

ORDINANCE NO.

NO. 11-02
Series of 2011

TITLE: A BILL FOR AN ORDINANCE REPEALING AND REENACTING ARTICLES 1 THROUGH 5 OF CHAPTER 13 OF THE TOWN OF HUDSON MUNICIPAL CODE ENTITLED THE "WATER UTILITY CODE."

BE IT ORDAINED BY THE BOARD OF TRUSTEES FOR THE TOWN OF HUDSON, COLORADO, THAT:

Section 1. Articles 1 through 5 of Chapter 13 of Town of Hudson Municipal Code, entitled "Water Utility," is hereby repealed and reenacted as more particularly set forth in Exhibit A, attached hereto and incorporated herein by this reference.

Section 2. Safety Clause. The Town Board of Trustees hereby finds, determines, and declares that this ordinance is promulgated under the general police power of the Town of Hudson, that it is promulgated for the health, safety, and welfare of the public, and that this ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Board of Trustees further determines that the ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 3. Severability. If any clause, sentence, paragraph, or part of this ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

Section 4. Effective Date. This Ordinance shall become effective thirty (30) days after final publication.


INTRODUCED, READ IN FULL, AND ADOPTED this 20th day of April, 2011.

TOWN OF HUDSON, COLORADO




Neal Pontius, Mayor

ATTEST:


Linnette Barker, CMC, Town Clerk

PASSED ON SECOND AND FINAL READING this 4th day of May, 2011, AND ORDERED PUBLISHED ONCE IN FULL.



ATTEST

Linnette Barker
Linnette Barker, CMC, Town Clerk

TOWN OF HUDSON, COLORADO

Neal Pontius
Neal Pontius, Mayor
John Honnold, Mayor Pro-Tem

APPROVED AS TO FORM:

Corey Y. Hoffmann
Corey Y. Hoffmann, Town Attorney

CHAPTER 13

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Article 1

GENERAL REQUIREMENTS

Sec. 13-1. Wells prohibited.

No individual ground water wells shall be drilled or constructed in the town.

Sec. 13-1.5 Septic tanks and individual sewage disposal systems.

(a) Except as otherwise provided for in Chapter 16 of this Code, septic tanks or other individual sewage disposal systems are not permitted within the town unless sanitary sewer service is not available within four hundred feet (400') of the property being served.

(b) If permitted by the town, septic tanks or other individual sewage disposal systems must be approved by the Weld County Department of Health.

(c) In non-agricultural zoning districts, on properties in excess of four hundred (400) feet from a sanitary sewer main, septic tanks may be conditionally permitted by the town provided that such properties be connected to sanitary sewer within one year of notice by the town that sewer service has been made available within four hundred (400) feet of the property.

Sec. 13-2. Water service.

All water service provided in the town shall be the municipal water provided by the town.

Sec. 13-3. Water development.

Nothing contained herein shall prevent the town from further development of its own domestic or municipal waters.

Sec. 13-4. Violations.

In any case of a failure to comply with this chapter, the town, or any person affected by such failure, may, in addition to the penalties provided by law, initiate a civil action for injunction, mandamus, abatement or any other appropriate relief to prevent, enjoin, abate, remove or eliminate such violation of this article.

Secs. 13-5—13-9. Reserved.

Article 2

**WATER AND WASTEWATER
MANAGEMENT AND
ADMINISTRATION**

Sec. 13-10. Declaration of policy.

(a) The town water and wastewater systems are primarily for the use and benefit of the residents within the municipal limits of the town and within the boundaries of the town's growth area, as the same may be defined from time to time. Any sale of water or wastewater services to property of users outside of the municipal limits of the town is subject to the paramount rights of the users within the town limits. The water and wastewater systems, and the granting of taps for use of the such systems are primarily for the improvement and development of the land within the town.

(b) Pursuant to the powers vested in the town by Sections 31-15-708 and 31-15-709

, C.R.S., the board of trustees ordains this article to ensure that the citizens of the town receive water supply and wastewater services that are adequate to protect and promote the health, safety and welfare and to cultivate and preserve the town's natural resources, environment and aesthetic qualities of life.

(c) Upon request and compliance with the regulations of this section, there shall be at the discretion of the board of trustees, new taps granted for any property located outside of the

boundaries of the town. The providing of such extraterritorial taps is expressly subject to the property owner successfully petitioning for inclusion into the Northern Colorado Water Conservation District and into its Municipal Sub-district, and any other rules, regulations or ordinances (that may be applicable.) Water services to the boundary area shall be disconnected from the town water system upon the annexation of the water users into an incorporated area (other than the town of Hudson). The town shall not honor any request for a refund of any rates or fees due to the disconnection from the town water system.

(d) Extensions of water and wastewater mains and lines shall be at the expense of those desiring service, and the town shall in no way become obligated for any expense incurred thereby unless otherwise agreed to by the board of trustees. All such extensions shall be made according to applicable town ordinances, standards and regulations, and as provided by contract between the town and parties requesting extension of the main. However, such extensions may be accompanied by the formation of a special improvement district, or by such other means as provided by law as approved by the board of trustees. The town shall not be under any obligation to pay for increasing the system capacity in any area of the town which has inadequate capacity for requested service.

Sec. 13-11. Water and wastewater systems.

(a) The mayor and the board of trustees of the town shall have the immediate control and management of all things pertaining to the town water and wastewater systems, and they shall perform all acts that may be necessary for the prudent, efficient and economical management, maintenance, care, operation and protection of said systems. The board may appoint such other personnel as it deems appropriate to act as its delegate to perform its duties related to the management of the water and wastewater systems. The board may by ordinance or resolution prescribe such other and further rates, rules and regulations as it may deem necessary.

(b) Requirements of this article shall apply to real property served by the water or wastewater systems of the town regardless of whether the real property is used for residential or nonresidential purposes. Moreover, the requirements of this article shall apply regardless of whether the real property served consists of single or multi-unit structures which includes by way of example and not limitation: Apartments, condominiums and mobile home parks.

Sec. 13-12. Composition of water and wastewater systems.

All wells, pumps, mains, machinery, meters, meter pits, hydrants and equipment installed by the town or dedicated to and accepted by the town, together with all supplies, water and water rights used by the town to supply its residents with water or wastewater services are the property of the town; provided, however, that the water service line from the meter riser or curb stop (whichever is closer to the water main) to the structure or property served, and the sewer service line from the sewer main to the structure or property served shall be regarded as the property of the owner of said structure or property served.

Sec. 13-13. Inspections.

Whenever, in the judgment of the mayor and the board, it is deemed necessary and after reasonable notice to the property owner, tenant or occupant, the mayor or board, or its delegate, may inspect the premises or buildings of any water or sewer user for the purpose of examining the condition of all pipes and meters.

Sec. 13-14. Fire hydrants.

All fire hydrants are a part of the town water system and shall be maintained by the town. Unless authorized by the town, only authorized town, law enforcement and fire protection personnel shall open, operate or inspect any fire hydrant.

Sec. 13-15. Shut-off of water for repairs.

Water may be shut off from any street main when necessary to repair the main, to make any connections or extensions of the water mains or to perform any other work necessary to maintain the water system, and no claim shall be made against the town by reason of the breakage of any service pipe or service cock or from any other damage that may result from shutting off water for repairing or replacing mains, hydrants or other connections.

Sec. 13-16. Water taps.

(a) Tap size. Water taps shall be three-quarter ($3/4$) inch in diameter unless approval is given by the town for a larger tap.

(b) Application for a water tap permit. Any person desiring to make a connection to the water system to use water therefrom shall submit a written application to the town clerk for a tap permit. The application shall state the name and mailing address of the applicant, the size of the tap desired, the legal description of the property for which the tap is requested, the name of the record owner thereof, and whether the use requested is residential or commercial. A tap permit application may be submitted only by a person or entity listed on the property for which the tap is requested. The board may by ordinance or resolution set a limit on the number of tap permits for which any one (1) person may apply in any given period of time.

(c) Receiving application. The town clerk may receive tap permit applications in such number and under such limitations as may be prescribed by the board by ordinance or resolution, and on such prepared forms as may be prescribed by the board by ordinance or resolution. The town clerk shall receive an application only when such application is accompanied by the payment of such tap fee as may be prescribed by the board by resolution. The payment of tap fees shall be in a form as may be prescribed by the Town from time to time. If payment is made by check, the account on which such check is drawn must have funds available, at the time of submission of the tap permit application, for immediate payment of said check, and said check must not be post-dated. The payment of a tap fee, and the receipt of such payment and application by the clerk or the board, does not constitute the granting of a tap permit and shall not obligate the board or its delegate to grant a tap permit. Tap permit applications shall be received by the town only when accompanied by a building permit or an approved application for a building permit.

(d) Issuance of tap permits. The town shall consider tap permit applications in the order in which they were received. The town shall grant a tap permit if it finds that all the following conditions are met: (1) that the application and the applicant meet all the requirements of this article; (2) that water is available for such permit; and (3) that there is a water main already in place in the street on which the property for which the tap is requested fronts, or the applicant has complied with Section 13-10 regarding extension of water main. A permit shall show the date on which it is issued.

(e) Correction and denial. If the town finds that an application or applicant does not meet all of the requirements for granting a permit but that such defects can be corrected within thirty (30) days, the town may postpone consideration of that application for up to thirty (30) days. If the town finds that all requirements are not met and cannot be met within thirty (30) days, it shall deny the permit. If a tap permit application is denied, the tap fee shall be promptly refunded following such denial.

Sec. 13-17. Tap permits--Duration, extension and expiration.

(a) A tap permit shall expire within one (1) year from the date of its issuance, unless the property for which it is granted has been connected to the town's water system within that one (1) year period.

(b) A holder of a tap permit may request up to two (2) extensions of the expiration date of the permit, of six (6) months each. The town shall grant such extensions only for good cause shown, and is under no obligation to grant such extensions. The application for such extension shall be made before the permit expires. Application for extension after the permit has expired shall be allowed by the town, in its discretion, but only for good cause shown.

(c) Upon granting of an extension, the expiration date of the permit shall be six (6) months after the previous expiration date.

(d) If a tap permit expires, or the holder of such permit surrenders such permit, the town shall refund a portion of the tap fee which has been paid, depending on the length of time which the permit was held, according to the following schedule:

(1) If the permit is surrendered within one (1) year of its date of issuance or is allowed to expire at the end of the original one (1) year period, the refund shall be two-thirds ($\frac{2}{3}$) of the tap fee paid.

(2) If the permit is surrendered or allowed to expire after one (1) extension but before any request for a second and final extension is made, the refund shall be one-third ($\frac{1}{3}$) of the tap fee paid.

(3) If a permit is surrendered or allowed to expire after a second extension of time has been granted, there shall be no refund of tap fee.

(4) If no request for refund and surrender of tap permit are made within the time limits set forth above, the town shall not be obligated to refund any portion of the tap fee paid. (Ord. W-1-88 Sec. 8, 1988)

Sec. 13-18. Transferability of tap permit and taps.

(a) Before a tap is installed, a holder of a tap permit may request that the permit be transferred bearing another legal description than that for which the permit was issued, provided that the applicant is listed on the county real estate records by name as having an interest in the property to which the permit is to be transferred, and provided that the applicant fulfills all other requirements of this article for the provision of water by the town. This transfer is contingent upon sufficient water being available and the distribution system having capacity to provide service for the location to which the tap is transferred. To transfer a permit, the applicant must make a request to the town and pay any permit reissue fee which may be provided by the town by ordinance or resolution. The town shall reissue the permit showing the legal description of the property for which the permit is reissued, if the other requirements for issuing an original permit are met, when applied to the new property.

(b) Whether or not a tap has already been installed, the owner or the holder of a tap permit may obtain a reissued permit for a different tap size than was provided in the original permit. Such substitution is subject to a determination by the town that sufficient water is available for the substituted size and the distribution system has the capacity to provide the expanded service. The applicant shall surrender the right to the original permit and shall pay any difference in price between the fees in effect at the time of the request for the original size of tap and the size of the substitute tap. If the tap is not yet installed at the time of the request, the tap permit shall be reissued in accordance with the preceding paragraph. If the change of size is performed after the installation of the tap, the applicant shall comply with all requirements of this article and of any other applicable ordinance or resolution concerning inspections, construction materials and connection procedures.

(c) A tap, once installed, becomes a fixture and improvement on the property on which it is installed, and is conveyed along with the property to which it is attached, unless such tap is deemed abandoned.

(d) The town may, in its discretion, permit the transfer of an existing tap from one (1) property to another, upon application by the owner of such tap, if the town administrator determines:

(1) That such transfer is necessary to avoid undue hardship to such owner, that the transfer is in the best interests of the town, or that such transfer is not requested merely for the purpose of avoiding the payment of a new tap fee for the new location; and

(2) That such transfer will not violate the policy of encouraging improvement and development of property within the town limits, of discouraging the use of the town water system for speculation, and of discouraging the deterioration of older properties within the town.

Sec. 13-19. Further tap regulations.

The board may, by ordinance or resolution, prescribe such rules and regulations as it may deem necessary concerning types and number of permits and taps available, fees for permit applications, tap fees, other fees and forms.

Sec. 13-20. Water meters; requirements and installation.

(a) It is hereby declared to be the policy of the board to require the installation of water meters so that all connections to the town water system will be equipped with water meters.

(b) All connections to the town water system shall be equipped with meters at the expense of the owner of the property, as provided in Section 13-21 on connections. (c)

All connections which are required to be equipped with meters shall have a master meter for each tap, regardless of the number of structures, units or persons to be served by that tap, such as, by way of illustration and not limitation: apartment units, shopettes or mobile home parks. In addition to the master meter, for each separate unit receiving water service from a single tap, if it is desired to set up more than one (1) account for billing purposes, separate service lines from the master meter and a separate meter on each such service line must be installed for each account desired.

(d) All meters and accessories are the property of the town and shall be maintained by the town, and may be tested or inspected as often as the town deems necessary. If any meter is repaired or replaced because of a defect in the meter, such repair or

replacement shall be performed at the expense of the town. If a meter is repaired or replaced due to damage other than damage caused by town personnel, the cost of the repair or replacement, including materials and labor, shall be charged to the user's account. If a meter is replaced due to a change by the user to a larger size meter, such replacement shall be performed at the expense of the user, and the user shall pay before installation of the new meter a sum which is equal to the difference between the prices of the two (2) meters in effect at the time of the replacement.

(e) All meters shall be of a size, type and design approved by the town and shall be installed in a readily accessible location for the meter reader. Each meter shall be inspected by the town or the manufacturer and shall be found to be correct and properly adjusted before installation. If inspection is made by the manufacturer, a report of such inspection result shall be furnished to the town prior to the installation.

(f) Water meters shall be installed in a frost-proof meter pit at a location specified by the town or its delegate, with a remote reading device. The town shall have the right in all cases to specify the location for the placement of the meter and readout.

(g) A record shall be made and preserved of each meter installed, giving the location, serial number and size of the meter.

Sec. 13-21. Connection and inspection.

(a) The owner of property for which a tap permit has been issued shall notify the town clerk when ready to connect his or her property with the town's water system, so that the town can arrange to provide any necessary materials for the connection. Such owner shall not be entitled to connect such property with the water system until the town has determined that substantial progress toward the completion of the proposed improvement or development has occurred, such as, by way of illustration and not limitation, completion of framing of a building or completion of twenty-five percent (25%) of the proposed improvement. In new subdivisions, water service lines shall be extended from the water main to the curb stop or meter pit for all new taps to enable street improvements to be completed.

(b) Reserved.

(c) The owner must arrange for the work to be done in making the connection, and such work must be performed by the town or its delegate and in accordance with any applicable town regulations.

Sec. 13-22. Service line regulations.

(a) Except as to properties being supplied by water from existing wells on the effective date of this article, any water used on any property must come only from the town water system, with no cross connection to any other water supply.

(b) Service lines must be laid at least four (4) feet six (6) inches below the surface of the ground. The town shall not be responsible for service lines and fixtures. All users at their own expense must keep service lines and service line apparatus in good working order and properly protected from frost and other disturbances. No claim shall be made against the town on account of the breaking of service lines or apparatus. No reduction in rates will be made for any time that service lines or fixtures may be frozen.

(c) The board may by ordinance prescribe such other and further rules and regulations as it may deem necessary concerning the installation, connection, maintenance and specifications of water service lines and apparatus.

Sec. 13-23. Initiation of water and wastewater service.

(a) Before the water service to a user may be initiated, or resumed after termination, such user shall establish a water and wastewater account and request in writing that the water be turned on. To open a water and wastewater account, the user shall provide the legal description of the property to be served, the name of the users and the owners of the property and the mailing addresses of each, and the date on which water service is desired.

(b) There shall be no more than one (1) account per meter, and no more than one (1) bill issued per meter. The town shall not divide a bill among various users on a particular meter. If individual billing to multiple users or units being served by a single tap is desired, separate meters, in addition to the master meter, must be installed for each separate account.

(c) At the time of opening a water and wastewater account, a deposit in the amount of one hundred dollars (\$100.00) shall also be paid in such amount as the board may prescribe by resolution for service to any premises which are not occupied by the owner of such premises. Such deposit shall not constitute a prepayment of water bills, but rather a security deposit to insure that outstanding bills are satisfied upon the closing of an account. A deposit may be applied by the town to a delinquent account at any time, but the town shall not be obliged to do so. The deposit shall be applied to any balance remaining due upon the closing of an account, and the remainder of the deposit, if any, shall be returned to the user whose name is on the account. The town shall not be obligated to determine who is the owner of the deposit, or the address if the user to whom the deposit shall be returned, other than the user's last address appearing on the account. If any deposit funds have been applied to a delinquent account and the water service has been discontinued, the user shall deposit sufficient additional funds to bring his or her deposit up to the amount then in effect for a deposit before service is resumed.

(d) Water service shall not be turned on to any property unless an indebtedness for

water service to such property shall have first been paid in full, regardless of whether such indebtedness was incurred by the current user or by any previous occupant of the property.

(e) Such turn-on or turn-off fee as may be prescribed by the board by resolution shall be charged for each initiation, termination or resumption of service to any premises, except that no turn-on fee shall be charged for the initial turn-on of service to a property upon the first connection of such property to the water system.

(f) A water and wastewater account shall be established for a user as soon as a tap is installed regardless of whether water is turned on or not. The owner or user of said tap shall pay the minimum monthly charge and other fees for water and wastewater service as set for by ordinance.

(g) Only such personnel as are authorized by the town shall turn on water to any premises or building.

Sec. 13-24. Payment of water charges and late fees.

(a) All charges for use of water and for wastewater service as provided by ordinance and resolution are due and payable on receipt, and payable at the town hall. All charges are delinquent after the twenty-fifth day of the month, or by the close of business the next business day after the twenty-fifth day of the month if the twenty-fifth day of the month is a holiday or a weekend.

(b) All delinquent accounts will be charged a late fee of five dollars (\$5.00) per account for each month that the account is delinquent.

(c) The town treasurer shall keep a correct account of all receipts, make out all bills for water and wastewater service, other such fees and material furnished to users, collect the same, and deposit the proceeds so collected to the credit of the water and wastewater funds of the town in accordance with the direction of the board.

Sec. 13-25. Termination of service for nonpayment of bill.

(a) In case any person or entity fails or refuses to pay any charges for water and wastewater service or fails to comply with the provisions of this article or any ordinance or resolution applicable to the town water and wastewater systems, the town may shut off the water service to the premises served.

(b) Prior to termination of water service for nonpayment of bills, notification of disconnection of water service will be done by regular mail, along with posting of the property to be disconnected from the water service.

(c) The delinquency notice shall state that the charges are delinquent, the amount of the delinquency and the date on which water shall be terminated unless the delinquent charges are paid. The notice shall further state that there is a right to a hearing for the purpose of determining the accuracy of the bill, and the date when such hearing may be had if desired.

(d) The hearing shall be conducted by the board. The board shall review the account, hear the statements and evidence of the parties, and shall either find the account to be accurate or adjust the account in conformance with the evidence.

(e) Following the hearing, if a delinquency has been found to exist, the delinquent party shall have until noon of the shut-off date specified in the delinquency notice to pay the delinquency in full. If such delinquency is not paid in full by such time, the water shall be turned off, for which a fee prescribed by resolution for turning off of water shall be assessed against the account.

Sec. 13-26. Payments—Discontinuance and resumption of service.

(a) All water and wastewater accounts shall be billed monthly. The user of water and wastewater service or owner of the property receiving water shall be required to pay monthly the charges billed, in accordance with the rate established by resolution. If service to a tap has been discontinued, either by termination by the board for nonpayment or at the request of the owner or user in the event that a property is vacant, the owner shall be required to pay a monthly minimum charge as established by ordinance. Such monthly minimum charge shall not be credited to future charges for water service, but shall constitute a current obligation of the property owner for the maintenance of the water and wastewater tap and system.

(b) If service to a tap has been discontinued and the property owner has continued to pay the monthly minimum rate for water and wastewater service and payment of such other fees as described by ordinance or resolution, even though water service to the property has been discontinued, the water service to the property may be resumed upon compliance with the provisions of Section 13-23 of this article, and the payment of applicable turn-on/turn-off fees as may be prescribed by the board by ordinance or resolution.

(c) If the owner has failed to continue making minimum monthly payments and such other fees as prescribed by ordinance or resolution for a period of up to thirty-six (36) continuous months, the following provisions for resumption of service shall apply..

(1) Up to twelve (12) continuous months, service shall be restored upon compliance with the provisions of Section 13-23 of this article concerning initiation of water service, the payment of all past-due minimum monthly charges, and payment of such other fees as may be prescribed by the board by ordinance or resolution;

(2) Thirteen (13) through twenty-four (24) months, service shall be restored upon compliance with the provisions of Section 13-23 of this article for initiation of water service, together with payment in full of a sum equal to one-third ($1/3$) of the tap fee in effect at the time of the request for resumption of service; or

(3) Twenty-five (25) through thirty-six (36) continuous months, service shall be restored upon compliance with the provisions of Section 13-23 of this article for initiation of water service, together with the payment in full of a sum equal to two-thirds ($2/3$) of the tap fee in effect at the time of the request for resumption of service.

(d) If service remains discontinued after the effective date of this article for more than thirty-six (36) continuous months, and the minimum monthly charges and such other fees as prescribed by ordinance and resolution have not been paid when due, the tap shall be deemed abandoned and the service lines may be capped and disconnected at the main. Upon such abandonment, all rights of the owner of such property in such tap, including but not limited to any right of refund for such tap or any right to resume service through such tap shall terminate.

Sec. 13-27. Other remedies for non-payment.

(a) The town shall have as security for the collection of all water and wastewater charges, rates and penalties a lien upon the real property served by such utilities, which lien shall become effective immediately upon the supplying of such utility services and shall not be discharged until payment is made of all such water and wastewater charges and penalties as herein provided. In order to preserve any lien created by operation of this article, the town shall file for record a lien statement in the office of the county clerk and recorder, at any time before the expiration of four (4) months after the day in which a bill for water and wastewater service has become delinquent as defined by Section 13-24(a) of this article. All liens created and perfected by virtue of this article shall relate back to and take effect as of the time that utility services are first provided to the real property; and such lien shall be enforceable against any person acquiring an interest in such real property after water and wastewater services are first provided to such real property. However, liens which are created by this article but not perfected shall be enforceable against any person with an interest in the real property subject to the lien who has notice of such lien.

(b) In addition to any other remedies which the town may have, the town may take the following action upon failure by the owner or user to pay any charges or fees imposed by resolution or ordinance by the date specified as delinquent:

(1) The town may foreclose the lien imposed by this article in accordance with the law.

(2) The town may maintain an action for the amount of charges due in a court of competent jurisdiction, including interest as allowed by law.

(3) The town may certify the amount of any charge due to the county treasurer to become an assessment upon the property served to be collected with other taxes upon such property.

(4) The town may shut off the water to any premises for which the bill is not paid, in accordance with the procedures set out in Section 13-25 of this article. (Ord. W-1-88 Sec. 18, 1988; Ord. W-2-88 Sec. 4, 1988)

Sec. 13-28. Unlawful acts.

The following acts shall be unlawful, and to do any of the following, except in accordance with this article and such rules and regulations as may be promulgated pursuant to this article, shall be a violation of this article:

(a) To trespass upon the property of the water or wastewater systems or to tap any water or sewer mains or make any connections therewith, or in any manner to interfere with or damage the water or wastewater systems or the property, equipment, pipes, valves or any other appliances of the water or wastewater systems, or to change or alter the position of any valve or appliance regarding the flow of water in any pipeline of the water or wastewater systems.

(b) To connect any privately owned water or sewer mains or service lines to the water or sewer systems of the town, except upon approval by the board.

(c) To change, alter, move or replace any presently existing main, service line, meter or other apparatus connected with the water or sewer systems of the town, except as provided herein.

(d) For any person or entity to tamper or interfere with any meter or meter seal or to so arrange his or her water service or piping that the use of water will not actuate the meter, or to draw water through any connection in a service line from a point between the water main and the meter.

(e) To interfere with any authorized personnel who are enforcing any of the terms or provisions of this article or any ordinance or resolution which may be enacted concerning the water system.

(f) To install a permanent or temporary water conduit or service line that is directly or indirectly connected to the municipal water system across the lot lines between lots, or across ditches or dedicated streets, alleys, rights-of-way or easements, unless permission to do so is granted by the board. Such permission to do so is granted upon a determination by the board that no injury to existing rights will occur because of such installation.

Sec. 13-29. Water Rationing.

(a) In the event of a water shortage or water emergency, the mayor or the board shall have the authority to order such restrictions on indoor and outdoor water use as it deems necessary for the protection of the public. Such order shall be effective when notice thereof is published once in a newspaper published or circulated in the town. Upon the publication of such notice, the restrictions so prescribed shall take effect, and any violator thereof may be punished by penalties prescribed by this code.

(b) The mayor or delegate may by executive order declare a water rate emergency and require that all outdoor water use be terminated during the emergency for protection of the public. All users shall comply immediately when informed of the emergency. Any authorized official may turn off any outdoor water if the user does not do so.

(c) In the event of a water emergency such as, by way of description and not limitation, contamination of the water supply or breakdown of the water system, the water system may be restricted or shut off entirely and water rationed through another distribution system.

(d) There shall be no liability on the part of the town, its officers or employees or other authorized personnel due to any rationing, restrictions or shut-off under this section. All users of water through the town system shall have the responsibility to comply with any rationing or restrictions imposed pursuant to this section.

(e) Failure to comply with any published restrictions on indoor or outdoor use of water or with any order of the mayor restricting water use is a violation of this chapter.

Sec. 13-30. Moratoriums.

(a) The board may at any time, by ordinance, impose a moratorium on the granting of tap permits or on further connections to the water or wastewater systems.

(b) In the event of a moratorium on tap permits, the board may stop granting tap permits immediately. No new tap permit applications shall be received while any such moratorium is in effect. When the moratorium is lifted, any pending applications for a tap permit will be granted in the order in which they were received, provided that they are otherwise eligible to be granted.

(c) A moratorium on further connections or installations of taps will cause any permits for taps which have been granted, but not installed or collected, to be automatically extended for the number of days for which the moratorium is in effect.

(d) There shall be no new collections or increases in tap size during the moratorium unless the moratorium provides otherwise.

Sec. 13-31. Reservation of rights by town

The use of water under the provisions of this chapter shall not constitute or be deemed to be a relinquishment of any water or water rights by the town, and the town reserves the full right to determine all matters in connection with the control and use of said water.

Sec. 13-32. Separate connections required.

Two (2) or more premises cannot be supplied by one (1) and the same connection unless permission is granted by the town.

Sec. 13-33. Waste of water prohibited.

Consumers shall prevent unnecessary use of water and keep all water outlets closed when not in actual use. Hydrants, urinals, water closets, bath tubs and other openings must not be left running for any purpose other than the use for which they were intended. In addition to the penalty provided herein for code violation, the water supply may be turned off where any such waste occurs, and in such case a charge of one hundred dollars (\$100.00) must be paid before the water is turned on again.