

\$75 Fee

UTILITY SERVICE PERMIT

Town of Silver Plume

Property Owner's Name _____
(Please Print)

Owner's Postal Service Address _____
(PO Box or Street and Number)

(Town or City, State and Zip)

Owner's Telephone Number _____

Owner's Email Address _____

Legal Description of Property for Which the Permit is Desired:

Reason for Requesting Permit:

Name and Contact Information of Person(s) or Business(s) Designated to Perform Work:

(Please Print)

Applicant hereby affirms knowledge of Ordinance 319, especially the following Sections:

- SECTION 4.10. EXTENSIONS OF SERVICE LINE PROHIBITED
- SECTION 4.11. SEPARATE CONNECTION REQUIRED FOR EACH WATER-USING UNIT
- SECTION 6.1. SERVICE CONNECTIONS OUTSIDE OF TOWN
- SECTION 6.2. NO CONNECTIONS TO BE MADE IN WINTER
- SECTION 7.1. APPLICATION FOR EXTENSIONS AND FEASIBILITY TO PROVIDE SERVICE
- SECTION 7.2. CONSTRUCTION METHODS
- SECTION 7.3. COSTS ASSOCIATED WITH PLAN REVIEW
- SECTION 7.4. COSTS ASSOCIATED WITH MODIFICATIONS TO THE EXISTING WATER SYSTEM
- SECTION 7.5. REIMBURSEMENT FOR EXTENSION COST
- SECTION 7.6. WATER LINE AND APPURTENANCES TO BECOME TOWN PROPERTY
- SECTION 8.4. ADDITIONAL SYSTEM INVESTMENT FEE

ATTACHMENTS AS REQUIRED (Please check each applicable attachment):

For Connection to property wholly or in part outside Corporate Boundary:

_____ Agreement with Town Board.

For Service Connection:

_____ Brief written proposal showing site plan, material specifications, date(s) of construction.

_____ Payment of System Investment Fee.

For Extension of Main:

ORDINANCE 319

Water System Structure Ordinance of the Town of Silver Plume, Colorado

AN ORDINANCE ADOPTING TERMS AND CONDITIONS PROVIDING WATER SERVICE FOR THE TOWN OF SILVER PLUME, COLORADO.

WHEREAS THE TOWN OF SILVER PLUME, COLORADO, HAS DETERMINED THAT A COMPREHENSIVE REVISION OF THE WATER ORDINANCE IS NECESSARY SUBSEQUENT TO THE ACQUISITION OF A NEW WATER SYSTEM, WITH THE REPLACEMENT OF THE DISTRIBUTION SYSTEM AND THE INSTALLATION OF THE NEW TREATMENT FACILITY AND THE IMPLEMENTATION OF THE USE OF WATER METERS; AND

WHEREAS IT IS IMPORTANT THAT ALL CITIZENS OF THE STATE OF COLORADO CONSERVE WATER; AND

WHEREAS IT IS A CONDITION OF ACCEPTING THE GRANT MONEY THAT SILVER PLUME SHALL IMPROVE ITS GATHERING, TREATMENT, STORING, DELIVERING, USE AND METERING OF WATER; AND

WHEREAS SILVER PLUME HAS BY DECREE FROM THE STATE OF COLORADO A WATER RIGHT TO DIVERT 0.85 CUBIC FEET PER SECOND (CFS) OF WATER FOR BENEFICIAL USE, THE WATER RIGHT HAVING AN 1894 PRIORITY WITHIN THE SOUTH PLATTE DRAINAGE; AND

WHEREAS SILVER PLUME IS REQUIRED TO RETURN ALL WATER DIVERTED FROM CLEAR CREEK TO CLEAR CREEK, EXCEPT FOR NORMAL HOUSEHOLD USE WHICH CAUSES NO MORE THAN A 5% LOSS (INJURY) OF WATER RETURN; AND

WHEREAS USERS OF WATER DOWNSTREAM FROM SILVER PLUME WITH A PRIORITY DATE EARLIER THAN SILVER PLUME'S 1894 DATE ARE EMPOWERED TO PLACE A CALL ON UPSTREAM USERS INCLUDING SILVER PLUME TO CEASE WATER USE THAT CAUSES INJURY, THEREBY REQUIRING AT TIMES THAT THE TOWN LEASE AUGMENTATION WATER (AW) TO REPLACE THE TOWN WATER INJURY, AS A RESULT OF WHICH THE TOWN MAY CHARGE USERS A SUPPLEMENTAL FEE TO PAY FOR AW AND MAY ALSO BAN USES THAT CAUSE INJURY;

BE IT ORDAINED BY THE TOWN BOARD, THAT THIS ORDINANCE SHALL SUPERCEDE ALL PREVIOUSLY EXISTING WATER ORDINANCES AND PROVISIONS OF ALL OTHER EXISTING ORDINANCES TO THE EXTENT THAT THEY CONFLICT IN ANY WAY WITH THE TERMS OF THIS ORDINANCE HEREAFTER:

ARTICLE 1 ORGANIZATION AND NOMENCLATURE OF THE ORDINANCE**SECTION 1.1. ORGANIZATION AND NOMENCLATURE**

Titles of Sections, when and wherever the same may appear throughout this Ordinance, are used for convenience only and shall have no relevance or effect upon terms, provisions and conditions hereof or the construction or interpretation of same.

ARTICLE 2 GENERAL PROVISIONS**SECTION 2.1. APPLICABILITY**

All users of Town water services shall be subject to the terms and conditions of this Ordinance and all other water service Ordinances, Resolutions or official actions of the Town Board, as they exist or may be amended or promulgated in the future. All regulations contained in this Ordinance shall be considered a part of any contract between the Town and any person, company or other entity being supplied water by the Town.

SECTION 2.2. OWNERSHIP AND LIABILITY

The Town of Silver Plume is the sole owner of and is responsible for the operation and maintenance of the municipal water treatment and distribution system, as hereinafter defined. The Town shall not be held liable for inadequate treatment or interruption of service brought about by circumstances beyond its control, including but not limited to changes in state or federal regulations.

No persons shall operate, own, manage, control or possess a water system obtaining its water supply from any source for the purpose or with the effect of distributing water therefrom to any Water-Using Property within the Corporate Limits of the Town without first obtaining a franchise from the Town of Silver Plume in the manner provided by, through and under the laws of the State of Colorado.

SECTION 2.3. REQUIREMENT TO CONNECT

Those types of occupancy required to provide sanitation pursuant to the adopted Uniform Building Code are required to connect to the Town's Water System in a manner conforming to the requirements of the adopted Uniform Building Code or other applicable rules and regulations of the Town of Silver Plume and the State of Colorado.

Ownership of the service connection, including the corporation stop, the service line, the curb stop and box, the service line extending from the curb stop to the water-using place of occupancy, and the water meter shall reside with the owner of that water-using property.

Every Water System connection is required to be paired with an appropriate Sewer System connection conforming to the requirements of the adopted Uniform Building Code and other applicable Ordinances, rules and regulations of the Town of Silver Plume and the State of Colorado.

SECTION 2.4. OBTAINING WATER SERVICE

No person shall obtain water service from the water system of the Town of Silver Plume, nor shall any water service be furnished therefrom to a Water-Using Property except by, through and under, and in accordance with this Ordinance.

SECTION 2.5. TOWN AUTHORITY AND RESPONSIBILITY

The Town shall have the control, management and protection of all things pertaining to the Town water system. The Town shall have the authority to modify, improve or extend the water infrastructure as deemed necessary by the Town Board. The Town shall have the authority to designate a Public Works Director to assist and represent the Town in all matters relating to the administration of the waterworks, subject to approval by the Town Board. The Board shall have and reserves the right to prescribe other and further reasonable regulations as it may deem necessary.

SECTION 2.6. TEMPORARY DISCONTINUANCE OF WATER SERVICE

The Town reserves the right to temporarily discontinue water service to any customer in order to facilitate repairs, improvements or extensions of the Town's waterworks system, due notice being given when practical. In addition, to protect the water infrastructure from freezing or other disastrous circumstances, the Town may turn off sections of the water system.

SECTION 2.7. METERING OF WATER

The Town reserves the right at any time to meter water usage, to charge for the quantity of water used at applicable rates, and to change rates as required.

SECTION 2.8. ILLEGAL USE

No unauthorized person(s) shall uncover, make any connections with or opening into, use, alter, or disturb any part of the Water System without first obtaining a Utility Service Permit from the Town Clerk.

SECTION 2.9. WATER CONSERVATION & SPECIAL RATES

The Town of Silver Plume, to encourage water conservation, may establish water usage hours and restrictions for the safety and welfare of the Town. Such water conservation measures may be effected through a resolution of the Town Board, ordinances or other official acts of the Board.

The Town reserves the right to work with any client to negotiate a special rate dependant upon circumstances involved such as provision of augmentation water.

SECTION 2.10. AUTHORITY TO TURN OFF FOR NON-PAYMENT

The Town of Silver Plume reserves the right to turn off the water service for non-payment of water bills.

ARTICLE 3 DEFINITIONS

As used in this Ordinance, the following terms shall have the following meanings unless the context otherwise indicates.

Augmentation Water/Leased Water Fee: A surcharge added to each monthly bill to cover the costs of leasing augmentation water from an available source when a call on the Town's water has been placed by the Colorado Water Engineer.

Consumptive Use: Consumptive use is that amount of water used from the Clear Creek surface watershed and not returned via the sanitary sewer system. Consumptive use of domestic water in Silver Plume is estimated to average 5% of the amount of water collected and treated by the Town.

Contiguous (see Section 4.11): In actual contact and sharing one or more common walls. Distinguished for purposes of this Ordinance from "connected to" (as by a breezeway or bridge).

Corporation Stop: The physical apparatus that connects the Service Line to the Water Main as defined by the Town hereinafter.

Curb Stop: An on/off valve in a Service Line intermediate between the Corporation Stop and the Customer's point of use.

Curb Stop Box: An enclosure that leads from the surface of the ground down to the curb stop. It provides access to that stop.

Customer: Any person, company, corporation or governmental authority or agency using the Town's water or sewer systems.

Delivered Water Charge: A rate charged to users based upon the number of gallons used.

Dwelling Unit: Fees for water usage are based upon a single dwelling unit as in a single-family home. When a property is used for commercial purposes, whether or not such property is concurrently being used for a family residence, fees for water and sewer may be adjusted incrementally, as some additional

percentage of a unit. Concurrent commercial water usage includes, but is not limited to usage for such purposes as an apartment(s) within or separate on a lot, a boarding house, or a bed & breakfast. Other commercial water usage includes, but is not limited to, water usage in a restaurant, a bar, or other purposes wherein water usage is non-consumptive.

Fee Schedule: A schedule of various fees associated with the delivery of water service. The fee schedule shall be adopted by a Resolution of the Town Board.

Fixed Service Charge – The fixed service charge is a fee charged monthly to all users, whether water is used or not. This rate covers costs related to the capability to deliver water to the user, exclusive of usage. This rate shall be calculated or adjusted as necessary to cover the expense of operating and maintaining the infrastructure to treat and deliver water to customers.

G (or g): Gallon or gallons.

Individually Contracted Use: A rate or series of rates individually negotiated by the Town Board for the use of water by customers whose property use is “Non-Conforming,” that is, whose property use does not conform to the requirements of the Town’s Zoning Ordinance, Number 201, as amended. See especially Section 7 of Ordinance 201.

Main or Water Main: A town-owned water pipeline intended for the transmission or distribution of potable water to one or more customers through connected service lines. All water mains shall be within public property, rights-of-way or dedicated easements.

Multiple Use Property: If a building/property is used for multiple purposes, which may or may not include dwelling use, additional charges may apply. These additional charges for purposes of this Ordinance may be assessed using Dwelling Unit terminology.

Municipal Water Treatment and Distribution System: The water treatment plant and related collection galleries and other appurtenances, the transmission line which carries water from the plant to the Town proper, and the water mains within the Town proper, those mains and other transmission lines extending beyond the Town’s corporate boundary that carry water to customers outside the Town, and the Town’s fire hydrants. Excluded from this definition are individual corporation stops, curb stops and boxes, water service lines and individual water meters.

Public Works Director: An employee or agent of the Town appointed by the Town Board and charged with various duties in connection with the Water System.

Service Connection: The act of connecting a service line to a water main and also the actual physical connection.

Service Line: The water line carrying water from the water main to any given customer’s point of use.

Standards and Specifications: A document maintained for public perusal by the Town Clerk stating the standards and specifications for all elements of the Town’s water infrastructure. See for example SECTION 7.1. below.

System Investment Fee: A one-time fee required by the Town of Silver Plume required of new customers to be used for capital investment in the Town’s water system. An additional investment fee may also be required of existing customers seeking a change of use in accordance with the Town’s Zoning Ordinance 201, as amended.

When a change in the size of the customer’s service line is mandated by the Fire Code, and is effected solely for purposes of conforming to the requirements of the Fire Code, no additional System Investment Fee shall be required. The system investment fee does not include the cost of the water meter, meter installation or the cost of any other materials or labor involved in the service connection.

Termination of service connection (a.k.a. ‘abandoned tap’): A terminated service connection is a service connection that has been formally taken out of service and declared terminated by action of the

Town Board. The term does not imply that the service connection has been physically disabled, although at the direction of the Board the associated corporation stop may be shut off at the owner's expense. See Article 5 below.

Tap: See Service Connection.

Tap Fee: See System Investment Fee.

Town Board: The Board of Trustees of the Town or such other governing body as may hereafter be established under the Home Rule Charter of the Town of Silver Plume, Colorado.

Use or Water Use: The use to which water is put. The Town recognizes distinctions between agricultural, commercial, domestic and industrial uses, as follows, and also provides for regulation of water received from a single tap but put to multiple uses.

Agricultural Water Use: Water use that is of or pertaining to the science or practice of farming, including the cultivation of soil for the growing of crops and the rearing of animals.

Commercial Water Use: Water use that is concerned with or engaged in making or intending to make a profit.

Domestic Water Use: Water use that is of or related to the running of a home.

Industrial Water Use: Water use that is of, related to or characterized by economic activity concerned with the processing of raw materials and manufacture of goods in factories. Note that Home Occupations as defined in the Town's Zoning Ordinance 201 are distinguished from Industrial activities by several requirements listed in Section 5.A.3 of Ordinance 201, but that their water use nonetheless may fit the definition of "Commercial Water Use."

User or Using Unit: Any space, structure or building, movable, fixed or otherwise, or any part or parcel of the same for which a separate meter exists, or in the alternative, any space, structure or building, movable, fixed or otherwise, or any part or parcel thereof having or being equipped with a device, fixture or method for using water.

Utility Service Permit: A Utility Service Permit is the document issued by the Town permitting a connection to be made to the Town Water System. The Utility Service Permit is issued after all other required actions such as payment of System Investment Fee, approval of Zoning Board (if required), and issuance of Building Permit are completed.

Water-Using Property: Any real estate on which a water-using unit is located, intended or desired to be located.

Water Key: A "key" consisting of a rod of appropriate length whose end fits over the curb stop valve and is used to turn the flow of water in the service line on or off.

Water Main: (refer to **Main** or **Water Main**).

Water System: The water system includes all of the physical and service components to deliver clean water to the customers. It includes but is not limited to the water collection galleries and lines, the treatment plant, storage tank, the main water lines, the corporation stops, the service lines from the corporation stops to the curb stops and on into the customer's point of service, the related curb stop boxes, the water meters and the associated telemetry, and the water treatment provisions and agreements of the Town.

Watershed or Drainage Basin: The area of land drained by a watercourse and its tributaries. In the case of Silver Plume, the Town is located in the upper Clear Creek watershed or drainage basin.

Water Rights: Municipal water use is governed by applicable Colorado and Federal Law. Silver Plume's current Water Right is 0.85 cfs adjudicated to 1894 within the South Platte drainage.

ARTICLE 4 WATER SERVICE AND CONNECTIONS**SECTION 4.1. NONDISCRIMINATION**

Water Service is provided to all eligible users without regard to race, color or creed.

SECTION 4.2. INITIATING SERVICE

A customer may arrange for water service through the Town Clerk. The responsibility for connecting a property to the Town Water Service rests with the owner of the property receiving the water. The property owner is responsible for paying the System Investment Fee, for installation and maintenance of the connection from the water main to the property, and purchase and installation of the meter and transmitter. To initiate service, a customer shall make application for a Utility Service Permit.

SECTION 4.3. NEW WATER SERVICE CONNECTIONS

If a customer requires a connection to the water main, and that service connection has not been previously made, it is considered a New Water Service Connection. Zoning changes to property of current water users and/or change in size of the connection to the water main may be considered a New Water Service Connection, except where exempted by provisions elsewhere in this Ordinance or unless otherwise specifically exempted by the Town Board.

SECTION 4.4. REPLACEMENT OF EXISTING CONNECTION

If the customer requires water service via a connection that replaces an existing connection serving the same water-using property, *and* a.) The existing connection is adequate for the use, *and* b.) The Board has not declared the service terminated, then it is not considered a New Water Service Connection. However, see the definition of System Investment Fee and SECTION 8.4 below for certain qualifications regarding this Section's provisions.

SECTION 4.5. CURB STOP REQUIRED

All Water Service Connections shall have an in-line Curb Stop Valve. Whenever possible, the Curb Stop Valve shall be located at or near the customer's property line and fully on the user's property. Turning on and off the water is a function of the Town unless otherwise delegated.

The owner of the water using property shall be responsible for maintaining the curb stop in good working order, and for assuring that the location of the curb stop is readily identifiable and the curb stop itself is accessible at all times. See also SECTION 4.12 and SECTION 13.2 below for additional considerations bearing on the existence and maintenance of the Curb Stop Valve.

For inoperative curb stops, the customer shall pay costs to include labor and material for repair or replacement.

SECTION 4.6. UTILITY SERVICE PERMIT REQUIRED

No unauthorized person(s) shall uncover, make any connections with or opening into, use, alter, or disturb any water main or appurtenance thereof without first obtaining a Utility Service Permit from the Town Clerk.

The application for a Utility Service Permit shall be made in writing to the Town at the Office of the Town Clerk upon a form furnished by the Town, and it shall state clearly the name and postal service address of the owner, the owner's telephone number and/or email address where such numbers exist, the legal description of the water service using property for which the permit is desired, the reason for requesting the permit, and the name of the person, persons, or company designated to perform the work. Under no circumstances shall any digging or excavation be done on any property owned by the Town of Silver Plume without first obtaining a Utility Service Permit. The Public Works Director is hereby granted the authority to issue a Stop Work Order for any violation of this section.

SECTION 4.7. COSTS FOR NEW WATER SERVICE CONNECTION

All costs and expenses incidental to the installation and connection of a new water service line, from and including the water service connection to the water main or trunk line, shall be borne by the owner(s). In the event that installation of a new water service line requires extension of a water main or trunk line, additional requirements pertain. See **ARTICLE 7** below.

The owner(s) shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation and connection of the water service line or by enforcement of this sentence.

SECTION 4.8. UNLAWFUL INSTALLATION OR USE

The installation of any water service connection shall not be made by the Town if the applicant is in violation of any law of the Town or in default of any agreement with the Town, including but not limited to being in arrears of any payments due to the Town.

It shall be unlawful to use, or permit to be used, any water service connection installation until the work is inspected and approved by the Town.

SECTION 4.9. EXCAVATION, CONSTRUCTION AND BACKFILLING

All excavation, construction and backfilling shall be done under procedures established by the Public Works Director and conforming to standard engineering practices.

SECTION 4.10. EXTENSIONS OF SERVICE LINE PROHIBITED

Each property shall be served by its own water line, and no connection with the water utility shall be made by extending the service line from one property to another property.

SECTION 4.11. SEPARATE CONNECTION REQUIRED FOR EACH WATER-USING UNIT

No water service connection shall be connected to serve more than one water-using unit except where:

- a.) The water-using unit(s) are contiguous (see definition, above); and
- b.) the two or more water-using-units are reasonably operated together; and
- c.) the water-using units have a common owner.

Water and sewer-using units operated under this Section as part of an integrated unit and operation may continue to have common water and sewer connections if they cease to have a single, common owner.

No water pipes shall be permitted to connect between one water-using unit and another except pursuant to and in accordance with this Section and SECTION 4.10 above.

Water shall not be connected to any premises, units or structures without a sewer connection. Any connection to other structures on the premises shall be done downstream from the meter.

SECTION 4.12. MAINTENANCE OF WATER SERVICE LINE AND METER

The maintenance of any water service line extending from the corporation stop to the water-using unit including the corporation stop and the curb stop are the responsibility of the property owner. In the case of a new installation, both the connection and backfilling of the trench must be inspected and certified as "approved" by the Public Works Director.

The property owner shall maintain those portions of the water service line and all plumbing within any private structure, including the water meter and its associated telemetry, in good working order free of leaks and other similar defects.

In the event of conflict over the cause of damage requiring repairs to the service line, corporation stop or curb stop, or requiring meter repairs or replacement, including damage incurred in the course of maintenance (examples of which include damage caused by the application of voltage to a water line in

order to thaw it), determination of the cause shall be made by the Town Board upon hearing in regularly or specially scheduled public meeting of that Board.

In the event that for whatever reason the owner fails to maintain water lines and appurtenances as required in this Article 4, the Town may, at its discretion, at the owner's expense, and without prior authorization from the Owner, apply one or more of the following remedies:

- a. The Town may shut off and/or physically disconnect water service at the Corporation Stop or the Curb Stop.
- b. The Town may correct leaks and/or other problems between the Corporation Stop and the water-using property or water-using units.

The Town shall attempt to provide notice to the Property Owner in writing by Certified Mail, whether said mailing is accepted or refused by the owner. In the event of emergency, such notice may be after the remedy is applied. See also SECTION 11.4 and SECTION 13.2 below.

SECTION 4.13. ADMINISTRATIVE AND TECHNICAL PROCEDURES

All work shall conform to any and all administrative and technical procedures established by the Town of Silver Plume.

ARTICLE 5 TERMINATION OF WATER SERVICE AND WATER CONNECTION

SECTION 5.1. DECLARATION OF TERMINATION OF WATER SERVICE CONNECTION

A water service connection shall be declared by the Town Board to be terminated within sixty days of the time when:

- a. The property owner requests in writing that the Town Board declare the water service connector terminated, or
- b. When System Investment Fees specially scheduled for quarterly payment (see ARTICLE 8, SECTION 8.3 below) have not been paid on schedule, or
- c. When there has been no payment for water service for a period of three years. The provisions of this SECTION 5.1 shall in no way be construed to limit or bar the Town's power to lien the water-using property (see Article 12 below).

Any System Investment Fees paid prior to the termination of water service connection shall be forfeited to the Town.

SECTION 5.2. TERMINATION OF WATER SERVICE CONNECTION

If after being declared terminated by the Board of Trustees a physical water service connection which is already on the property is to be placed back in service, it shall be treated as a new water service connection. All procedures and fees applying to a new water service connection shall be required.

ARTICLE 6 RESTRICTIONS ON CONNECTIONS

SECTION 6.1. SERVICE CONNECTIONS OUTSIDE OF TOWN

Water service connections shall not be made outside the corporate limits of the Town of Silver Plume, nor shall any water be furnished from the water system to any person or property outside said corporate limits, except by special written agreement with the Town Board, under such charges and conditions as established by the Board. No such agreement shall be made except after a Public Hearing, notice of which shall be given not less than 10 days prior by posting at the Town Hall and on a sign erected on the subject property.

SECTION 6.2. NO CONNECTIONS TO BE MADE IN WINTER

No connections shall be made to the town water between October 1st of one year and May 1st of the year following. Exceptions may be provided by special written agreement with the Board of Trustees upon application approved by the Zoning Board.

ARTICLE 7 MAIN LINE EXTENSIONS**SECTION 7.1. APPLICATION FOR EXTENSIONS AND FEASIBILITY TO PROVIDE SERVICE**

Where an extension to a water main line is required by the Town's Standards and Specifications for a new water service connection, a property owner desiring said extension shall submit 5 copies to the Town Clerk of the written proposal describing the extension fully, with drawings and proposed specifications, and payment of fees for plan review as set forth in SECTION 7.3 of this Ordinance. Said drawings and specifications shall conform to the requirements of the building code, and standard engineering practices, and all applicable rules and regulations of the Town of Silver Plume and the State of Colorado.

The burden of proving the feasibility of the extension and its effect on the Town's water system shall rest with the property owner. The Town, at its discretion, may commission an independent engineering report, the cost of which shall be borne by the applicant. Said engineering report shall also determine whether the proposal conforms to standard engineering practices and the overall feasibility of the extension.

SECTION 7.2. CONSTRUCTION METHODS

If the extension is approved, construction may proceed as follows:

- a.) The property owner requesting the extension shall advance to the Town a surety bond or other instrument guaranteeing that the property owner will cover the costs of the extension. Upon receipt of said guarantee and acceptance by the Board of Trustees, the property owner may install the main line extension.
- b.) All work shall be performed in accordance with the requirements of the building code, standard engineering practices, or other applicable rules and regulations of the Town of Silver Plume and the State of Colorado.
- c.) The work must be inspected and approved by the Public Works Director or his or her designated representative prior to backfilling. The backfilling itself must also be inspected and approved by the Town's Public Works Director or his or her designated representative prior to acceptance by the Town of the extension and prior to its activation.
- d.) All costs for inspections and testing shall be borne by the property owner.
- e.) As-built drawings shall be supplied to the Town within sixty (60) days of final acceptance of main line extensions.

SECTION 7.3. COSTS ASSOCIATED WITH PLAN REVIEW

All plans and specifications relating to water lines, storage facilities, pumping facilities or other appurtenances to be connected to the Town water system shall conform to the standards established by the Town. Such plans and specifications shall be submitted to the Town for review prior to construction. The cost of such review by the Town and its consultants shall be borne by the property owner submitting such plans. At the time of submitting such plans, the property owner shall submit an advanced payment for plan review as set forth in the Fee Schedule.

SECTION 7.4. COSTS ASSOCIATED WITH MODIFICATIONS TO THE EXISTING WATER SYSTEM

In the event that the extension of main lines necessitates any other changes, additions, upgrades or other work on or directly related to the Water and/or Sewer systems, including but not limited to increase of capacity, purchase of water rights, storage or stream augmentation, the cost of same shall be born by the property owner initiating the request for extension of the main lines.

SECTION 7.5. REIMBURSEMENT FOR EXTENSION COST

Property owners who finance main line extensions shall be eligible for a period of five (5) years from the date of acceptance of the extension by the Town Board for reimbursement from future connectors to said main lines.

Prior to approval of any application for extension of a main line, the terms for such reimbursement must be stated in writing as part of the application, and approved by the Board of Trustees. Said terms must include a limitation such that the original investor cannot recover more than his or her original costs, and in general must be so defined as to share equitably among all those water-using units connected to the extension the cost of said extension. The intent of this provision is to prohibit any party from exploiting the Town's water infrastructure for speculative purposes.

Should the Board of Trustees find that there is an overriding public interest in departing from the limitations of this provision, the Board is hereby empowered to consider and approve a non-conforming reimbursement schedule, provided that it do so after public notice and in a regularly scheduled public meeting.

All matters and terms pertaining to the reimbursement shall become and remain a part of the permanent record of the extension transaction, and shall be filed with the County Clerk as addenda to the deed assigning ownership of the extension to the Town of Silver Plume. (See SECTION 7.6 below.)

SECTION 7.6. WATER LINE AND APPURTENANCES TO BECOME TOWN PROPERTY

Before water main line extensions are accepted and activated, and as a condition of acceptance and activation, said extensions, along with all appurtenances and all necessary easements shall be deeded to the Town of Silver Plume free and clear of all liens and encumbrances. The Town Board in its discretion may require certified survey. In addition, the property owner requesting the extension shall furnish warranty to cover all maintenance, repairs and material for one year from the date of acceptance of the water line or lines by the Town, the amount of the bond to be determined by the Board.

ARTICLE 8 SYSTEM INVESTMENT FEE

SECTION 8.1. APPLICABILITY AND RATE

An applicant for water service in the Town of Silver Plume shall pay a water System Investment Fee as set forth in the current Fee Schedule as approved by the Town Board.

System Investment Fees shall be paid in full prior to connection to the Town's Water System and prior to issuance of a building permit except as provided in SECTION 8.3 of this Article.

System Investment Fees are specific to one water service connection and are not transferable. Water service connection is lot and block-specific or metes and bounds-specific.

In no case shall System Investment Fees be rebated.

System Fee
Section 8.1

SECTION 8.2. SYSTEM INVESTMENT FEES FOR SERVICE OUTSIDE THE TOWN CORPORATE BOUNDARY

System Investment Fees for water service to properties wholly or in part outside of the Town Corporate Boundary shall be 200% of in-town System Investment Fees. Such fees shall be in addition to all other fees or charges relating to water or sewer service elsewhere described in this Ordinance.

SECTION 8.2.1. SYSTEM INVESTMENT FEES PAID ON SPECULATION OF FUTURE DEVELOPMENT

Persons owning properties either wholly or in part within the Town Corporate Boundary who have paid System Investment Fees but for which no service connection has been made (i.e. persons owning what have come to be known as "phantom taps" as distinguished from actual taps capable of transmitting water) shall from the effective date of this ordinance pay 50% of the Fixed Service Charge as set forth in the current fee schedule adopted by the Town Board. Failure to do so for two consecutive quarters shall constitute grounds for termination of the service connection and forfeiture of said System Investment Fee.

SECTION 8.3. PAYMENT BY INSTALLMENT

At the discretion of the Town Board, The Town of Silver Plume may make an agreement that the System Investment Fee may be paid in installments not to exceed in total one year.

SECTION 8.4. ADDITIONAL SYSTEM INVESTMENT FEE

Sections 5-7 of the Town's Zoning Ordinance 201 define and delimit "Uses" of property within each zoned district of the Town. Any change of such a Property Use may justify or require an additional system investment fee.

When a change in the size of the customer's service line is mandated by the Fire Code, and is effected solely for purposes of conforming to the requirements of the Fire Code, no additional System Investment Fee shall be required. The System Investment Fee does not include the cost of the water meter, meter installation or the cost of any other materials or labor involved in the service connection.

ARTICLE 9 WATER USE AND CHARGES

SECTION 9.1. BASIC PRINCIPLES

Charges for monthly water service shall consist of a Fixed Service Charge plus additional charge(s) determined by the amount of water used. These additional charges shall be known as a Delivered Water Charge and are based upon metered usage. Fees for delivered water are typically based upon the assumption that the water is for non-consumptive use. When water usage is consumptive, it may or may not be metered, and the Town Board shall separately determine rates. Consumptive usage includes, but is not limited to such activities as a brewery, Laundromat, bottling plant, railroad operation, or similar uses. The Fixed Service Charge may be based upon a Dwelling Unit; a property may be assessed more than one Dwelling Unit if it is a Multi-Use Property (see definition).

SECTION 9.2. FEE SCHEDULE

The Town Board shall adopt a Fee Schedule by resolution setting forth the cost to be paid by each user for water services. Fees established in the Schedule include items addressed in this Ordinance for which costs are incurred and for which fees may be collected. As necessary, the Board may modify said Fee Schedule by subsequent Resolution.

ARTICLE 10 PROCEDURES FOR TURNING WATER SERVICE ON OR OFF**SECTION 10.1. ON OR OFF PROCEDURES**

Users of the water service desiring to have their water service turned off or on may do so by notifying the Town 72-hours prior to when service is to be turned on or off. All charges will continue to apply. The costs for said turn on/off are set forth in the Fee Schedule.

ARTICLE 11 METER READINGS, BILLING NOTIFICATION, PAYMENT OF CHARGES AND RELATED PENALTIES**SECTION 11.1. METER READINGS**

Meters shall be read on a regular monthly basis.

SECTION 11.2. BILLING NOTIFICATION

Monthly fees for the water service shall be the responsibility of the property owners. Payment shall be the responsibility of the property owners or their designated agents. The property owner may designate that an additional bill be sent the designee, and the Town will do so with payment of applicable fees.

SECTION 11.3. PAYMENT OF CHARGES AND RELATED PENALTIES

All charges for water service shall be billed and are due monthly. Water charges shall include the Fixed Service Charge and all other applicable fees. Water Usage shall be billed monthly, generally at the end of the month. Charges for System Investment Fees and water charges for service shall be considered delinquent twenty-five (25) days after the date of billing. All such delinquent bills shall be charged a Late Fee as set forth in the Fee Schedule.

SECTION 11.4. DELINQUENT ACCOUNTS THREE MONTHS IN ARREARS

Should an account be three (3) months delinquent, the Town of Silver Plume shall disconnect service according to the following procedure:

1. Notification of impending disconnection shall be sent to the owner by certified mail two weeks prior to the billing date for said third monthly bill. If the owner has not discharged the entire delinquency 25 days after the billing date for the third monthly bill, disconnection shall occur as soon as practicable thereafter.
2. The Public Works Director shall physically turn off water at the curb stop. A fee as set forth in the Fee Schedule shall be added for the cost of turn off. In the event the curb stop is found to be inoperative, water service may be turned off at the Corporation Stop.
3. Upon payment of all past due charges to include water turn off and turn on, the Town Clerk will notify the Public Works Director to turn water on.

For inoperative curb stops, the customer shall pay costs to include labor and material for repair or replacement. Such replacement costs shall be added to the delinquent account that the Board of Trustees has ordered disconnected for nonpayment of monthly user fees. Reconnection shall not occur until such time as the curb stop has been repaired at the property owner's expense.

In the event that the corporation stop has to be used, the Town Public Works Director or his or her designated agent shall document the inoperability of the curb stop. The fee for disconnection specified in the Fee Schedule or the actual cost of disconnection, whichever is larger, shall be billed to the customer. Any reconnection fee shall be billed similarly.

A disconnected service will continue to be billed at the fixed service charge on a monthly basis. Any service disconnected for nonpayment must have paid all past due charges including Late Fees, the costs

of the disconnection, and the reconnection fee specified in the Town's Fee Schedule in full before the service can be reconnected.

If any person, acting without express written authorization from the Public Works Director, reconnects or causes to be reconnected any service that has been disconnected for nonpayment of monthly charges, the owner of the service shall forfeit their System Investment Fee and will not be reconnected until another System Investment Fee has been paid. The Town Board shall impose said forfeiture only at a Public Hearing, held after a minimum of 10-days notice, that establishes that the Owner knew or reasonably should have known of the illegal reconnection.

SECTION 11.5. UNUSUAL CIRCUMSTANCES RELATED TO DELINQUENCY

If unusual circumstances affecting any owner's ability to pay in full are believed by said owner to exist, the owner may approach the Town Board with a written proposal at any regularly scheduled meeting prior to the time when the disconnect order would take effect. At that meeting, the Board may authorize a payment schedule.

ARTICLE 12 LIENS

SECTION 12.1. LIENS

All water service charges are the responsibility of the property owner. All such rates and charges from the time they shall be due and payable shall become and remain a lien upon the premises until such rates and charges have been paid. Any lien for unpaid water service rates and charges against any premises may be collected as provided by the statutes of the State of Colorado as against real property, and will include all costs associated with filing.

ARTICLE 13 VIOLATIONS AND INSPECTIONS

SECTION 13.1. DISTURBANCES AND PROTECTION FROM DAMAGES

No unauthorized person(s) shall uncover, make any connections with or opening into, use, alter, or disturb any water main or appurtenance thereof without first obtaining a Utility Service Permit from the Town Clerk. In the event of failure to obtain a Utility Service Permit, the Town shall issue an immediate stop work order. Failure to obey said stop work order shall constitute a separate and additional violation.

It shall be unlawful knowingly to break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment that is part of the water system.

All users shall be subject to the requirements of the United States Environmental Protection Agency.

Any violation of the provisions of this Section 13.1 by the property owner, tenants, lessees, designated agents or others shall be deemed the responsibility of the property owner.

Failure to comply with the provisions of this Article 13, SECTION 13.1, shall result in forfeiture of the System Investment Fee. The Town Board shall impose said forfeiture only at a Public Hearing, held after a minimum of 10-days notice, that establishes both the facts of the alleged failure to comply and that the Owner knew or reasonably should have known of the violation(s). Said forfeiture shall require payment of a new System Investment Fee at then-current rates before water service can be restored.

SECTION 13.2. PUBLIC WORKS DIRECTOR OR AUTHORIZED AGENT TO ENTER

The Town Public Works Director or other duly appointed employee or agent of the Town shall be permitted to enter upon all properties for the purpose of inspection, observation, measurement, sampling, testing, meter calibration or repair, or other established procedures necessary to the proper operation and maintenance of the water system. Such entry shall be effected during regular business hours or during such other hours as can be reasonably agreed upon between the Town and the property owner.

Except in emergencies, notice shall be provided to the owner not later than 24 hours prior to entering the property, and in the case of emergencies, the entering agent will secure as witness the presence of at least one other Town employee, Town elected official or County law enforcement officer, and will fully document the nature and existence of said emergency for inclusion in the permanent records of the Town.

ARTICLE 14 SEVERABILITY

SECTION 14.1. SEVERABILITY

If any part of this Ordinance or the application thereof to any person or circumstance is found to be invalid, such invalidity shall not affect the validity of any remaining part of the Ordinance or of application to any other person or circumstance, and to that end this Ordinance is declared to be severable.

ARTICLE 15 COMPATIBILITY WITH OTHER ORDINANCES

SECTION 15.1. COMPATIBILITY WITH OTHER ORDINANCES

All ordinances, resolutions, by-laws and regulations of the Town of Silver Plume that are in conflict with this Ordinance are hereby repealed to the extent of the inconsistency. This repeal shall not be construed to revive any ordinance, resolution, by-law or regulation or part thereof heretofore repealed.

ARTICLE 16 DENIAL OF WATER SERVICE

SECTION 16.1. DENIAL OF WATER SERVICE

The Silver Plume Town Board reserves the right to deny water service to any use if said use would have an adverse effect upon the infrastructure of the water system, operational capacity, and available water rights.

ARTICLE 17 WATER SERVICE EXCEPTIONS

SECTION 17.1. WATER SERVICE EXCEPTIONS

The Town of Silver Plume reserves the right to sell water to customers whose property use is "Non-Conforming," that is, whose property use and related water use does not conform to the descriptions, definitions or requirements of the Town's Zoning Ordinance, Number 201, as amended. The costs and practices for said uses shall be separately established by action of the Town Board.

This same provision shall apply to actions related to the leasing of Town water for purposes of augmentation or other similar purposes.

INTRODUCED AND READ ON THE TWENTY-FIFTH DAY OF SEPTEMBER 2006.

ADOPTED ON THIS NINTH DAY OF OCTOBER 2006.