

See Ordinance #9-1988	Adopted September 12, 1988
See Ordinance #4-1994	Adopted February 28, 1994
See Ordinance #6-1994	Adopted March 28, 1994
See Ordinance #2-1995	Adopted February 13, 1995
See Ordinance #4-1999	Adopted June 14, 1999
See Ordinance #7-2004	Adopted July 26, 2004
See Ordinance #9-2004	Adopted September 27, 2004
See Ordinance #6-2005	Adopted July 11, 2005
See Ordinance #40-2009	Adopted October 26, 2009

CHAPTER 10
ARTICLE 1
WATER ORDINANCE, SERIES 1988

(ANNOTATOR'S NOTE: Water Ordinance, Series 1988 was adopted by the Board of Trustees as Ordinance #1-1988 on March 14, 1988. Water Ordinance, Series 1988 supersedes and replaces all previously adopted ordinances or parts of ordinances in conflict with it. The reader should also be familiar with Resolution #3-1988, adopted March 14, 1988, establishing fees, rates, and charges for the Water Department, with Resolution #4-1988 adopted March 14, 1988, establishing technical specifications for the Water Department, and with Resolution #15-2007 adopted August 27, 2007 adopting a Cross-Connection Policy for the Town of Grand Lake.)

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10-1-1 Titles

Section titles used in this Article are used for convenience only and shall have no relevancy and/or effect upon the terms, provisions, conditions, or meaning of the Section.

10-1-2 Definitions

The following words shall be deemed to have the following meanings, unless the context clearly requires otherwise:

Bleeder: a connection between the service line and the sewer service line of a water using unit bypassing the interior plumbing and allowing water to circulate downstream from the water meter by means of a one gallon per minute (1 gpm) maximum flow restrictor (Dole Flow Control G Series or equivalent) together with a double check valve (Watts No. 7 Series Backflow Preventer or equivalent), air gap or other approved method of preventing backflow from the sewer to the water line.

Cross Connection: any physical linkage permanently or temporarily connecting a water source of a lesser quality than prescribed in the State Drinking Water Regulations to the water system. No water using unit, and no service line shall have a cross connection to a pipe, fixture or supply any of which contains water not meeting provisions of the State Drinking Water Regulations. This definition also means and includes any statement, definition or regulation pertaining to cross-connections as the same is used now or in the future by the State Health Department.

Customer: the person owning a water using unit.

Delivery of Notice: shall be deemed to have been delivered by use of any of the following methods: hand delivery to the customer; posting the written notice on the premises or property containing the water using unit; or, mailing the notice with the U.S. Postal Service postage pre-paid with return receipt requested.

Meter: the water meter; the remote readout; the wire connecting the remote readout and the water meter; and, all ancillary items and materials.

Person: any individual, partnership, association, organization, corporation or other legal entity.

Plant Investment Fee: the fee charged at the time of connection to the water system. The Plant Investment Fee is both a repayment for the Town's previous investments in the water system and is used to finance the construction of water collection, transmission, storage, treatment, and distribution.

Service Line: the corporation cock, water service line, curb stop, and all other materials, and items used to connect the water using unit to the main of the water system.

Single Family Equivalent (SFE): 300 gallons per day.

Summer Lines: Town water mains designed and intended to operate only during the warmer months of the year. Summer Lines will be turned on by the water department as early as possible in the year, with a target date of the Thursday prior to Memorial Day, unless weather conditions make the turn-on unfeasible. Summer Lines will be turned off by the water department no later than October 15, unless weather conditions warrant turning off the summer lines at an earlier date.

Three Lakes: Three Lakes Water and Sanitation District.

Town: Town of Grand Lake, Colorado.

Water System: the water collection, treatment and distribution system owned and operated by the Town.

Water Using Unit: each house, building, mobile home, mobile home space, condominium, town house, single family dwelling unit, or any other structure physically connected to the water system.

10-1-3 Standards and Practices

a) Water Service Constitutes Contract

The provisions of this Article, so far as may be applicable, shall be considered a contract between the Town and each customer. The customer, by using Town water or allowing Town water to be used, shall be presumed to express consent to be bound by all of the provisions of this Article as the same now exists or is hereafter amended.

b) Town Not Liable for Damages

The Town, its employees and agents shall not be liable for any damages of any kind or nature to the customer or his property as a result of the termination of water service when the customer has: refused to allow inspection of the meter; failed to pay the water bill; failed to comply with the regulations of the water department or otherwise violated the terms of this Article so as to result in termination of water services.

c) Town to be Held Harmless

The Town shall be held harmless from all claims of damage, harm, loss of business, loss of income, inconvenience, or any other basis because of interruption of water service from the water system due to repair, breakage, equipment failure or any other reason whatsoever and without limitation.

d) Town May Enter On Private Property

Any Town employee designated by the Town Manager or the Board of Trustees is hereby authorized to enter onto the premises or property of any water using unit at reasonable

hours to read, maintain and inspect meters. Any Town employee designated by the Town Manager or the Board of Trustees is hereby authorized to enter onto the premises or property of any water using unit at reasonable hours to determine if the water using unit is in compliance with the provisions of this Article.

e) Plant Investment Fees Not To Be Conveyed or Transferred

The payment of a Plant Investment Fee constitutes an obligation by the Town to serve the property or premises housing the water using unit in perpetuity. Accordingly, once a plant investment has been assigned to a particular lot or parcel, it may not thereafter be conveyed, assigned or transferred to any other property.

Section 10-1-4 Rules and Operating Policies

a) Town May Issue Regulations

The Town may issue rules and regulations pertaining to: service line materials standards, and connection and installation methods; road cut standards; interior plumbing materials; or any other matter concerning the water system as it pertains to the public health, safety and welfare.

Laws and regulations originating from the state or federal government pertaining to the water system shall be automatically incorporated. Rules and regulations originating from the Town shall be enacted by Resolution of the Board of Trustees.

b) Private Wells Require Permit

1) No person shall operate, own, manage, drill, dig, control, or possess a water well without first obtaining a water well permit from the Town of Grand Lake and the State of Colorado. No Town water well permits shall be issued if the Board of Trustees determines that the property owner can connect to the water system at a reasonable cost.

2) There shall be a fee assessed at the time of application for a water well permit request. Such fee shall be determined by the Board of Trustees and set forth on a separate fee schedule established by Resolution. (See Resolution #2-2009)

3) The Town of Grand Lake shall not issue this permit unless the applicant (its constituents or members) are current with the Town and all Town enterprises for all fees, assessments, charges, taxes, or amount due of any type.

c) Waste of Water Prohibited

As a condition of receiving water service from the Town, the customer hereby agrees to cooperate with the Town to prevent the waste of water. Upon any waste resulting from a service line or interior plumbing line breaking, the customers shall immediately and forthwith repair the same. In the event such leakage is not immediately stopped by the customer, the Town, without notice, may either perform the work or order the work to be

done with the bill to be sent to the customer. The Town may also discontinue water service to the water using unit until such time as the leak is repaired.

d) Cross-Connections Prohibited

It shall be unlawful for any water using unit to have a cross connection, as the same is defined by the State Health Department.

e) Health Hazards Prohibited

As a condition of receiving water service from the Town the customer hereby agrees that the Town may refuse to provide the service for any use which would constitute a health hazard to the customer or the public.

f) Sewer Service Required

As a condition of receiving water service from the Town water utility an applicant shall connect to Three Lakes, or its successor, for sanitary sewer service. The terms of such connection shall conform to the Rules and Regulations of Three Lakes, or its successor.

g) General Liability Insurance and Workers Compensation Required

All persons who are: performing work on the water system; or, performing service line installation or repair work requiring exposure of a water main; or, performing work on a Town-owned water using unit, shall present evidence satisfactory to the Town of a current and valid general liability insurance in the amounts required under Colorado limits of liability statutes with the Town named as an additional insured, and shall present evidence satisfactory to the Town of workers compensation insurance.

10-1-5 Application Procedures

a) Applicants to Comply with this Article

No person shall obtain water from the water system, nor shall any water be furnished therefrom to any water using unit except in accordance with the terms and provisions of this Article.

b) Applicants Must Own Real Property

Applicants shall be made only in the name of, and for the owners of real property.

c) Written Application Required

Persons desiring to connect to the water system shall make application therefor in writing to the Town on such forms and providing such information as the Town Clerk deems necessary to carry out the provisions and the fair administration of this article.

d) Conveyance of Water Rights a Condition of Service

As a condition precedent to receiving service, any person having a well or other water source and wishing to connect to the water system may be required to first deed to the Town all right and title for any and all water rights on or used in connection with the property to receive water service. Whether such conveyance will be required shall be determined by the Town Board of Trustees, in its discretion, after considering the existing water rights of the Town, the treatment and service capacities of the Town water system, the nature and extent of the water rights associated with the property to be served at its full development and such other factors as the Board deems appropriate.

10-1-6 Service Lines

a) Size of Service Line

The size required for all service lines shall be determined by the Town.

b) Separate Service Lines Required

Each water using unit shall have a separate 3/4 inch (minimum) service line to the water system, a meter and a curb stop. No connection with the water system shall be made by extending the service line from one water using unit to another. When two or more water using units are contiguous and owned by the same person, the Town may authorize an exception.

c) Subdivision Requires Separate Service Lines

Each and every water using unit created as the result of subdividing a previously integrated operation into separate water using units shall be required to have a separate tap, meter, curb stop; and a 3/4 inch (minimum) service line. A plant investment fee is required for each new tap so created.

d) Service Lines Across Other Private Property Permitted

In certain circumstances, it may be necessary that the service line to a water using unit cross over another party's private property. In such cases, and prior to construction of the service line, a properly executed and recorded easement shall be presented to the Town. Failure to produce said easement shall be sufficient cause to deny connection to the water system.

e) Customer Responsible for Service Line Installation

Installation of the service line including without limitation, all excavation, backfilling, labor and materials and the continued maintenance thereof, shall be done, made and performed by the customer at the customer's sole expense and responsibility.

No excavation shall be made in, on or about any street, alley, highway, or public way unless and until the customer or the customers' agent has complied with all applicable provisions of the Town Code of Ordinances and including but not limited to Chapter 11, Article 2 of said Code.

f) Installation During Winter

No new service line installation shall occur between October 15 of one year and May 1 of the following year except by prior approval of the Town, which approval shall not be unreasonably withheld.

g) Customer Responsible for Service Line Maintenance and Interior Plumbing

The customer shall be responsible for the maintenance of the service line and shall keep the service line in good condition at the customer's sole expense. The customer shall keep all pipes, fixtures, and appliances within the water using unit tight and in good working order so as to prevent waste of water and/or freezing of the plumbing.

h) Customers within the Town Not Permitted to Disconnect

Customers within the Town may not permanently disconnect from the water system; except that in the case where a water using unit has been destroyed or permanently removed, the customer shall not be required to pay the minimum usage charge until such time as a new water using unit has been constructed or placed on the property. In such cases a new plant investment fee shall be charged but a credit will be given based on the service line diameter for the previous water using unit.

10-1-7 Meters

a) Meters Required

Each and every water using unit connected to the water system shall be required to have a meter of a type, size and configuration designated by the Town. All meters will be furnished to the customer by the Town. Each water meter shall be installed with service valves both upstream and downstream from the meter. The purchase and installation costs for meters will be borne by the customer, but in all cases, the meter shall be owned by the Town. Meters shall be installed either by Town personnel or by a plumber licensed by the State of Colorado. All meters shall be installed in accordance with applicable governmental and plumbing codes and such additional specifications as may be approved by the Town Board of Trustees.

b) Meters to be Tested

Prior to installation, each meter shall be tested by the Town. After installation, the Town shall test and repair the meter as necessary. The cost of repairs resulting from neglect or

abuse by the customer shall be paid by the customer and added to and considered a part of the charge for water service. The cost of repairs for defective parts or materials, or for normal wear and tear, shall be paid by the Town.

c) Meter Drainage Is a Customer Responsibility

In order to avoid freezing during winter months it may be necessary to drain meters. Drainage of meters will be the responsibility of the customer. The cost to replace meters damaged due to freezing, unauthorized tampering, abuse or neglect, shall be the responsibility of the customer.

d) Billing Procedure in Case of Meter Failure

Whenever a meter fails to operate correctly for a period of six weeks or longer for whatever reason, the charge to the customer shall be made based on the average quantity of water used during the same billing period of the preceding year.

e) Meter Tampering Cause for Shut-Off

In addition to any and all other penalties imposed by this Article, whenever such bypass, interference, or tampering is found, the Town shall immediately discontinue water service to the water using unit until satisfactory payment has been made for all water used and all repairs to the meter.

10-1-8 Fees, Rates, Charges and Penalties

a) Plant Investment Fees

The customer shall pay a water plant investment fee in the amount established by resolution adopted by the Board of Trustees. Said fee shall be in addition to all other fees or charges relating to water service elsewhere described in this article, and under no circumstance shall such plant investment fee be refunded or rebated.

The Plant Investment Fee shall be paid in full prior to the issuance of any building permit for new construction. The Plant Investment Fee may be financed by the applicant through the Town for existing structures or additions to existing structures subject to the following minimum conditions:

1. Down payment of at least twenty percent (20%) of the total plant investment fee due.
2. Payment period of two (2) years maximum with payments to be made quarterly.
3. Floating interest rate to be charged on the unpaid balance of two (2) points above the Federal Funds Rate as published ten (10) days prior to the due date of the quarterly payment.

4. The applicant shall sign a promissory note for the amount being financed, said note to be of a form and manner approved by the Town.
5. Failure by the applicant to pay within thirty (30) days of the due date of any payment shall relieve the Town of any obligation to further serve the property, and said Plant Investment Fee shall be forfeited.
6. Nothing in this section shall limit the Town's ability to shut off water, file tax liens, or otherwise initiate legal action due to the applicant's failure to make payments to the Town within thirty (30) days of the due date of any payment.

b) Connection Charges

An applicant for water service from the Town hereby agrees to pay the actual cost of connection which shall include, but not be limited to, meter readout, corporation cock, and other necessary appurtenances.

c) Water Usage Charges

Water Usage Charges shall be billed quarterly. Each water using unit connected to the water system shall be billed the minimum charge. Overage above the minimum amount allowed shall also be billed. Water using units not having a meter shall be billed one SFE for each water using unit. All charges for the use of water shall be established by resolution adopted by the Board of Trustees.

- 1) In cases of new construction, water usage charges shall begin when the structure has been issued a certificate of occupancy or equivalent document from the building department, or when actual water usage or occupancy begins, whichever occurs first. In all cases, the full minimum charge for the quarter shall be charged, plus such overage as may have been used.
- 2) Buildings while under construction are allowed the use of water on a temporary basis for purposes of providing needed water on the construction site or to provide sufficient water to test the plumbing system of the building being constructed without regard to the number of water using units being constructed. The Town shall supply temporary water from an approved connection to the water main and shall charge the normal turn-on and turn-off fee. No minimum fee shall be charged for temporary water; instead, the water usage charge shall be based on the number of gallons actually used.
- 3) Persons desiring a one-time bulk purchase of water (e.g. to fill a tank truck): shall first apply at Town Hall; shall pay the appropriate fill-up charge application fee and gallonage fee; and shall perform the fill-up in the presence of Water Department personnel and in accordance with Town regulations.

- 4) Water using units connected to mains that were originally installed at depths which do not now meet Town specifications, or that dead-end, may be authorized by the Town to use bleeders during certain periods of the year in order to prevent the service line from freezing. Water using units meeting these circumstances and using bleeders may be granted a credit against the water bill for the amount of water allowed to be bled. Water using units not meeting these circumstances may also use a bleeder, but the Town shall not allow a credit. All bleeders shall comply with Town regulations. In the event a water main is subsequently installed at the depth required by Town specification, all such water using units shall be required to connect to the new water main and the credit for bleeding water shall terminate immediately upon installation of the new main.
- 5) Water using units with service lines connected to summer lines shall be required to pay the minimum usage charge for two quarters of the year, plus such overage as may have been used. In the event use of summer line is discontinued because a new water main has been installed at the depth required by Town specification, all such water using units connected to the summer line shall immediately connect to the new water main at the customer's cost and shall thereafter be charged the minimum usage charge for four quarters a year, plus such overage as may have been used.

d) Turn-Off and Turn-On Charges

- 1) Water bills are due and payable within thirty days (30) of billing. Failure to pay when due shall be cause for the water service to be turned off until acceptable payment is made to the Town, as is provided herein.
- 2) Customers may elect to have their water service turned off by the Town for certain periods of the year.
- 3) The turn-off and turn-on fee shall be established by Resolution of the Board of Trustees.
- 4) The turning off or turning on of a water service by the Town does not relieve the customer of responsibility for maintenance and repair of the service line. The Town shall not be responsible for any damage or liability as a result of the turn-off or turn-on of a service line.
- 5) The turning off of water service for whatever reason shall in no way relieve the customer of the minimum fee for water service and the minimum billing shall be continued.

e) Late Charges and Penalties

All water bills not paid within thirty days after the date of billing shall be charged a late penalty on the unpaid balance at such rate as the Board of Trustees may establish by Resolution.

f) Failure to Pay

The procedure for discontinuance of service due to failure to pay shall be as follows:

1. Prior to shutting off the water, delivery of notice of shut off shall be given by the Town to the customer stating the reason for the shut off, and the date upon which service may be shut off, unless the charges are paid. Such date shall be at least (7) days after the delivery of notice.
2. In the case of persons on fixed income, or of persons with demonstrated hardships, the Town's representative shall make every reasonable effort to work out a satisfactory payment plan.
3. The customer is entitled to a hearing with the Town's representative for the purpose of resolving any dispute concerning the amount due or the violation specified. The notice of shut-off shall state the customer's right to a hearing, and of the time, date, and place of the hearing.
4. At the hearing, should the Town's representative find that the customer has failed to pay the charges legally due the Town, the water service shall be shut off immediately or on the date specified in the notice of shut off, whichever is later.
5. The customer may appeal a decision to shut off to the Board of Trustees provided the customer deposits with the Town Clerk an amount equal to fifty percent of the amount owed the Town.
6. If the Town shuts off water service pursuant to this Section, service will be restored only if: all overdue charges, penalties, interest and all other applicable charges have been paid; and, a deposit fee in the amount of one hundred (\$100.00) dollars has been paid to the Town. Said deposit shall be held for the period of one year in escrow and shall be refunded without interest to the customer provided prompt payments have been received by the Town for said one year period.

g) Unpaid Charges a Lien

All unpaid water fees, rates, and charges shall be a lien upon the water using unit and/or appurtenant property and premises to or for which water was supplied from the time when said fees, rates and charges become due and payable. Said unpaid fees, rates and charges shall be a perpetual charge and lien against said water using unit and/or appurtenant property and premises until paid; and the monies owed shall be collected and such lien enforced by law.

In addition, and/or as an alternative to the foregoing and to the other remedies provided in this Article, in the event said charges shall not be paid when due, the Town Clerk may certify such delinquent charges to the Grand County Treasurer to be placed upon the tax rolls for the current year, to be collected in the same manner as other taxes are collected, with 10% of the amount of such delinquents added or ten dollars (\$10.00), whichever amount is the greater to defray the costs of collection; and all laws of the State of Colorado for the assessment and collection general taxes and the enforcement of liens, therefore, including the laws of the sale of property, delinquency taxes and redemption of the same shall apply.

- h) If a permit holder elects to upgrade an existing tap (also known as a Plant Investment Fee) and service line then a credit shall be given for the existing tap. The amount of credit will be equal to the amount of the current tap fee (Plant Investment Fee) for the existing tap specified in Resolution No 9-1992, or as amended. The amount due and payable for the New Water Tap shall be the amount according to the amount specified in Resolution No. 9-1992, or as amended, less the credit for the existing tap fee. However, the credit allowed for the replacement tap shall not exceed the value of the tap to be purchased.

10-1-9 Water Customers Outside of Town

- a) Out of Town Customers to Comply with Article

No customer outside the corporate limits of the Town shall connect to the water system, nor shall any water be furnished from the water system to any water using unit outside the corporate limits of the Town except in accordance with the terms and provisions of this Article.

- b) Agreement to Annex Required

A water using unit outside of the Town's corporate limits may connect to the water system only after the property owner has presented and the Town has accepted either:

- 1) a legally valid petition to annex to the Town, drafted in accordance with state statute, if said property is eligible to immediately annex; or,
- 2) a legally binding and irrevocable pre-annexation agreement in recordable form to run with the land, if said property is not eligible to immediately annex or if the Board of Trustees determines that immediate annexation is not in the Town's best interest.

In addition, the Board of Trustees may impose such additional terms and conditions as it deems proper and necessary under the circumstances. These provisions may be waived in specific circumstances upon adoption of a resolution of waiver adopted by a majority vote of the full Board of Trustees.

c) Out of Town Water Service to be Twice the In-Town Rate

Out of Town customers shall pay two (2) times the then current rate for plant investment fees, and for all charges relating to the consumption of water.

d) Conditions for Permanent Disconnection

Customers outside of the corporate limits of the Town may elect to connect to an alternate water source and to permanently disconnect from the water system and to discontinue being billed for water service by the town thereafter only if all of the following conditions are met:

- 1) The water using unit has been physically and permanently disconnected from the Town's water main.
- 2) The property owner has signed an acknowledgment which shall state that in consideration for being relieved of the obligation to pay for the availability of Town water service, the property owner understands and agrees that the Town shall be forever relieved and discharged of any obligation to ever provide water service again to the property being permanently disconnected unless and until a new plant investment fee is paid to the Town in the amount then being charged at the time of such reconnection request.

10-1-10 Water Main Extensions

a) Board of Trustees to Determine Extension Method

The extension of water mains shall be made by arrangement acceptable to the Town or the Town's designated representatives. Regardless of the method agreed upon, all agreements for the extension of water mains connecting to the water system shall at a minimum conform to the following conditions:

- 1) Materials and installation of all water mains and appurtenances shall be in accordance with Town specifications.
- 2) Water main extensions shall be installed at no cost to the Town. If necessary, this shall be enforced by the Town securing collateral in an amount necessary and sufficient to meet estimated installation and inspection costs.
- 3) When water mains are dedicated to the Town, said water mains shall be free and clear of all debts, liens, obligations, and encumbrances.

b) Conformance with Town Specifications Required

All plans and specifications relating to water mains, storage facilities, pumping facilities or other appurtenances to be connected to the water system shall conform to the standards

established by the Town Board of Trustees. All plans and specifications shall be submitted to the Water Department for review and approval prior to construction. It is the policy of the Town of Grand Lake that developments which require new storage facilities, pumping facilities or other appurtenances connected to the water system, shall be installed, maintained and operated by that development for a maintenance free operation period of 6 years for storage facilities, 2 years for pump stations and the manufacturers warranty plus 1 year for other appurtenances. Following the maintenance free operation period, the development may dedicate the water main, storage facility, pumping facility or other appurtenances to the Town of Grand Lake, as defined by the procedures within Chapter 10, Article 1, Section 10, Item d.

c) Engineering and Inspection Fees

In addition to all other fees and costs, the applicant shall pay to the Town the amount established by the Town as necessary to defray the Town's cost of design review, and construction inspection.

d) Dedication and Acceptance Procedures

Upon installation of the water mains, storage facilities, pumping facilities or other appurtenances and final construction inspection by the Town, the applicant in writing shall dedicate the water main, storage facility, pump facility or other appurtenances to the Town. Within ten days of such dedication, the Mayor or the Mayor's representative shall send a letter to the applicant acknowledging the dedication, but explicitly stating that for a minimum period of one year for the water main, 6 years for the storage facility, 2 years for the pump facility, the manufacturers warranty plus 1 year for other appurtenances from the date of the Mayor's letter, all maintenance and repairs are the applicant's responsibility.

After and only after twelve continuous months for the water main, 6 year period for the storage facilities, 2 years for the pumping facilities, the manufacturers warranty plus 1 year for other appurtenances remain maintenance free operations, the applicant shall in writing request that the Town accept the water main, storage facility, pump station or other appurtenances for operation and maintenance. Once satisfied that the facilities have operated maintenance free for the time specified, the Mayor or the Mayor's representative shall in writing accept the water main, storage facility, pump facility or other appurtenances for operation and maintenance by the Town. The power fees incurred operating the pump station facility shall be charged to each individual water using unit served by that facility. Such fees shall be divided on a per unit basis, unless the Board of Trustees determines that some other practical method of division of such fees is more equitable.

e) Town to Control Use of Mains After Dedication

After dedication to the Town, the Town shall have the exclusive control of the water main extension and the sole authority to determine what additional uses will be made of

the line, including but not limited to such items as: additional service lines allowed to connect; the conditions under which the taps will be made; the rates to be charged; the conditions of service, etc.

f) Water Main Extension Agreements

The applicant may wish to receive reimbursement for a portion of the costs of the main extension from any property owners who may receive a benefit from connection to the main extension. In such instances, the applicant may request that the Town enter into a Water Main Extension Agreement in a form acceptable to the Town for a term not to exceed ten (10) years. A Water Main Extension Agreement must be executed prior to the date of final acceptance of the water main extension by the Town, such final acceptance being subject to Section 10-1-10(d). The applicant shall pay to the Town a fee of \$250 to cover the costs associated with preparation of the Water Main Extension Agreement, including: the research required to establish the properties affected by the Agreement; development of an equitable reimbursement formula; recording fees, and administration of the Agreement during the term of the agreement.

10-1-11 Violations

a) Tampering With Water System a Violation

Except as authorized by the Town, no person shall perform any work upon or in any way tamper with or alter the water system, including, but not limited to: water mains; water pipes; buildings; reservoirs; controls; treatment facilities; fire hydrants; meters; and any and all other equipment and fixtures owned by the Town. Any unauthorized work, alteration or tampering with the water system shall be a violation of this Article. In addition to any other penalty imposed by this Article, the service to any water using unit found in violation of this provision may be terminated immediately and without notice.

b) Tampering With Meter a Violation

It shall be a violation of this Article to bypass, tamper, or interfere with any meter, or water service with the result that water is not accurately registered by the meter.

c) Supplying Water to Others a Violation

The supply of water from one water using unit to any other water using unit without the express written prior permission of the Town shall constitute a violation of this Article. In addition, the water service to all water using units found to be in violation of this Section shall be shut off until the water using units fully comply with all applicable provisions of this Article and until any and all applicable rates, charges and penalties are paid.

d) Introduction of Foreign Water a Violation

No person shall in any way at any time connect or introduce water from any other source into or with the water system. No person shall in any way at any time connect or introduce water from whatever source derived, into the interior plumbing system of a water using unit connected to the water system. Any such introduction of other water into a water using unit shall be a violation of this Article. In addition, the Town may immediately and without notice discontinue service to the water using unit until said connection with other water is discontinued.

e) Introduction of Toxic Materials a Violation

No person shall in any way at any time connect or introduce toxic materials (as the same is defined by the federal or state government), from any source into or with the water system. No person shall in any way at any time connect or introduce toxic materials from any source into the interior plumbing system of a water using unit connected to the water system. Any introduction of toxic materials into a water using unit shall be a violation of this Article. In addition, the Town may immediately and without notice discontinue service to the water using unit until said introduction of toxic materials is discontinued.

f) Non-Authorized Water Service Turn-On a Violation

Turning on a water service which has been shut off due to failure to pay shall constitute a violation of this Article.

g) Failure to Correct a Violation

Failure to comply with the terms of this Article, or with the rules and regulations adopted pursuant to this Article shall constitute a violation of this Article.

h) Penalty for Violation

Every person violating this Article shall be punished, upon conviction, by a fine of not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) for each offense. Each calendar day the violation shall constitute a separate and distinct offense.

10-1-12 Fees, Charges, Penalties and Taxes Are Cumulative

The payment of any fee, charge, penalty or tax imposed by this Article shall not relieve the person paying the same from the payment of any other fee, charge, penalty or tax imposed by this Article, it being the legislative intent that said fee, charge, penalty or tax prescribed by the various sections or subsections of this Article is to be cumulative except where otherwise specifically provided.

10-1-13 Civil Actions

The Town shall have the right to recover all sums due under the terms of this Article by personal judgment and execution thereon through civil action in any court of competent jurisdiction.

Such remedy shall be cumulative with, and not in lieu of, all other remedies provided for herein for the enforcement of this Article, as well as all other remedies provided by law.

10-1-14 Supersedence

All Ordinances and parts of Ordinances previously adopted by the Town and in conflict herewith are hereby repealed.

10-1-15 Severability

If any provisions of this Article or the application thereof to any person, situation, or circumstance be held invalid, such invalidity shall not affect other provisions or applications of this Article which can be given effect without the invalid provisions or applications, and the provisions of this Article are declared to be severable, the Board of Trustees expressly declaring that it would have passed this Article and every section, subsection, clause, phrase and word thereof irrespective of the fact that one or more of the other sections, subsections, sentences, clauses, phrases, or words thereof may be declared invalid.