

ORDINANCE NO. 236

AN ORDINANCE AMENDING AND REPLACING ORDINANCE 199 AND ORDINANCE 199A ESTABLISHING REGULATIONS AND CHARGES FOR TAPPING INTO THE TOWN'S WATER AND SEWER SYSTEMS, AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.

WHEREAS, the Board of Trustees of the Town of Sugar City, Colorado in its judgment deems it in the best interest of the Town of Sugar City to amend and replace ORDINANCE 199 and ORDINANCE 199A;

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF SUGAR CITY, COLORADO:

Ordinance 199 and Ordinance 199A are amended and replaced in full as follows.

SECTION 1. On and after the effective date hereof the following regulations and tapping charges shall apply to connecting to the Town's water system:

- A. Application for the use of water shall be made to the Board of Trustees. The applications must be in writing and shall be made by the owner or agent of the property to be benefited, designating the location of the property and stating the purpose for which the water may be required. In furnishing water for any purpose other than domestic purposes the Town shall not be responsible for the quality or quantity of water furnished.
- B. No water services will be furnished to the consumer until all tap fees and charges, as hereinafter provided, have been paid to the Town Clerk.
- C. Service taps shall be three-fourths inch in diameter.
- D. All water sold by the Town shall be metered by meters which shall be installed in a curb box at the property line. All water meters shall be owned and kept in repair by the Town.
- E. Two or more premises or dwellings cannot be supplied from one and the same tap.
- F. The applicant shall pay to the Town Clerk for each new water tap the actual cost to the Town of all necessary pipe fittings, valves, corporation cock, expansion joint, tapping saddle, water meter, all trenching, backfilling, and installation of the tap. In addition to the foregoing charges, the applicant shall pay to the Town Clerk a tapping fee as set and determined by the Town Council by resolution.
- G. All taps and the installation of the curb box, corporation cock, and meter, and the connection thereof to the water main shall be performed by the Town.

- H. Before granting any application for use of water outside the municipal limits, the Board of Trustees shall determine that such use will not jeopardize the supply of water to users within the corporate limits. When the use of water outside the corporate limits has been approved by the Board of Trustees such use shall be subject to the paramount rights of users within the municipal limits, and in case there be insufficient water to provide for users both within and without the municipal limits the Board may reduce, curtail or shut off the users outside the municipal limits during such period of water shortage or scarcity.
- I. Replacing or repairing of existing connections between the water main and the curb box will be done by or supervised by the Town, at the expense of the property owner. Where taps have been known to exist in the past, if such taps can be located without extensive excavation of the street or alley, no charge other than the actual cost to the Town of material and labor required to renew or rehabilitate such tap shall be made. Where such original tap cannot be located without extensive excavation of the street or alley a new tap shall be installed, and the owner of the premises shall pay to the Town Clerk all of the fees and charges provided by subsection F of this Section 1.

SECTION 2. On and after the effective date hereof the following regulations and tapping charges shall apply to connecting to the Town's sanitary sewer system:

- A. Except where otherwise provided, no person shall maintain within the Town any privy, privy vault, septic tank, cesspool, or other facility intended for use for the disposal of sewage. Where a public sanitary sewer is not available within the Town the building sewer shall be connected to a private sewage disposal system complying with the provisions of the State Health Department. Such private sewage disposal system shall be constructed, maintained and operated at all times in a sanitary manner. At such time as a public sanitary sewer becomes available to property served by a private sewage disposal system a direct connection shall be made to the public sanitary sewer at the owners cost in accordance with the provisions of this ordinance, and any septic tank, cesspool or similar sewage disposal facility shall be abandoned and filled in with suitable material. A public sanitary sewer shall be deemed available when it is located within 400 feet of the premises to be connected to it. Said distance of 400 feet shall be measured by the most direct route not crossing privately owned premises.
- B. All costs and expenses incident to the installation and connection of sewer lines, sanitary facilities and building sewer to the town of Sugar City sanitary sewer system shall be born by the owner. The owner shall indemnify the Town from any loss or damage that may directly or indirectly, be occasioned by the installation of said facilities.
- C. It shall be unlawful for any person to open, uncover or in any manner make connection with any sewer main or line of the Town, or to lay drain or sewer pipes on any premises or in any street or alley within the Town without first obtaining a written permit therefore from the Board of Trustees.

- D. The application for said permit shall be in writing and shall contain the following information:
1. Name and address of the applicant;
 2. Name and address of the owner of the premises to which the connection is to be made;
 3. Location of the proposed connection and sewer lines;
 4. Statement as to the type of material to be discharged into the sewer.
- E. If the proposed construction does not violate any provisions herein and does not violate any ordinances of the Town, the Board of Trustees shall issue a permit for such connection.
- F. At the time of filing the application the applicant shall pay a tapping fee as set and determined by the Town Council by resolution, for the connection to the sewer of any premises inside or outside the municipal limits. In addition to such fee the applicant shall pay to the Town Clerk all of the actual costs to the Town of making such connection. All connections to the Town's sewer system must be made by the Town, or under its supervision, and in compliance with the State Plumbing Code.
- G. Any user of the sewer system either inside or outside the municipal limits must build his own sewer line if there is no line available for him to connect with.
- H. All sewer service lines connected to the Town's sewer system shall be not less than four (4) inches in diameter.
- I. All sewer main lines connected to the Town's sewer system shall be not less than eight (8) inches in diameter.
- J. Replacing or repairing of existing connections to the Town's sewer system will be done by or supervised by the Town and the expense of the property owner. Where taps have been known to exist in the past, if such taps can be located without extensive excavation of the street or alley, no charge other than the actual cost to the Town of material and labor required to renew or rehabilitate such tap shall be made. Where such original tap cannot be located without extensive excavation of the street or alley a new tap shall be installed, and the owner of the premises shall pay to the Town Clerk all of the fees and charges provided by subsection E of this Section 2.
- K. No application for a sewer connection outside the municipal limits shall be granted unless the Board of Trustees shall first find that such connection will not place an undue burden upon the Town's sewer system and sewage treatment facilities, it being recognized that the paramount use of the Town's sewer system and sewage treatment facilities shall be for the disposal of sewage originating within the municipal limits.

- L. No person shall deposit or permit to be deposited in any unsanitary manner upon public or private property within the municipal limits or within the jurisdiction of the Town any human or animal excrement wastes.

SECTION 3. All water and sewer lines shall be inspected and approved by the Town of Sugar City or its designated agent prior to the line being covered or connected to the Town of Sugar City's water system or sanitary sewer system. The applicant shall pay an inspection fee based on the valuation of the material costs of the water or sewer line prior to any inspection. The Town of Sugar City board of trustees shall set an inspection fee from time to time by resolution. No person shall tap into the water or public sanitary sewer system of the Town of Sugar City prior to inspection and approval.

SECTION 4. Ownership of all sewer lines and water lines up to an individual's property line shall be transferred to the Town of Sugar City upon connection to the Town's sanitary sewer system or water system. Upon transfer of ownership, the Town shall assume responsibility for all maintenance of the water or sewer lines.

SECTION 5. Water and sewer taps must be installed within sixty (60) days of payment of the town of Sugar City's tap fee. Failure to install the tap within sixty days, without written consent of the Town of Sugar City, will cause the tap fee to be forfeited or returned to the applicant at the Town of Sugar City's sole discretion.

SECTION 6. It shall be unlawful for any person to connect to the Town's water system or the Town's sewer system without a permit therefore, or to make any fraudulent representation for the purpose of obtaining water or sewer service, or for any person to take or use water from the Town's water system or to use the Town's sewer system for a different purpose or purposes than provided in the permit for the connection to the water system or sewer system, or for any person to violate any of the regulations set forth in this ordinance. Every person convicted of a violation hereof shall be punished by a fine not exceeding \$300.00 or by imprisonment not exceeding 90 days, or by both such fine and imprisonment.



SECTION 7. The Board of Trustees finds that unsupervised and unregulated tapping of the Town's sewer and water systems is detrimental to the health and safety of the citizens of the Town of Sugar City, and therefore this ordinance shall be effective immediately after its final passage and publication.

Introduced, read in full, passed, adopted, approved and ordered published in The Ordway New Era, a newspaper published in Crowley County, Colorado, having general circulation within the Town of Sugar City, this 11th day of June, 2002.



Mayor

Attest:



Town Clerk