useful purpose would be served by extending the main to the far property line or beyond.

(4) A main may be extended to serve a single customer, a group of customers, a "pocket" consisting of a house or houses between developed areas, or a development. At the option of the City, and depending on the availability of city funds for investment in new mains, any of the following means of financing may be arranged:

(a) If the City elects to lay a main either with City forces or by contract at city expenses, no service shall be allowed to any customer until front foot costs are paid for that property or until arrangements are agreed to for deferred payment.

(b) Main extensions to serve a subdivision, development, or area generally will be financed by the person developing the property. Within the development, all costs of the mains shall be absorbed in the development costs, including those at street and alley intersections, between the property line of the development and the attachment to existing City mains. Front foot costs may be recovered by the developer by a reimbursement contract over a period of fifteen (15) years. Each contract shall be individually negotiated with a developer and approved by the City Council, but may contain such provisions as:

(I) Payments to developer of front foot charges by new customers wishing service off the mains.

(II) Payment to the developer by the City of front foot charges and Plant Investment Fee charges collected from within the development, but in no case to refund to the developer more than seventy-five percent (75%) of the cost of the mains plus interest at one-half percent ($\frac{1}{2}\%$) per month for the balance of the seventy-five percent (75%) outstanding over the fifteen (15) year period.

(5) In submitting a main extension proposal, a developer, before doing the design, shall submit two (2) copies of a preliminary plat on which the City Engineer and the Wastewater Superintendent can indicate hydrant locations, valuing, points of connection to existing City mains, existing lines or

structures, and other pertinent factors controlling line sizing and grades. Two (2) copies of the final plat shall be submitted for approval to the City Engineer and Wastewater Superintendent.

(6) Upon completion of the development project, the developer shall furnish the Engineering Department and Wastewater Superintendent with Mylar or linen as-built plats. Upon approval of the materials and construction by the City Engineer and Wastewater Superintendent, these privately constructed mains shall become the property of the City.

(7) The City may assume all or a portion of the cost of replacement of undersized or deteriorated mains which the city deems to have served their useful purpose. At its discretion, the City may assume all or a portion of the cost of main extensions to properties within City limits already having sewer service.

Section 12-57.1. Additional requirements.

No statement contained in this Article shall be construed to interfere with any additional requirements that may be imposed by the health officer, State Health Department or EPA. All categorical industrial users shall comply with the categorical pretreatment standards set out in 40 CFR Chapter I, subchapter N, parts 405-471. The City reserves the right to establish by ordinance more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary to comply with the general purpose and policy presented in this Article.

Section 12-57.2. Violations; liability.

Any person violating any of the provisions of this Chapter shall become liable to the City for any expense, loss or damage occasioned the City by reason of such violation.

ARTICLE 5. WATER.

Section 12-58. Definitions.

As used herein:

- (1) *City Forces* shall mean the City of Trinidad employees.
- (2) *City Water Department* shall mean the Water Department of the City of Trinidad, Colorado.
- (3) *Developer/customer* shall mean an applicant for extension of facilities to supply domestic, commercial, industrial or fire protection water service to property comprised of a platted subdivision, a group or groups of platted or re-subdivided lots, a land tract, etc., upon which more than one (1) residential, commercial, or industrial establishment is erected.
- (4) *Front-foot costs* shall mean an assessment per front foot of property or lot(s) owned by a customer to which water service is made available by main extension. The per front foot assessment is determined by apportioning the main extension cost including design, supervision, valuing, fire hydrants, and appurtenances. The City shall have sole discretion in determining the frontage or frontages which shall serve as the bases for apportioning the cost of a main extension, subject to State law provisions.
- (5) *Plumbing* shall mean the practice, materials, and fixtures used in the installation, maintenance, extension and alteration of all piping, fixtures, plumbing appliances and plumbing appurtenances in connection with any of the following: sanitary drainage or storm facilities and venting systems and the public or private water supply systems, within any building, structure or conveyance.
- (6) *Private main* shall mean main constructed within the public right of way prior to the enactment of this Chapter by a person or persons to serve property or properties. Said main was contracted for or installed directly by the customer in lieu of a City main of standard and approved size, location and materials.
- (7) *Privately constructed main* shall mean any main connected to and becoming a part of the City utility system which main was constructed directly by private funds and located in public right of way. Said main was designed or approved by the City and its installation inspected by the City Inspector. The size, materials and location were approved by the City and equal to that which would have been provided by the City.
- (8) *Service area* shall mean that area of land, whether it be a lot or lots, tract or parcel of land, or other divisions of land for the purpose, whether immediate or for future building development, either industrial, commercial or residential, but excluding agriculture or farm land, which is subject to annexation on the date of the enactment of this Chapter or in the foreseeable future is economically feasible to develop and supply water from the City as shall be determined in the discretion of the City Council for growth and expansion of the City and its water supply. The service area as defined herein shall be that area of land within a radius of one and one-half (1 ½) miles from the corporate limits of the City, except, however, the City Council shall have the power to prescribe such other

legally defined service area by resolution as it may deem necessary and in the best interest of the City.

(9) *Single customer* shall mean an applicant for extension of facilities to supply domestic, commercial, industrial, or fire protection water service for one (1) lot or building site, for a single family dwelling, or a multiple family dwelling, a commercial or industrial building, or other establishment, whether existing or to be erected.

(10) *Superintendent* shall mean the department head or official in charge of the Water Department or the person designated by the City Manager to be in charge of the water works system of the City.

(11) *Transmission mains* shall mean water mains which are used exclusively for the transmission of water and not for distribution to single customers. Unless otherwise designated by the City, these mains are fourteen inches (14") and larger. The direct connection of single customer service lines is not permitted except in the circumstance that a tap was existing or committed prior to the enactment of this Chapter.

(12) *Water association* shall mean an association, partnership, co-partnerships and bodies political and corporate including one (1) or more persons or corporations or other legal entity formed to distribute water to others in order to contract with the City for municipal water services.

Section 12-59. Water Department created; duties of City Manager; Power of City Council.

There is hereby created a Water Department for the City. The City Manager is authorized to hire such employees and to perform all acts that may be necessary for the prudent, efficient, and economical management and protection of the Water Department. The City Council shall have the power to prescribe rates, rules and regulations by resolution as it may deem necessary. Rates for outside customers not living in the corporate limits of the City shall be set by ordinance.

Section 12-60. Customer to abide by contract.

The Water Department agrees to furnish water for a certain specified price. If any customer violates his/her contract with the City or permits water to be taken without the knowledge or consent of the Water Department he/she shall be required to pay double the price of water so used, and the City reserves the right to shut off the supply for abuses of water privileges. When the water has been turned off for violation thereof, the water will not be turned on again until all water rent and penalties have been paid.

Section 12-61. Use of water during fire alarm prohibited.

During all alarms of fire the use of hose and all outlets where a constant flow of water is maintained is forbidden.

Section 12-62. Water use restrictions.

In the case of water shortage, scarcity, or conservation purposes, the City Council may by resolution place any restrictions that it deems necessary upon the use of water for irrigation, sprinkling, or outdoor use. (Ord. 1741, eff., 12-12-03)

Section 12-63. Priority of City users over outside users.

Use of water outside the corporate limits of the City shall be subject to the paramount rights of users within the corporate limits. In case there shall be insufficient water to provide for users both within and without the corporate limits, the City may reduce, curtail or shut off the users outside the corporate limits during such period of water shortage or scarcity.

Section 12-64. Standpipes and fire lines.

Regular customers of the City Water Department, using water for domestic or industrial purposes, wishing to install fire lines to serve fire sprinkler systems in commercial, industrial or public buildings to be used exclusively for the fighting of fires shall be permitted, upon approval of plans by the City Engineer, the Water Superintendent and the Fire Chief, to connect to the City mains at their own expense. Use of water from standpipes and fire lines shall be for the purpose of fighting fires only.

Section 12-65. Metered service.

All water service shall be metered.

Section 12-66. Location of water meters.

(1) Residential meters shall be located at the property line in fibre, CMP, or concrete pipe pits with double-lid pattern cast iron meter box covers. The meter shall be cradled in a copper meter yoke with a stop valve, with the top of the meter within the top four inches (4") of the fibre, CMP or concrete pipe. If, because of concrete or asphalt paving or because some structure interferes, on approval of the Water Superintendent, the meter may be placed elsewhere in an accessible place. All water services shall have curb stops in stop boxes at some point between the curb line and the property line. Curb stops shall have stop boxes in good condition that are conspicuous and accessible. It shall be the responsibility of the property owner/developer to pay for the above mentioned meter pit, meter yoke, curb stop and miscellaneous materials as outlined in Section 12-69 (1) as applicable.

(2) Commercial or industrial meters shall be located at the property line, if possible, in a vault suitable for the meter size. Vaults shall have an eleven inch (11") lid placed so the meter register can be easily read, and a flange or manhole cover that can be removed for access to the meter. As with residential meters, commercial or industrial installations placed indoors or in inaccessible locations shall have remote reading registers. All commercial or industrial services shall have either curb stops between the curb line and property line or, in services over two inches (2") in diameter, a shut-off valve in a vault or valve box that can be operated from the ground surface with a two inch (2") square extension handle.

(3) Services to water customers off the transmission line shall have curb stops in stop boxes in good condition, conspicuous and accessible. Outside-City property owners shall be responsible for protection of their meters from frost and physical damage, and shall maintain their service lines to the meter in such a condition as to prevent wastage of water or water-caused damage. All work done on outside-City water services from the main to the water meter shall be done by a plumber licensed in the State, by City forces, by a contractor working for the City or by a contractor working for a developer. All work so performed shall be under City inspection.

(4) Cost of relocating a meter setting shall be borne by the customer unless the move is caused by a public works project.

(5) It shall be unlawful for any person to open, interfere with, injure, or deface, or in any way impair the working of any water meter. It shall also be unlawful for any person, other than a City employee of the Water Department, to remove any meter from its setting, except for removal of an outside-City meter by a licensed plumber for repairs by the City.

Section 12-67. Plant Investment Fee.¹⁹

Before a City water service shall be allowed or approved for any premises in any territory, area or subdivision, developed or undeveloped, there shall be an initial water service charge to compensate the City partially for the base water supply, treatment facilities and mains required to provide service. Such a charge, generally referred to as the Plant Investment Fee, shall be as follows:

(1) Water Plant Investment Fee - Inside City²⁰ (Ord. 1579, eff. 3-14-98)

3/4"	tap	\$ 1,200.00
1"	tap	\$ 2,000.00
1-1/2"	tap	\$ 3,000.00
2"	tap	\$ 3,500.00
3"	tap	\$ 6,000.00
4"	tap	\$ 10,664.00

Plant investment fee for 6" or larger tap subject to negotiation to be based on projected revenue from the project.

(a) Where a tap is made on the main to serve a nonmetered private fire hydrant, fire sprinkler system, or standpipe, and a smaller tap is made for metered domestic, commercial or industrial use, the Plant Investment Fee shall be based on the size of the metered tap.

(b) These charges are in addition to the actual costs in physically tapping the main by City forces. (Ord. 1169, 5/20/80.)

¹⁹ Chapter 12, Section 67, Subsection 6 is repealed. (Ord. 1661, eff. 4/13/01)

²⁰ Chapter 12, Article 5, Section 12-67(1 & 2) is repealed and reenacted. (Ord. 1579, eff. 3-14-98, 12-4-98) **Chapter 12, Page 57**

(2) Water Plant Investment Fee - Outside City (Ord. 1579, eff. 3-14-98)

3/4"	tap	\$ 3,150.00
1"	tap	\$ 4,500.00
1-1/2"	tap	\$ 6,750.00
2"	tap	\$ 9,000.00
3"	tap	\$ 20,250.00
4"	tap	\$ 36,000.00

Plant investment fee for 6" or larger tap subject to negotiation to be based on projected revenue from the project.

(a) Where a tap is made on the main to serve any nonmetered private fire hydrant, fire sprinkler system, or standpipe, and a smaller tap is made for metered domestic, commercial or industrial use, the Plant Investment Fee shall be based on the size of the metered tap.

(b) These charges are in addition to the actual costs in physically tapping the main by City forces.

(c) Application for water taps by a Water Association, Subdivider or Master Tap Applicant, shall contain the number of individual service lines to be granted the Water Association, Subdivider or Master Tap Applicant. Whenever a Water Association, Subdivider or Master Tap Applicant makes application for a water tap, the Plant Investment Fee shall be an amount equal to the product of the number of individual services requested by a Water Association, Subdivider or Master Tap Applicant, times the rate for the Plant Investment Fee - Rural for lines of 3/4" or less or equal to the amount specified in subsection (1)(b) of this Section, whichever is greater. In no event shall the number of individual services lines actually granted by the Water Association, Subdivider or Master Tap Applicant, after the approval of the tap exceed the number specified in the application. A violation of this subparagraph (c) shall result in termination of water service to the Association, Subdivider or Master Tap Applicant; provided, however, a Water Association, Subdivider or Master Tap Applicant, may be granted additional services upon submission and approval of an amended application and payment of additional fees for each new service at the rate herein specified. Plant Investment Fees charged pursuant to this subparagraph shall be determined by City ordinances in effect at the time the application or amended application is received in the Office of the Water Superintendent.

(d) Water Association taps, Subdivision taps and Individual Master Taps, may be allowed for out-of-city services from City water mains on an individual contract basis with the City. The City shall be responsible for delivery of water to the point at which the Water Association, Subdivision or Individual Master Tap is made to City mains. The City shall be responsible for the quality of water only to the point of delivery. Maintenance of the Water Association, Subdivider or Individual lines past the point of delivery shall be borne by the Association, Subdivider or Master Tap Applicant. The contract shall provide that the point of metering shall be at the point of tie-in to the City main and may provide limits as to changes in use, plumbing code provisions, interruptions in periods of water shortage, length

of contract, service area definition and limitations on connection of service line to trailers and mobile homes. (Ord. 1360, Sec. 1, 9/5/89)

(3) Any water user with an existing tap wishing to increase the size of his/her service shall be charged a Plant Investment Fee equal to the difference in Plant Investment Fee charges between the old size and the new size tap. The tap on the water main shall be the basis of the Plant Investment Fee. Abandonment of a tap shall not entitle the owner to a Plant Investment Fee refund.

(4) Where a tap is made on a main serving a business or industry established and operating within the legally defined perimeter of the Trinidad Industrial Park, then the Water Plant Investment Fee shall be the same as that for a like tap inside the City. (Ord. 1169, 5/20/80.)

(5) (a) All Plant Investment Fees resulting from authorized taps inside the corporate limits of the City shall be used only for replacement or construction of water system capital facilities.

(b)²¹ The monies derived from Plant Investment Fees and additional payments received pursuant to Resolution No. 1036 resulting from authorized taps outside of the corporate limits of the City shall be placed into a restricted account to be used solely for the purpose of furthering the development of the City's water rights, including any possible water rights acquisition and the engineering and legal expenses associated with conversion of agricultural rights to municipal and industrial uses. (Ord. 1360, Sec. 2, 9/5/89./ Ord. 1580, eff. 3-14-98)

(6) Repealed (Ord. 1661, eff. 4-13-01)

(7) The City Council shall, not later than its last regularly scheduled meeting of the month of April of each year, review the Plant Investment Fee and make a determination as to the adequacy of the fee to meet purpose which it serves and increase or decrease the fee as circumstances require. (Ord. 1169, 5/20/80.)

Section 12-68. Charge for private fire hydrants.

(1) Private nonmetered fire hydrants (those not belonging to the City but served from City mains) may be authorized if the City water supply is adequate and City mains four inches (4") or larger are available to be tapped. All costs in tapping the main and installing the fire hydrants shall be paid by persons wanting this service, and a payment of Sixty-Two and 50/100 Dollars (\$62.50) per year for each hydrant shall be paid in advance to the Consolidated Billing Department of the City.

(2) All plans for such installations shall be approved in advance of construction by the City Engineer and Water Superintendent.

(3) Unless a private fire hydrant is on a metered service, water shall not be used from the hydrant for any purpose other than to fight fires.

²¹

Section 12-69. Water main taps.

- (1) All taps on the City mains shall be done by City forces and shall be charged to the person requesting the tap. Materials will be charged at City cost plus fifteen percent (15%) to cover handling equipment at the current departmental rate, and labor at the hourly rates paid by the City. Sales taxes shall be charged where applicable. Said fee shall be payable upon completion of the work.
- (2) All service lines from the main to the meter shall be Type K soft copper. Service lines from the main to the property line shall be installed by City forces, by a contractor working for the City, by a plumber licensed in the State or by a contractor working for a developer. All work so performed shall be under City inspection.
- (3) Where a meter location other than at a property line is authorized, the City or a City licensed contractor shall construct the service from the main to the property line. A City licensed contractor or the property owner shall continue the service line from the property line to the building.
- (4) The owner or lessee of any premises to which any water connection shall be made to City mains shall keep all pipes and fixtures from the water main to the meter in good repair and protected from frost to prevent the wastage of water.
- (5) If no emergency exists, upon notification of the owner or lessee by a Water Department employee that his/her service line is leaking, he/she shall have five (5) days in which to obtain a plumber to repair the leak. In the event of noncompliance, the City may turn the water service off at the meter, the stop box, or the corporation stop. Any expenses the City may incur in turning the service off shall be borne by the customer.
- (6) If, in establishing a new grade for a street, the grade is lowered more than one foot (1'), causing the water service to have less than three feet (3') of burial, the City shall replace the line, except that if the changing of the grade is part of an improvement district project the charges shall be borne by the project.
- (7) Property to be served must be adjacent to City mains and must be served directly therefrom.
- (8) No tap shall be made in a City main until the applicable Plant Investment Fee and front foot costs for mains have been paid or deferred payment arranged. No service shall be provided from a tap until all service charges by the City have been paid or deferred payment arranged.
- (9) No water service line shall be connected from the service of one (1) building to any other building, vehicle, trailer, mobile home or other structure or facility, fixed or mobile.
- (10) Any complex of buildings containing ten (10) or more separate dwelling units, whether the same be apartments, homes, duplexes, or otherwise, but not including sleeping rooms, and owned by one (1) person or a licensed trailer coach park owned by one (1) person, if the said buildings or trailer coach park are all located on one (1) contiguous tract of ground owned by one (1) person shall be allowed to install one (1) or more metered service lines, and may make such taps from these

service lines as are approved by the City Engineer and Water Superintendent from plans submitted in advance of construction. No additional taps shall be made on these service lines until revised plans are submitted and approved. No tap shall be made to sell or give away water to any agency, corporation or person. It is further provided that in the event any property or properties owned by such person, shall be sold or disposed of, and such property or properties shall not have a separate service line, the new owner must immediately install a separate service line.

(11) If an owner has a bona fide tap on a City main not adjacent to the property served, and a new main is installed adjacent to the property, the City will relocate the tap to the main charging the owner for cost of materials and cost of killing the old service at the main. No Plant Investment Fee will be charged.

(12) If the City initiates a main installation for replacement of an existing City main, the City shall bear the cost of transferring taps and "tying over" the customers' service lines.

(13) Where tapped couplings are provided in the laying of a water main, no connection shall be made to these fittings until the applicable Plant Investment Fee and front foot costs have been paid.

(14) Where water service is abandoned and/or the building being served is razed, the customer's service shall be disconnected from the main at the customer's expense and the corporation stop capped and closed. If the line is not of Type K soft copper, service will not be re-established until the line is replaced at owner's expense. Service will not be re-established for any use other than that originally authorized unless approved in advance by the City.

Section 12-70. Water system extensions.

(1) The City shall make or cause to be made such extensions or replacements to the distribution system of the water facilities as it deems necessary and feasible to serve any dwelling, commercial or industrial establishment, or property situated within the service area of the City utilities. Such extensions or replacements shall be made in accordance with the provisions of Sections 12-71 and 12-72.

(2) All water main extensions of the City utility systems are to be under the exclusive control and ownership of the City. Upon written request, and the furnishing of satisfactory evidence that the request for a main extension is justified, the City will either make the extension or cause the extension to be made in accordance with the provisions of this Chapter. The City shall have sole discretion in making main extensions and constructing appurtenant facilities both inside and outside the corporate limits of the City.

Section 12-71. General requirements for main extensions.

(1) All requests for main extensions, whether they be for a single customer or developer of an area, shall be submitted to the City in writing so that the City Engineer and Water Superintendent and other departments as may be required, may review and consolidate their planning. Plans shall be approved in advance of any construction.

- (2) All new water services shall be served from mains only, and from mains adjacent to the property being served.
- (3) Design of within-City extensions shall be done by the City Engineer and Water Superintendent. Developers of outside-City properties shall submit plans for approval that shall include such information as street widths, lot size, street names, utility easements, and utility design, and other information as may be required by City departments.
- (4) Agreements on cost-sharing distribution shall be worked out prior to construction, and, rather than assessment of a front foot cost, the developer of an area may elect to include price of the utilities in the cost of the lot.
- (5) Owners of properties either inside or outside the City requiring the construction of new mains in order to be served by the utilities shall bear the cost of such main extensions. Cost shall include design, supervision, valving, fire hydrants, and appurtenances.
- (6) Mains shall be laid only in platted streets or in recorded right of way easements with provisions for access to maintain the facilities.
- (7) The City shall bear the cost of main extensions only under the following circumstances:
 - (a) Where the City requires a larger main for purposes of system improvement or system extension not required by proper hydraulic sizing of lines to serve a customer or a developer's present and anticipated needs in completely developing his/her property, the City shall pay the estimated cost of over sizing over design requirements not to exceed the oversize over the cost of an eight inch (8") water main.
 - (b) Lines laid by the City for the exclusive use as transmission or trunk lines, or lines laid for general system upgrading to provide better pressure, or multiple feeding for greater reliability, shall be at City expense. A person allowed to tap such lines shall pay to the City a front foot cost as though the main were laid for his/her service.
 - (c) Lines laid to municipal development such as parks or City owned industrial parks, shall be at City expense.
- (8) No services will be provided for unplatted properties located within the City.

Section 12-72.Elements in planning, constructing and financing main extensions.

- (1) The location, route, and length of main extensions shall be determined by the City Water Superintendent based upon service requirement capabilities, and ultimate requirements of the City utility system. Generally, properties shall be serviced from mains in the street fronting the property and water mains laid within the City's corporate limits within the public right-of-ways shall be no smaller than six inches (6") in diameter.

(2) The size, materials, valving, fire hydrant placement and other main extension requirements shall be determined by the City Water Superintendent for extensions within the corporate limits of the City. Extensions of such water system beyond the City corporate limits shall be designed subject to approval by the City Water Superintendent, prior to the authorization of such work and materials.

(3) The American Water Works Association (AWWA) Standards, 1995 Edition, published by the American Water Works Association, 6666 West Quincy Ave., Denver, Colorado 80235 is hereby adopted by reference and incorporated fully as if set out at length herein. Not less than two (2) copies of the said 1995 edition of the AWWA Standards as set forth above shall be kept on file in the Office of the City Clerk, and the Office of the City Water Superintendent.

(4) No tap shall be allowed on a main to serve a property until the main is extended to the far property line, unless the owner of the property signs an agreement approved in form by the City Attorney that he/she will pay the front foot costs for such main extension to or beyond his/her far property line. Such agreement shall contain the total amount of monthly payment installments to be made not to exceed twelve (12) months without authorization of City Council. City Council may waive this requirement if it finds and determines that no practical or useful purpose would be served by extending the main to the far property line or beyond.

(5) A main may be extended to serve a single customer, a group of customers, a "pocket" consisting of a house or houses between developed areas, or a development. At the option of the City, and depending on the availability of City funds for investment in new mains, any of the following means of financing may be arranged:

(a) If the City elects to lay a main either with City forces or by contract at City expense, no service shall be allowed to any customer until front foot costs and Plant Investment Fee are paid for that property or until arrangements for deferred payment have been agreed to.

(b) Main extensions to serve a subdivision, development, or area generally will be financed by the person developing the property. Within the development, all costs of the mains shall be absorbed in the development costs, including those at street and alley intersections, between the property line of the development and the attachment to existing City mains. Front foot costs may be recovered by the developer by a reimbursement contract over a period of fifteen (15) years. Each contract shall be individually negotiated with a developer and approved by the City Council, but may contain such provisions as:

(I) Payments to developer of front foot charges by new customers wishing service off the mains.

(II) Payment to the developer by the City of front foot charges and Plant Investment Fee charges collected from within the development, but in no case to refund to the developer more than seventy-five percent (75%) of the cost of the mains plus interest at one-half percent ($\frac{1}{2}\%$) per month for the balance of the seventy-five percent (75%) outstanding over the fifteen (15) year period.

(6) In submitting a main extension proposal by a developer, before doing the hydraulic design, the

developer shall submit two (2) copies of a preliminary plat on which the Engineering Department and the Water Superintendent can indicate hydrant locations, valving, points of connection to existing City mains, existing lines or structures, and other pertinent factors controlling lines sizing and grades. Two (2) copies of the final plat shall be submitted for approval to the City Engineer and Water Superintendent.

(7) Upon completion of the development project, the developer shall furnish the Engineering Department with Mylar or linen as-built plats. Upon approval of the materials and construction by the City Engineer and the Water Superintendent, these privately constructed mains shall become the property of the City.

(8) The City may assume all or a portion of the cost of replacement of undersized or deteriorated mains which the City deems to have served their useful purpose. At its discretion, the City may assume all or a portion of the cost of main extensions to properties within City limits already having water service.

Section 12-73. Exemption from front foot charges.

All properties abutting existing City mains prior to the enactment of this Chapter shall be exempt from front foot charges, except as otherwise provided in this Chapter. At the City's discretion, payment for main extension and Plant Investment Fees may be in cash, or by a ten percent (10%) down payment with the balance handled as a utility bill by consolidated billing apportioned over no more than ten (10) years, with a handling charge of one-half percent (½%) per month on the unpaid balance. The outstanding balance shall constitute a lien on the property served.

Section 12-74. Water service rates - Schedule.²²

(1) A proportion of the revenues generated by the following established Water Service Rate Schedule in the amount of three dollars (\$3.00) per month per customer shall be set aside in a restricted water fund to provide for payment of bonded indebtedness retirement, loan repayment, and capital improvements as provided for in the annual budgets of the Water Department: (Ord. 1699, eff., 8-30-02)

(a) W-1 Urban Residential and Small Commercial.

(I) Applicability. Applicable for water service within the corporate limits of the City to all services with a smaller than one and one half inch (1-1/2") meter. (Ord. 1699, eff., 8-30-02)

(II) All water usage shall be billed at a rate of one dollar and fifty cents (\$1.50) per 100 cubic feet (750 gallons) beyond the minimum amount. (Ord. 1226, 5-4-82; Ord 1699, eff., 8-30-02)

(III) Minimum charge per month:

Water Amount:

Meter smaller than 1-1/2"
 (\$15.00)
 (Ord. 1699, eff., 8-30-02)

1,000 cubic feet
 (7,500 gallons)

(b) W-2 Urban Large Commercial and Large Residential.

(I) Applicability. Applicable for water service within the corporate limits of the City to all services with a one and one half-inch (1-1/2") meter or larger. (Ord. 1699, eff., 8-30-02)

(II) All water usage shall be billed at a rate of one dollar and fifty cents (\$1.50) per 100 cubic feet (750 gallons) beyond the minimum amount. (Ord. 1226, 5-4-82; Ord 1699, eff., 8-30-02)

(III) Minimum charge per month:

Water Amount:

1-1/2"	meter	\$26.25	1,750 cu. ft. (13,125 gallons)
2"	meter	\$52.50	3,500 cu. ft. (26,250 gallons)
3"	meter	\$105.00	7,000 cu. ft. (52,500 gallons)
4"	meter	\$187.50	12,500 cu. ft. (93,750 gallons)
6"	meter	\$420.00	28,000 cu. ft. (210,000 gallons)
8"	meter	\$750.00	50,000 cu. ft. (375,000 gallons)

(Ord. 1699, eff., 8-30-02)

(c) W-3 Rural Residential and Small Commercial.

(I) Applicability. Applicable for water service outside the corporate limits of the City to all services with a smaller than one and one half inch (1-1/2") meter. (Ord. 1699, eff., 8-30-02)

(II) All water usage shall be billed at the rate of two dollars and fifty cents (\$2.50) per 100 cubic feet (750 gallons) beyond the minimum amount. (Ord. 1226, 5-4-82; Ord 1699, eff., 8-30-02)

(III) Minimum charge per month:

Water Amount:

Meter smaller than 1-1/2": \$25.00
 (Ord 1699, eff., 8-30-02)

1,000 cubic feet
 (7,500 gallons)

(d) W-4 Rural Large Commercial, Industrial and Associations.

(I) Applicability. Applicable for water service outside the corporate limits of the City to all services with a one and one-half inch (1-1/2") meter or larger. (Ord. 1699, eff., 8-30-02)

(II) All water usage shall be billed at a rate of Three Dollars (\$3.00) per 100 cubic feet (750 gallons) beyond the minimum amount. (Ord. 1226, 5-4-82. Ord. 1583, eff., 4-18-98; Ord 1699, eff., 8-30-02)

(III) Minimum charge per month:			Water Amount:
1-1/2"	meter	\$ 52.50	1,750 cu. Ft. (13,125 gallons)
2"	meter	\$105.00	3,500 cu. Ft. (26,250 gallons)
3"	meter	\$210.00	7,000 cu. Ft. (52,500 gallons)
4"	meter	\$375.00	12,500 cu. Ft. (93,750 gallons)
6"	meter	\$840.00	28,000 cu. Ft. (210,000 gallons)
8"	meter	\$1,500.00	50,000 cu. Ft. (375,000 gallons)
(Ord. 1699, eff., 8-30-02)			

(e) W-5 Military and Government Facilities

(I) Applicability. Applicable for water service outside the corporate limits of the City of Trinidad to Military Facilities and other government facilities. (Ord. 1699, eff., 8-30-02)

(II) All water usage above the minimum listed above shall be charged at the rate of Three Dollars (\$3.00) per each 100 cubic feet (750 gallons) of water. (Ord 1699, eff., 8-30-02)

(III) Minimum charge per month:	Water Amount:
8" meter \$1,500.00	50,000 cu. Ft. (375,0000 gallons)
(Ord. 1266, 5-7-85; Ord 1699, eff., 8-30-02)	

(2) Connection and disconnection fee.

(a) In any case where any water service of any kind is connected or disconnected by the City or its authorized agents, thereof shall be paid a fee of Ten Dollars (\$10.00) for said connection or disconnection if the work is done during normal working hours. If done other than during normal working hours, or on weekends or holidays, the fee shall be Twenty Dollars (\$20.00) for the connection.

(b) The said fee shall be paid within seven (7) days after the work is done upon proper invoice or statement to the customer. (Ord. 1220, 4-13-82).

Section 12-75. Regulations part of contract.

All regulations contained in this Article shall be considered a part of the contract of every person taking water from the waterworks of the City, and every person taking water shall be considered as having expressly consented to be bound thereby.

Section 12-76. Unlawful acts.

It shall be unlawful for any person to use or take water from the City waterworks without a permit therefor, or to make any fraudulent representation for the purpose of obtaining water, or for any person to take or use water from the waterworks for a different purpose than that provided in the customer's permit, or for any person to violate any of the regulations set forth in this Article.

Section 12-77. Right of City to shut off water in mains; precautionary measures by customer; Nonliability of City.

The City reserves the right at any time, without notice, to shut off the water in its mains for the purpose of making repairs, extensions or for other necessary purposes, and all persons having boilers or other appliances on their premises depending on the pressure of the pipes to keep them supplied with water, are hereby cautioned against danger from these sources, and are required to provide, at their own expense, suitable safety appliances to protect themselves against such danger. In any event, it is expressly provided that no claim whatever shall be made against the City by reason of any damage resulting from water having been cut off, either through accident or necessity. (Code 1958, Sec. 29-42.)

Section 12-78. Right of entry to repair; notice to owner to make repairs.

The Superintendent or such other person as may be directed by the Superintendent shall be authorized to enter and have free access at all reasonable hours to premises to ascertain the location or condition of all hydrants, pipes or other fixtures attached to said water works. In the event he/she finds that water is wasted on account of negligence or for want of repairs, and if such waste is not immediately remedied, the water leading to such premises shall be turned off. It shall be the duty of such officer if he/she discovers any defect in a private pipe between the City main pipe and the stopcock to give notice in writing to be left at the premises, if occupied, and if not occupied, with the owner or his/her agent, and if the necessary repairs are not made within five (5) days thereafter, unless an emergency exists requiring a shorter time period, the water shall be turned off.

Section 12-79. Using water in violation of sprinkling restrictions.

It shall be unlawful for any person to use the water for irrigation, sprinkling or any other purposes in violation of restriction on such use imposed by City Council pursuant to Section 12-62.

Section 12-80. Using water or appurtenances without authority.

It shall be unlawful for any person to use the water from any part of the waterworks or to open any fire plug, stopcock, or valve, or other fixture appertaining to such works, after the same has been shut off as provided in this Article or otherwise without lawful authority, or let or shut off water into or from any pipe, without lawful authority.

Section 12-81. Polluting water in waterworks; obstructing conduits.

It shall be unlawful for any person to throw or cast or put any substance into any reservoir, storage

tank, stream, trench, pipe, drain, ditch or conduit, used in and necessary for the construction, maintenance and operation of the waterworks, and which substance shall tend to fill up such reservoir, or to fill up or obstruct the flow of water in any such stream, trench, pipe, ditch, conduit, or to throw, cast, or put into any such reservoir, trench, stream, ditch, pipe, or conduit, any toxic or unwholesome substance that shall tend to pollute the water therein.

Section 12-82. Polluting water source prohibited.

It shall be unlawful for any person to throw or cast into a stream or any source from which water for the City waterworks is taken, for five (5) miles above the point which it is taken, any filthy or other substance that shall tend to pollute the water therein. (Code 1958, Sec. 29-49.)

Section 12-83. Injuring or damaging waterworks property.

It shall be unlawful for any person to injure or deface, impair or destroy any part of any appurtenances of the waterworks or any property belonging to the waterworks or used in connection therewith. (Code 1958, Sec. 29-51.)

Section 12-84. Covering up curb box.

It shall be unlawful for any person to build over or cover up any curb box or stopcock belonging to the City waterworks or used in connection therewith. (Code 1958, Sec. 29-52.)

Section 12-85. Permit to re-sell water.²³

(1) Any person wishing to re-sell water obtained from then City Water Utility shall first obtain an annual permit from the City Manager to re-sell water and pay a fee of \$100.00. The permit shall expire one year after its issuance. The permittee may apply for a renewal within ninety (90) days before the expiration date. The permit for resale of water is required in addition to any of the other permits required for water connections prescribed by this chapter. The City Manager shall not issue a water resale permit without first finding that: (Ord. 1603, eff., 3-27-99; Ord. 1699, eff., 8-30-02)

(a) The applicant has already obtained the required permit for main connections with the City Water Utility; (Ord. 1603, eff., 3-27-99; Ord. 1699, eff., 8-30-02)

(b) The applicant has obtained product insurance to protect and hold the city harmless in the event there is any damage or injury resulting from the quality of the water sold to and resold by the permit holder; and (Ord. 1603, eff., 3-27-99; Ord. 1699, eff., 8-30-02)

(c) The estimated quantity of water to be resold will not be of such a volume to interfere with the water service to be provided to existing water utility customers. (Ord. 1603, eff., 3-27-99; Ord. 1699, eff., 8-30-02)

²³

Chapter 12, Section 85(1) and (5) are repealed and reenacted and Chapter 12, Section 85 (6) and (7) are enacted. (Ord. 1699, eff., 8-30-02)

- (2) The issuance of such permit shall be conditioned on the following: (Ord. 1603, eff., 3-27-99)
- (a) The applicant observes all Colorado Department of Health Regulations, and city and county health requirements; and (Ord. 1603, eff., 3-27-99)
 - (b) The applicant signs an agreement evidencing the understanding that this permit can be suspended if required by the water needs of the City. (Ord. 1603, eff., 3-27-99)
- (3) Failure to satisfy any of the conditions set forth in subsection (2) shall constitute grounds for the revocation of this permit by the City Manager. (Ord. 1603, eff., 3-27-99)
- (4) Any person who resells water obtained from the City Water Utility without obtaining the required permit, shall be guilty of a misdemeanor, and shall also be subject to termination of his/her residential and/or commercial water service. (Ord. 1603, eff., 3-27-99)
- (5) Any person who resells water obtained from the City Water Utility must have an additional meter installed on his/her residential and/or commercial water tap to separately measure the volume of water used for resale purposes. Such person shall be charged a base amount of \$10.00 per 1,000 gallons (133 cubic feet) used for resale purposes. (Ord. 1603, eff., 3-27-99; Ord. 1699, eff., 8-30-02)
- (6) The resale of water shall be limited to residents of Las Animas County. No out-of-county sales shall be permitted. Water shall be resold for residential and domestic use only. No water shall be resold for commercial, industrial, or fire-fighting purposes. (Ord. 1699, eff., 8-30-02)
- (7) Water resold in quantities greater than those identified in the water resale contract and or water re-sale permit shall be subject to a surcharge of no less than the rate as identified above in the W-4 Rural Large Commercial, Industrial and Association rate in addition to the base amount above. (Ord. 1699, eff., 8-30-02)