

ORDINANCE NO. 1  
(Series 1989)

AN ORDINANCE OF THE TOWN OF LAKE CITY, COLORADO, ENACTING A NEW CHAPTER 16 TO THE LAKE CITY MUNICIPAL CODE SETTING OUT RATES, CHARGES, AND OTHER PROVISIONS APPLICABLE TO THE TOWN WATER AND SEWER SYSTEM, AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF LAKE CITY, COLORADO, as follows:

Section 1:

The Lake City Municipal Code is amended by the addition of a new Chapter 16 to read, as follows:

CHAPTER 16

UTILITIES

Section 1

WATER AND SEWER SYSTEMS

Subsections:

- 16.1-1: Applicability
- 16.1-2: Application for Service
- 16.1-3: Conditions of and Application for Connection
- 16.1-4: Water and Sewer Plant Investment Fees
- 16.1-5: Installation and Maintenance Responsibilities
- 16.1-6: Water and Sewer Use Charges -- General Provisions
- 16.1-7: Remedies for Nonpayment
- 16.1-8: Specifications and Standards
- 16.1-9: Water and Sewer Extensions
- 16.1-10: Right of Entry
- 16.1-11: Monthly Water and Sewer Service Rates
- 16.1-12: Shut Off, Termination, and Resumption of Water and Sewer Service
- 16.1-13: Restriction of Water Use
- 16.1-14: Use of Fire Hydrants
- 16.1-15: Tampering with Utilities
- 16.1-16: Groundwater
- 16.1-17: Service Fees
- 16.1-18: Limitation on Use of Sewer System
- 16.1-19: Definitions
- 16.1-20: Individual Sewage Disposal Regulations

16.1-1: Applicability:

- (A) All users of Town water or sewer services shall be subject to the terms and conditions as set out in this Section and shall be subject to all applicable regulations of the Town Code and other ordinances, resolutions and regulations of the Town, as they now exist or as they may be amended in the future.
- (B) The owner, lessee, party in possession and party actually using water or sewer service, of any property served by Town water or sewer service, shall be jointly and severally liable for all fees, charges and penalties imposed by this Section and for compliance with other requirements of this Section, notwithstanding any agreement among themselves.
- (C) The owner of property subject to availability of service charges shall be personally liable for such charges.

16.1-2: Application for Service:

- (A) Application for Town water or sewer service shall be made upon forms provided by the Town which forms shall require information as may be necessary for the proper billing and management of the water or sewer system.
- (B) The applications shall be accompanied by:
  - (1) evidence of compliance with applicable requirements of this Section;
  - (2) delivery of any necessary easements properly executed;
  - (3) payment of all applicable fees and delinquent charges due against the applicant or property to be served;
  - (4) a deposit in the amount of \$40. Provided, however, no deposit shall be required of an applicant who has previously been a Town utility customer and has paid all charges billed without receiving a "Shut Off" Notice for the period of his latest 18 months of service within the last two (2) years. The deposit shall be returned at the termination of service, deducting all charges due the Town, or after 6 months of continuous service

during which the customer has paid each bill in full by each due date specified.

- (C) Service will not be extended to property located outside the boundaries of the Lake City Area Water and Sanitation District, unless inclusion, extension and service agreements are executed acceptable to the Town. Unless otherwise agreed, the applicant shall bear all costs of inclusion, extension of service, and provision of adequate water rights, or payment in lieu thereof. An initial application fee of \$500 shall be required.
- (D) The application shall be approved only if capacity is adequate and service is available for the proposed use and property and all applicable requirements of these regulations are met.

16.1-3: Conditions of and Application for Connection:

- (A) Applications for connection to the Town water or sewer system shall be made upon forms provided by the Town which forms shall require information as may be necessary for the proper management and operation of the systems. The application shall be accompanied by the plant investment fees and other fees imposed by this Section, a plan of the property to be served, and evidence of title to, and legal description of, the property to be served.
- (B) If the property to be served is outside of the Town limits, the application shall also be accompanied by:
  - (1) A title memorandum furnished by a reputable title company, a copy of the applicant's deed or a copy of a title insurance policy showing the title status of the property, the owner of record, and the legal description of the property to be served; and
  - (2) An agreement executed by the applicant and the owner on Town forms which contains the following conditions and other conditions consistent with this Section:
    - (a) All service lines between the Town lines or mains and the building served shall be constructed and maintained in compliance with the Town codes, standards and specifications.

- (b) The owner and applicant agree to annex, to execute a petition for annexation of the property served, and to vote for the annexation election to the Town, upon the Town's request, at any time that such property is eligible for annexation. They will pay the Town's cost and expenses for such annexation proceedings on a pro-rata basis with other property being annexed and shall irrevocably appoint the Town Clerk as their attorney-in-fact with respect to annexation elections and proceedings. This agreement shall be binding upon and shall run with the land for which service is provided. The Town may require immediate annexation at the applicant's expense.
- (c) The owner and applicant agree to comply with all provisions of this Section, as amended from time to time.
- (C) Service will not be extended to property located outside the boundaries of the Lake City Area Water and Sanitation District, unless inclusion, extension and service agreements are executed acceptable to the Town. Unless otherwise agreed, the applicant shall bear all costs of inclusion, extension of service, and provision of adequate water rights, or payment in lieu thereof. An initial application fee of \$500 shall be required.
- (D) Whenever a Town sewer main is installed within 400 feet of the premises served by Town water, the occupant or owner will, upon request of the Town, connect to such sewer line and pay all plant investment fees and other fees, therefor, in accordance with Town ordinances and regulations, as they may be amended from time to time. All buildings requiring sewage disposal shall connect to the Town sewer system unless the Town determines it to be technically unfeasible. In such event, an individual sewage disposal system may be approved only if it complies with applicable State, County or Town regulations.
- (E) Applications for connection to the Town water or sewer system shall be accompanied by properly executed documents granting the Town all easements reasonably necessary for water or sewer lines and facilities.

- (F) Applications for all connections must be reviewed and approved by the Town. If any Town main or line extension is required, the connection shall not be approved unless the terms of the extension have been approved by the Board of Trustees. The application shall be denied if capacity is not available to serve the proposed use or if service is otherwise unfeasible for utility related reasons.
- (G) The Board of Trustees may declare a moratorium on new connections or service or expanded service at any time due to limitations on system capacity or other circumstances which require such action.
- (H) (1) Separate buildings shall require separate taps to a Town water main and a Town sewer main and separate plant investment fees and other fees shall be due for each tap, regardless of building ownership.
- (2) Provided, however, an outbuilding such as a garage or workshop, may be served through the principal building, if such outbuilding is used only for a lawful use accessory to the main building, any additional plant investment fees are paid, and Town approval is obtained. Any outbuilding used for a residential or non-accessory use shall require separate taps.
- (3) The purchaser may purchase more than one tap to serve any building or dwelling unit.
- (I) The use of any common water or sewer taps and service lines serving more than one building lawfully established prior to October 1, 1988 may be continued to be utilized, subject to the following limitations:
- (1) If the use of any property or improvement served by such common tap is changed to increase the EQR rating, separate connections and service lines must be installed;
- (2) Separate taps and service lines must be installed if replacement or substantial repairs of the common tap or service line is required;
- (3) If a building is replaced or removed separate connections and service lines shall be used thereafter for each building serviced.
- (J) No application for the connection of any private

line, private water or sewer company, or feeder district shall be approved. Provided, however, this shall not preclude approving connection for water or sewer service to a mobile home park, travel home park, apartment building, or condominium building, through a master water meter and single sewer tap. Existing water or sewer companies or other private lines served by the Town shall submit an application for connection for any additional customers, dwelling units, buildings, or taps to be serviced by such companies accompanied by fees as set out in Subsection 16.1-4, on the same basis as if the connection was to be directly to a Town main.

(K) Taps may be used to serve only that property for which the tap was purchased and approved to serve.

16.1-4: Water and Sewer Plant Investment Fees:

(A) General provisions applicable to water and sewer plant investment fees are as follows:

- (1) Fees imposed by this Subsection shall be due for all new connections and when any customer presently served by water or sewer extends his facilities or changes his use, if the expansion or change in use necessitates a larger connection, increases the number of units, changes the EQR rating, or when a new connection to the system is required except a connection solely for the purposes of repair of an existing adequately sized connection, in which case only actual costs of Town material and labor will be charged. Such charges shall be paid prior to any expansion, connection, change in use, or the issuance of any permit therefor.
- (2) No connection to the Town or existing private system shall be allowed which is smaller than reasonably necessary to serve the proposed use, as provided in Town codes and specifications. No customer may make any changes or additions to property served which would substantially increase the amount of water used, change the EQR rating, or change volumes or strength of sewage produced without advising the Town in advance and obtaining an enlarged tap sufficient to accommodate such use and paying additional plant investment fees.

- (3) If an existing connection is not of reasonably adequate size, the connection shall be replaced with an adequately sized tap. The applicant shall be charged for actual costs of material and labor expended by the Town to increase the tap size.
- (4) Private water or sewer systems shall be charged the charges imposed by this Subsection both for the connection of the private line to the Town system and for each customer, EQR, building or dwelling unit served by such line, prior to connecting or serving such customers.
- (5) If, at the time the connection is actually made to the system, or at the time service is first initiated following connection, the amount of plant investment fees has been increased by the Town from what the applicant paid previously at the time he obtained the permit for connection or actually made the connection, he shall remit such additional amount at the time of connection, or of initial service. Provided, however, this Subsection is not applicable to taps lawfully made, purchased and approved before January 1, 1989.

(B) Water plant investment fees shall be \$1,250 per EQR. EQR shall be determined pursuant to Subsection (D) below.

(C) Sewer plant investment fees shall be \$1,250 per EQR. EQR shall be determined pursuant to Subsection (D) below.

(D) Equivalent Residential Rating (EQR) shall be assigned to customers, as follows:

(1)	<u>Customer Classification</u>	<u>EQR</u>
	(a) Single family residence (SFR), condominium unit, or permanent mobile home, if billed individually	1.0
	(b) Multi-family residential units, including duplexes, apartments, condominiums and cabins with complete facilities when contained on one property served by a common tap, and billed collectively:	
	(1) First residential	1.0

(ii) Each additional residential unit	0.8
(iii) Each coin operated washing machine provided for tenant's use	0.25
(c) Temporary and/or transient residential units for rent in houses, hotels, motels, lodges, and transient trailer parks:	
(i) Basic rate, including manager's quarters	1.0
(ii) Each additional sleeping unit w/o plumbing	0.15
(iii) Each additional sleeping unit w/plumbing but no cooking facilities	0.25
(iv) Each additional sleeping unit w/plumbing and cooking facilities	0.50
(v) Each coin operated washing machine	0.25
(vi) Transient trailer park (RV) per space	0.25
(vii) Each shower stall	0.25
(d) Bars, restaurants, and all establishments serving food or beverages:	
(i) With 25 or less seating capacity	1.35
(ii) Each additional 25 seats or part thereof	0.55
(e) Automobile service stations:	
(i) Without a washrack	1.35
(ii) Additional for each washrack	0.80
(f) Commercial or public buildings used as stores, offices, warehouses, or other similar uses, including small businesses:	
(i) Each building or customer accompanied by one living unit	2.0



(ii) Each building or customer when used as non-occupied retail showroom, shop or warehouse space	1.0
(iii) Each additional place of business within a multiple commercial complex	0.8
(iv) Each first pair of public restrooms	1.0
(v) Each additional pair of public restrooms in excess of one pair	0.8
(g) Churches and non-profit organization halls with no residence or regular eating facilities	1.0
(h) Public or private schools:	
(i) Base rate for first 50 students or part thereof	2.0
(ii) Each additional 30 students or part thereof	1.0
(i) Swimming pools in conjunction with other use classifications; for each 25,000 gallons or fraction thereof of swimming pool capacity	1.0
(j) Coin operated laundromats, per machine in service:	
(i) Basic fees, including first standard size machine	1.0
(ii) Each additional machine	0.25
(k) Miscellaneous classifications:	
(i) Recreational vehicle waste disposal stations	3.0
(ii) Cement batch plants	2.0
(l) Any single family residence, whether detached or part of a duplex, condominium or townhouse, in which is conducted in addition to residential use, any occupation or business for	

profit, in which residence the inventory, services or products of said occupation or business are exhibited, or are made available, to potential customers or clients thereof for walk-in trade, or which occupation or business has, or is required under Colorado law to have, a retail sales license.

2.0

- (2) Any building or structure containing multiple use shall have a cumulative EQR based on the sum of the separate uses.
- (3) EQR ratings for uses not specifically described in the above schedule shall be individually determined by the Town based upon an analysis of the user's water demand and consumption and sewage demand, volume and strength as compared to an average single family residential customer.

16.1-5: Installation and Maintenance Responsibilities:

- (A) Taps - All connections to the Town water or sewer system shall be made either by the Town or by qualified contractors authorized by the Town. All taps shall be installed and maintained at the customer's expense. If the Town installs or repairs a tap, the customer shall reimburse the Town its costs.
- (B) Service lines and facilities - The owner shall install and maintain all water and sewer service lines, plumbing and facilities to serve customer's property at customer's expense. The location of all service lines on Town property, curb boxes and shut off valves must be approved by the Town prior to installation.
- (C) Taps, service lines and service facilities shall not be covered until inspected and approved by the Town. Inspections shall be requested at least 24 hours in advance on forms provided by the Town, accompanied by a \$25.00 inspection fee for each service.
- (D) If the customer fails to properly maintain the customer's line or facilities, the Town may terminate service and may do so without prior notice in the case of leaks or of back flow into the Town water system. The Town may also make such

repairs and charge the cost of doing so to the customer's bill.

16.1-6: Water and Sewer Use Charges -- General Provisions:

- (A) Charges for water, and sewer service shall be payable, assessed and billed at periodic intervals specified by the Board of Trustees.
- (B) Water and sewer use charges shall commence when service is first utilized.
- (C) Sewer charges and all other fees, assessments, and changes imposed by this Section may be billed with the water bills, or otherwise, as determined by the Board of Trustees.
- (D) All bills shall specify a due date.
- (E) All charges, assessments and fees imposed by this Section shall become a lien on the property served as of the date of service or billing or as due, whichever occurs first.
- (F) Service to condominium units shall be billed to the Owner's Association.
- (G) Delinquent charges shall accrue interest at the rate of 1% per month.

16.1-7: Remedies for Nonpayment: In addition to any other remedies which the Town may have, the Town may take the following action upon failure to pay any charges or fees by the dates specified as due upon the bill, or when they are otherwise due:

- (A) The Town may foreclose the lien imposed by this Section in accordance with law.
- (B) The Town may maintain an action for the amount of charges due in a court of competent jurisdiction including interest as allowed by law.
- (C) The Town may certify the amount of any overdue assessment, fee, or charge to the County Treasurer to become an assessment upon such property served to be collected as taxes upon such property are collected. The delinquent notice shall so advise the customer and allow for a hearing prior to certification.
- (D) It shall be unlawful to fail to pay the charges, fees and assessments imposed by this Section.

(E) The Town may shut off water to any premises for which the bill is not paid in accordance with the procedures set forth in Subsection 16.1-14 of this Section. Service will not be restored to said property until the delinquent charges are paid.

16.1-8: Specifications and Standards: The materials used and installation of all components of the Town water and sewer system, service lines and plumbing systems connected thereto and served thereby shall be in accordance with standards, regulations, and specifications approved by the Town, and in accordance with all Town building and plumbing regulations and other applicable regulations. Such Town standards, specifications and regulations may include but are not limited to the installation, location, and type of material of water and sewer mains, service lines, curb boxes, valves, corporation stops, meters, meter pits, meter yokes, and other fixtures and facilities. All such facilities shall also comply with all applicable State and Federal regulations.

16.1-9: Water and Sewer Extensions:

(A) No water or sewer main, or facilities of the Town may be extended without the approval of the Town.

(B) The Town may, at its own expense, extend its water or sewer mains as deemed feasible or necessary. The Town may provide for such extensions in accordance with its Subdivision Regulations or by contract with any person desiring such extensions or by improvement district. Any such contract shall be on terms approved by the Town and may provide for the size of the mains or lines to be extended, the apportionment of the costs of the extensions, or such other provisions as the Board of Trustees deems in the public interest.

(C) All such mains, lines and facilities connected to the Town system shall be conveyed and dedicated to the Town, free and clear of all liens and encumbrances, and shall be subject to such warranties and maintenance requirements as may be provided by said extension agreements.

(D) Any application for an extension shall require a \$500 application fee.

16.1-10: Right of Entry:

(A) Whenever necessary to make any inspection or

investigation to perform any duty, or to enforce any of the provisions of this Section, or administer the water and sewer system, any authorized Town representative may enter upon any building or premises served by Town water or sewer at any reasonable time for such purposes. If the building is occupied, he shall present proper credentials and request entry. If such building is unoccupied, he shall make reasonable efforts to locate the owners or persons in possession of the premises and request entry. If entry is refused, he shall have recourse to all remedies provided by law to secure entry, including issuance of an inspection warrant by the Municipal Court, or other court of competent jurisdiction.

- (B) The right of entry shall apply but not be limited to the following functions: To determine the location and conditions of all hydrants, pipes, fixtures, plumbing facilities, and meters, to read meters, to make repairs, to perform dye and smoke tests, to evaluate EQR rating and use, to investigate volumes and strength of sewage, and to investigate violations of this Section.

16.1-11: Monthly Water and Sewer Service Rates:

- (A) Water service rates shall be \$14.25 per month/EQR.
- (B) Sewer service rates shall be \$14.25 per month/EQR.
- (C) Rates for customers with both water and sewer service shall be \$19.00 per month/EQR for both services.
- (D) EQR shall be determined pursuant to Subsection 16.1-4(D).
- (E) Charges for minimum periods of less than one month shall be prorated.
- (F) Each user shall be notified at least annually in conjunction with a regular bill of the rate and that portion of the use charges which are attributable to wastewater treatment services.
- (G) Customers served by water utilities other than the Town shall provide their actual water consumption data to the Town. Failure to provide such data shall be reason to terminate Town sewer service.

16.1.12: Availability of Service Charges:

- (A) Each tract of land within the Lake City Area Water

and Sanitation District having one or more boundaries within 100 feet of a Town water or sewer line shall be subject to, a monthly Availability of Service Charge in the amount of 33 1/3% of the then-current rate for water and/or sewer service, times the number of EQR's assignable to said tract. A "tract" is defined as any real property within the District having uninterrupted and connected boundaries, regardless of whether the same is owned by one owner, or by multiple owners having undivided interest therein.

(B) The number of EQR's assignable to said tract for purposes of this Subsection shall be as follows:

- (1) In the event a tract is within a platted residential subdivision, the number of EQR's shall be the maximum number of single family residential units, whether detached or part of a condominium, duplex or townhouse, or both, permitted upon said lot by applicable deed restrictions, covenants or zoning.
- (2) In the event a tract is not within a platted residential subdivision, or is within a platted subdivision but not the subject of zoning, deed restrictions or covenants prescribing the maximum number of single family residential units thereon, the number of EQR's shall be the total square footage of the tract divided by 6,250, subject only to the exception set forth in Paragraph (3) hereof.
- (3) In the event a tract is neither within a platted residential subdivision nor the subject of zoning, deed restrictions or covenants prescribing the maximum number of single family residential units thereon, and if the tract consists of four or fewer 25' by 125' town lots or the equivalent, and only one single family residence is constructed thereon on April 1, 1986, no EQR's shall be assigned to said tract until such time as an additional residence or residences are constructed thereon, or until any portion of said tract is conveyed to any third party. One additional EQR shall be assigned for each 6,250 square feet by which the tract exceeds four town lots or 12,500 square feet.

(C) The Board of Trustees may grant variances from the application of the EQR formula above set forth upon the following grounds:

- (1) That the tract, due to its shape, slope, peculiar location or other physical constraint cannot reasonably be expected to contain the number of EQR's otherwise applicable under the above formula.
- (2) That the tract had built upon it a single family residence on April 1, 1986, and the owner thereof certifies that the land owner does not intend to convey off any portion of said tract, but desires to retain the entirety thereof as a single tract; provided, however, that in the event said owner, or any subsequent owner, does in fact convey off any portion of said tract to any third person subsequently, then the entirety of said tract shall immediately be subject to a charge equal to the availability of service charges which would have been applicable under District and Town regulations from April 1, 1986, until the date of such conveyance at the rate or rates having been in effect during said period of time. The entire tract shall also be subject to all applicable availability of service charges assessable thereafter.

16.1-13: Shut Off and Resumption of Water and Sewer Service:

- (A)
  - (1) In case any person fails or refuses to pay any charges or penalties for Town water or sewer service or shall fail to comply with the provisions of this Section or other regulations applicable to the Town water or sewer service, or makes any material misstatement or misrepresentation on any application or other form required by the Town, the Town may shut off the sewer or water to the premises.
  - (2) Prior to shutting off the water or sewer, the Town shall send a notice to the address of the customer concerned, as shown on Town records, stating the reason for the shut off, and the date upon which service may be shut off unless the charges are paid or other specified violation is corrected. Such date shall be at least ten (10) days after the deposit of the letter giving notice of the shut off in the mail. Said notice shall also advise the customer that the charges may be certified to the County Treasurer for collection.
  - (3) The customer shall be entitled to a hearing

with a Town representative for the purpose of resolving any dispute concerning the amount due or the violation specified. The notice of shut off shall so advise the customer.

- (4) If the customer requests a hearing, an informal hearing shall be scheduled as soon as possible by the Town.
- (5) If the Town representative, following the hearing, determines the matter adverse to the customer, service may be shut off immediately or on the date specified in the notice of shut off, whichever is later. Shut off may be effected by physical disconnection of the service lines. The charges may also be certified to the County Treasurer for collection.
- (6) The customer may appeal any such decision to the Board of Trustees where he will be allowed a hearing, providing he makes a deposit with the Town in the amount of any charges due.
- (7) If the Town shuts off water service pursuant to this Subsection, service will not be restored until all overdue charges, penalties, other applicable charges which have been billed, and a turn-off penalty charge of \$25.00 (\$50.00 if made at any time other than regular working hours) for each service shut off and a deposit in an amount equal to the greater of \$75.00 or the customer's highest previous Town utility bill, have been paid to the Town. If service is physically disconnected, the greater of \$250 or the Town's costs incurred in making the disconnection and connection shall be paid to the Town.

(B) Monthly user charges shall continue while water or sewer is shut off until the tap is abandoned. Customers whose premises will be vacant may request water and sewer service to be shut off and the taps abandoned upon payment of a \$25.00 shut off fee and the Town's cost in physically disconnecting the tap. Monthly use charges shall no longer be due following abandonment of the tap. Following abandonment, service will not be restored until new taps are purchased and approved. Availability of service fees shall remain due after abandonment.

(C) The Town may shut off water or sewer service



without notice for maintenance, repairs, construction, emergencies, when necessary to protect the water and sewer systems from damage, and for other appropriate reasons.

16.1-14: Restriction on Water Use:

- (A) The Board of Trustees may limit the use of Town water to specific times, days, and uses.
- (B) It shall be unlawful for any person to sell or give water away to be used on premises other than those for which service is authorized.
- (C) It shall be unlawful to open or close any fire hydrant, stop or curb valve, or to turn on or turn off the water service to any property without lawful authority to do so.
- (D) It shall be unlawful to cause or allow any pollutant to be introduced in the Town water system or to cross connect it with any irrigation water system or other water system.
- (E) All customers shall install back flow prevention devices as required by the Colorado Plumbing Code, and other Town, State or federal regulations, maintain them in proper working condition, test them at least once a year and report the test results to the Town.

16.4-15: Use of Fire Hydrants:

- (A) When it is necessary to use water temporarily at a place where the water supply is inadequate, application may be made to the Town for a permit to use water from a fire hydrant. It shall be unlawful to use water from, or connect any apparatus to, a fire hydrant without first obtaining a permit.
- (B) Each permit shall specify the terms and conditions of use and the fire hydrant or hydrants authorized to be used. No person shall attach to the operating stem or cap of a fire hydrant any wrench or tool that is not approved by the Town for use on fire hydrants. In addition to any other remedy available to the Town, any wrench, connection apparatus, valve, hose, or other item attached to a fire hydrant in violation of this Section shall be subject to removal and confiscation by the Town.

16.1-16: Tampering with and Unauthorized Use of Utilities and Service: It shall be unlawful to tamper with,

damage or destroy any Town water, or sewer lines, mains, meters or facilities, or to utilize any Town utility service without lawful authority, or to operate any Town facilities without lawful authority, or to shut off or turn on water service without lawful authority.

16.1-17:

Groundwater: All groundwater from the Dawson, Denver, Araphahoe, Laramie-Fox Hills, and Dakota aquifers, and other nontributary groundwater underlying land included within the corporate limits of the Town of Lake City, Colorado as of January 1, 1985, is hereby incorporated in the actual municipal service plan of the Town, pursuant to and in accordance with the provisions and exceptions of C.R.S. 37-90-137.

16.1-18:

Limitations on Use of Sewer System:

- (A) General Prohibitions: It shall be unlawful to introduce into the Town Sewage System any pollutants which "pass through" the System or "interfere" with the operation or performance of the System.
- (B) Specific Prohibitions: It shall be unlawful to introduce the following pollutants into the Town Sewage System.
- (1) Pollutants which create a fire or explosion hazard in the Town Sewage System;
  - (2) Pollutants which will cause corrosive or structural damage to the Town Sewage System, or which have a pH lower than 5.0;
  - (3) Solid or viscous pollutants in amounts which will cause obstruction in the flow in the System, resulting in "interference";
  - (4) Any pollutant, including oxygen demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which will cause "interference" with the System;
  - (5) Heat in amounts which will inhibit biological activity in the System resulting in "interference". In no case shall heat be introduced in such quantities that the temperature at the Sewage Treatment Plant exceeds 104°F.

(C) Additional Specific Prohibitions: It shall be unlawful to do any of the following:

- (1) To permit or cause the discharge into the Town Sewage System of any water or other liquids containing toxic, poisonous or other solids, liquids or gases, which, in sufficient quantities, either singly or in interaction with other waste, could contaminate the sludge produced by the treatment plant; interfere with or injure any sewage treatment process; constitute a hazard to humans or animals; create a public nuisance; or create any hazard in or have an adverse affect on any waters discharged from the Town Sewage treatment works.
- (2) To connect any device to the Town Sanitary Sewer System other than sanitary plumbing facilities, including, but not limited to, any down spout, foundations drain, area way drain, storm sewer, swimming pool drain, or other source of surface runoff or ground water.
- (3) To operate a wash rack with drains connected to the Town Sewer System unless a trap which effectively prevents the entry of sand, mud and gravel has been installed in accordance with specifications approved by the Town.
- (4) To make any discharge into the Town Sewer System from a hotel, restaurant, club, commercial or institutional kitchen, unless a trap for grease and oil, approved by the Town, has been installed.
- (5) To discharge or permit to be discharged into the Town Sewer System any of the following:
  - (a) Any liquid or vapor, other than domestic hot water, having a temperature higher than one hundred fifty degrees (150°).
  - (b) Any gasoline, benzene, naptha, fuel oil, mineral oil, or other volatile, flammable or explosive liquids, solids or gas.
  - (c) Any solid or viscous substances in quantities or of a size capable of causing obstruction to flow in sewers or interference with the proper operation of sewage treatment facilities, including, but not limited to, ashes, cinders, sand, diapers, disposable dish rags, mud,

gravel, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, hair, flushings, entrails, paper, dishes, cups or containers.

- (d) Garbage that has not been properly shredded or ground by a garbage disposal or grinder.
  - (e) Wastewater containing more than twenty-five (25) milligrams/liter of petroleum oil, nonbiodegradable cutting oils or products of mineral oil origin.
  - (f) Wastewater from industrial plants containing floatable oil, fat or grease.
  - (g) A slug of wastewater of such size or concentration that the treatment process is not capable of meeting discharge requirements.
  - (h) Any substance which the sewage treatment plant cannot treat sufficiently to meet plant effluent standards, which causes the release of obnoxious gases, or is harmful to the sewer system and parts.
- (B) All customers shall comply with applicable state and federal pretreatment regulations. The Town may require pretreatment, testing, sampling and monitoring as a condition of accepting any customer's sewage discharge, at the customer's expense.
- (C) In addition to prosecuting any party violating this Section in Municipal Court, the Town may maintain an action for an injunction, and for damages done to the Town sewer system, as measured by the cost of repairing or cleaning the system, against any person violating this Subsection.

16.1-19: Definitions:

The following definitions shall apply to this Section except where the context clearly requires otherwise.

- (A) "Town" shall mean the Town of Lake City, Colorado, and any authorized officer, employee, or agent thereof and shall include the "District."
- (B) "District" or "Lake City Area Water and Sanitation

District" shall mean the said District or any authorized officer, employee, or agent thereof. The Town is an authorized agent of the District.

(C) "Town water or Town sewer system" shall mean those water and sewer systems managed by the Town being acquired from the District by the Agreement and Plan for Dissolution entered into between the Town and District.

16.1-20: Individual Sewage Disposal Regulations:

The Individual Sewage Disposal Regulations as adopted by the District shall apply within the Town and shall be enforced by the Town.

Section 2:

The Board of Trustees hereby declares that an emergency exists because the Town will assume operation of the District Water and Sewer Systems on January 1, 1989 and these regulations must be in effect at that time to protect the public health, safety and welfare.

Section 3:

This Ordinance shall be effective January 1, 1989.

Section 4:

It shall be unlawful for any person to violate any of the provisions of this Ordinance. Any person convicted of such a violation may be punished by a fine of up to \$300, or a jail sentence of up to 90 days, or by both such fine and imprisonment; provided, however, no person under the age of 18 years shall be subject to any term of imprisonment except for contempt of court.

Section 5:

The enactment of this Ordinance shall not affect any offense or act committed, any penalty incurred, any contract, right, or duty established or accruing before the effective date of this Ordinance.

INTRODUCED, READ and ADOPTED by the Board of Trustees of the Town of Lake City, Colorado, this 4th day of January, 1989.

TOWN OF LAKE CITY, COLORADO

By Robert E. Hall  
Mayor

ATTEST:

Michelle L. Lura  
Town Clerk