

Title 13

PUBLIC SERVICES

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13.04 - Water Service System

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13.04.010 Definitions.

Whenever in this chapter the words defined in this section or construed in this section are used they shall, unless the context requires other uses, be deemed to have the following meanings:

“Chairman” means the member of the Board of Trustees, duly selected and appointed by the Board, as the chairman of the Board’s water committee.

“Commercial Water Using Unit” is a Water Using Unit that is put to any non-residential use, whether for profit or not, which is not a Residential Water Using Unit use. (Ord. 494 §1, 2005)

“Common Meter” means a meter serving two or more Water Using Units. (Ord. 663 §1, 2016)

"Notice" shall be deemed to have been given if delivered personally to the owner of the water using property or mailed, postage prepaid, to the last known address of the owner in question. An owner may designate in writing another person to receive such notice. Any notices to a designated person shall be binding upon the owner. (Ord. 494 §1, 2005)

"Owner" means any person owning Water Using Property.

"Residential Water Using Unit" is a Water Using Unit that is used as a private dwelling, apartment, condominium unit, town home, single unit in any multifamily structure, a manufactured home, or mobile home whether or not located in a mobile home park, or any other existing unit that commonly houses a single family on an extended term basis. (Ord. 494 §1, 2005)

"Service Line" means the pipe (excluding the outlet connection of the curb stop or meter yoke) extending from the distribution main to the property line.

"Water System" means the water system owned and/or operated by the Town of Kremmling.

"Water Using Property" means any real estate within the Town on which a Water Using Unit is located or intended or desired to be located.

"Water Using Unit" is any space or any structure or building, movable, fixed, or otherwise, or any part or parcel of it having, or being equipped with, a device, fixture or method for using water. Each such space or structure or building is a Water Using Unit whether on single or multiple lots or parcels and whether or not it is served by separate or shared taps and/or meters. Notwithstanding the foregoing, one structure on a lot or parcel equipped with a device, fixture or method of using water and the lot itself is a single Water Using Unit so long as the lot's water use is supplied through the structure. Any additional structures on the lot or parcel equipped with a device, fixture or method of using water is a separate Water Using Unit. (Ord.494 §1, 2005)

(Prior Code §12-1-1 (part))

13.04.020 Governmental uses.

The Board of Trustees has declared specific uses of water by governmental entities to be necessary for the public health, safety and welfare. Any owner which is a federal, state or local government may obtain water from the Water System for governmental use within or without the Town of Kremmling, notwithstanding any other ordinance or code provision of the Town of Kremmling. Such use shall be subject to the terms and conditions set by the Board of Trustees upon application for the use. The governmental use of water shall not include distribution to any other government or person, entity or organization. (Ord. 501, §1, 2005)

13.04.025 Ownership of water system.

- A. The Town shall own and maintain all water service lines utilized in the distribution of municipal water from the point of distribution and including individual water meters. If the meter is located within a Water Using Unit, only the meter is the property of the Town, and not the line from the curb stop to the meter. The Service Line from the meter to the final distribution point shall be under private ownership and responsibility. The Town shall have the power to require a property owner to repair any deficiencies detected in the property owner's line discovered by routine maintenance of municipal mains or by any other means. Town representatives shall wear appropriate clothing identifying them as Town employees, or shall carry proper credentials of

their office, and said representatives shall have reasonable right of entry upon private property during normal business hours or upon reasonable notice, to repair, replace or otherwise inspect the meter assembly, or to connect or disconnect service.

- B. All water lines and mains, whether owned privately or by the Town, upon initial construction or subsequent repair, must meet Town engineering specifications and standards. It shall be the responsibility of each developer or property owner, as the case may be, to cause water mains to extend from property line to property line as determined by the Town Engineer in order that services will thereupon be available to adjacent property owners and users.

13.04.030 Other water systems.

No person shall operate, own, manage, control, or possess a commercial water system obtaining its water supply from any source for the purpose, or with the effect of, distributing water from it to any Water Using Unit without first obtaining a franchise from the Town in the manner of, and provided by, through and under the laws of the state of Colorado. No person shall operate, own, manage, drill, dig, control or possess a water well without first obtaining a water well permit from the Town and the state of Colorado. No well permits shall be issued if Town water is available to the owner at a reasonable cost as determined by the Board of Trustees. (Prior Code §12-1-2)

13.04.035 Bulk water.

The Town is authorized to collect a bulk water fee as set, per resolution, by the Board of Trustees and to formulate and apply appropriate regulations. (Ord. 566 §2, 2010)

13.04.040 Connection required; obtaining water.

- A. All Water Using Units must connect to the Water System, pay all fees, and otherwise comply with all requirements of this Title 13.
- B. Connection is required any time that any state or local building code or health regulation requires water service for the use made of any property.
- C. Except by, through, under and in accordance with this chapter:
 - 1. No person shall obtain water from the Water System of the Town of Kremmling.
 - 2. Water shall not be furnished by the Town to any Water Using Property.
 - 3. No expansion of usage, change in class of service nor change in potential demand for water on, or for the benefit of, any person, Water Using Unit or Water Using Property, shall be made.

(Ord. 494 §1, 2005; Prior Code §12-1-3)

13.04.050 Application for service.

- A. Owners desiring water from the Water System, or desiring an increase of usage, change in class of service or change in potential demand for water then permitted to be used on the Water Using Property, shall make application therefor in writing to the Town at the office of the Town Clerk at least thirty days prior to the date that owner desires approval of the said application.
- B. The application shall set forth the following, including any additional information deemed relevant by the Town:

1. Name and post office address of owner of Water Using Property.
2. Legal description of Water Using Property for which water is desired.
3. Nature, number, extent and type of Water Using Unit then located on the property.
4. Nature, number, extent, and type of usage for which owner desires new or expanded water service.
5. Purpose or purposes for which water will be used.
6. Such other fact or facts reasonably necessary to determine the purpose, extent, nature and location of water use, Water Using Units, and potential demand for water.

(Ord. 494 §1, 2005; Prior Code §12-1-4)

13.04.060 Meters.

An operating, functioning meter is required as a condition of receiving water service. No water shall be provided to any Water Using Unit which does not have a water meter which is correctly functioning.

- A. The Public Works Director or his authorized representative is authorized to take all necessary actions to ensure the installation of water meters on the premises of all users of water provided by the Town. (Ord. 566 §3, 2010)
- B. Each and every class of consumer of water from the Town shall be required to have installed, a water meter of a type, size and configuration designated by the Board of Trustees of the Town. All meters shall be owned and maintained by the Town. Such meter shall be used to measure the quantity of water used by each class of water consumer and the charges made by the Town for the water so used shall be based on the quantity of water used by each consumer taking into consideration all necessary cost factors in supplying such water. (Ord. 566 §4, 2010)
- C. It is the responsibility of the property owner to provide the Town with reasonable access to water meters located anywhere on the owner's property. If the property owner or occupant denies reasonable access to the Town or its authorized representative to read a meter, remove a meter, repair a meter, replace a meter, or perform such other functions as the Town is lawfully authorized to perform under this chapter, the owner shall be notified, in writing at the address designated to receive bills and notices to schedule an appointment for the Town or its duly authorized representative to perform the meter-related work. In the event the owner fails to schedule an appointment within ten days after receipt of the notification, or any scheduled appointment is not kept by the owner, the owner will be sent notification of suspension of water service in accordance with this chapter. If any person violates this subsection (C), the Town will suspend water service until there is compliance with the requirements of this title, and the owner shall pay all associated costs, including the reconnect charges and all costs of collecting the charges, including court costs and attorneys' fees.
- D. When a meter fails to operate correctly, for whatever reason, a charge to the water consumer shall be made based on the average quantity of water used during the preceding billing period that the meter operated correctly.

- E. All new water services, and/or replacement of existing service lines, shall install a water meter pit on the property to be served by the connection, in a location to be determined, and in accordance with the specifications to be approved, by the Public Works Director. No meter for new water service shall be installed inside a building unless the Public Works Director determines there is no other suitable location on the property to be served where the meter may be installed.

(Ord. 654, 2015) (Ord. 494 §1, 2005; Ord. 446 §1, 2000; Ord. 355 §1, 1991; Prior Code §12-1-5)

13.04.070 Service connections.

- A. Installation of all service lines and other facilities extending from the main or trunk line of the water system to the Water Using Unit or units, including, without limitations, all excavation and backfilling and the continued maintenance thereof, shall be done, made, and performed by the owner at the owner's sole expense. All residential water service lines will be tapped by a minimum of three-quarter (3/4) inch and stubbed into the lot not more than two (2) feet from the property line within the public right-of-way. The curb-stop riser box shall be installed flush with the ground level and a visible marker painted fluorescent orange placed next to it to protect it from damage. A letter "W" shall be stamped on the curb directed in front of the curb-stop riser box, where applicable.
- B. No excavation shall be made in, on or above the street, highway or public way unless or until owner shall have first made application for and obtained an excavation permit pursuant to Section 12.04 of this code.
- C. By undertaking, making, doing, performing, permitting or causing others to undertake, make, do, or perform such installation or excavation, owner shall be deemed to have agreed with the Town to hold the Town, its agents and employees harmless of and from all liability, claims, suits, demands or obligations of whatsoever kind or nature connected with or arising out of the installation and/or excavation. (Prior Code §12-1-6)
- D. The owner or lessee of any premises to which any water shall be conducted from the Town's water mains shall keep all such transmission pipes from the water main to his premises and on said premises in good repair and protected from the frost so as to prevent waste of water. Upon any waste resulting from a breakage of such pipe, or any imperfection in such pipe, the owner or lessee shall stop such leak and repair the same. In the event such leakage is not immediately stopped by the owner or lessee of the premises, the Town, without notice, may discontinue water service to the premises until such time as the leak is repaired. (Ord. 494 §1, 2005)
- E. The provisions of this section so far as applicable, shall be considered as part of the revocable license between the Town and each property owner or lessee who is furnished with Town water, and each property owner or lessee, by using Town water and allowing Town water to be used, shall be presumed to express his consent to be bound by all the provisions this chapter, and such others as the Town may adopt after the effective date of the ordinance codified in this section. (Ord. 494 §1, 2005)
- F. No claim shall be made against the Town by reason of the breaking of any pipe or water service facilities or equipment, or for any other interruption of the supply water for any reason whatsoever, including, but not limited to, the breaking of any machinery, meters, reservoirs, ditches, flumes, dams, or the repairs of any of the Town's water facilities. (Ord. 494 §1, 2005)

- G. The Town may, but is not required to, at its sole expense move any existing service connection so that it complies with the requirements set forth herein.

13.04.080 Connections outside Town.

No water tap shall be made outside the corporate limits of the Town nor shall any water be furnished from the Water System to any person or property outside the corporate limits except pursuant to a water service agreement approved by the Board of Trustees.
(Ord. 708 §1, 2023; Prior Code §12-1-7)

13.04.090 Rates.

Fees and charges are levied and assessed for water and water services as set forth below, which rates are found, determined and declared by the Board of Trustees of the Town of Kremmling to be equitable and just:

- A. For each Residential Water Using Unit, whether individually metered or using a common meter with other Water Using Units, and whether or not served through an individual tap or through a residential or commercial tap shared with other Water Using Units, the minimum charge as set, per resolution, by the Board of Trustees shall be charged to each Residential Water Using Unit. ("Base Amount"). (Ord. 566 §6, 2010; Ord. 520 §1, 2007)
 - 1. For each individually metered Residential Water Using Unit, an additional charge as set, per resolution, by the Board of Trustees, ("Additional Charge") shall be made for any use greater than the Base Amount. (Ord. 566 §6, 2010; Ord. 520 §1, 2007)
 - 2. For multiple Residential Water Using Units using a common meter, the Additional Charge shall be imposed on usage above the gallons allowed calculated by multiplying the Base Amount times the number of such Water Using Units on the common meter. The Additional Charge so calculated shall be divided equally among the multiple Residential Water Using Units using a common meter. (Ord. 566 §6, 2010; Ord. 494 §1, 2005)
 - 3. For Residential Water Using Units not metered, the unit will be charged the sum as set, per resolution of the Board of Trustees per billing period until a meter is installed, but service shall not be provided to any unmetered Residential Water Using Unit for more than six billing periods. If no meter has been installed at the end of six billing periods, water service to the unmetered Residential Water Using Unit shall be terminated and not re-instituted until a meter has been installed and is functioning. If the lack of a meter is due to weather, the appropriate water charge shall be determined by estimating the use based the type of and extent of usage by the Water Using Unit, considering usage by similar uses and the season. (Ord. 566 §6, 2010; Ord. 494 §1, 2005; Ord. 487 §1, 2004; Ord. 481 §1, 2004; Ord. 453 §1, 2000)
- B. For each commercial or business Water Using Unit, whether wholesale, retail or service, and whether individually metered or using a common meter with other Water Using Units, and whether or not served through an individual tap or through a residential or commercial tap shared with other Water Using Units, the minimum charge as set, per resolution, by the Board of Trustees shall be charged. ("Base Amount"). (Ord. 566 §6, 2010; Ord. 520 §1, 2007)
 - 1. For each individually metered commercial Water Using Unit, an additional charge as set,

per resolution, by the Board of Trustees ("Additional Charge") shall be made for any use greater than the Base Amount. (Ord. 566 §6, 2010; Ord. 520 §1, 2007)

2. For multiple commercial Water Using Units using a common meter, the Additional Charge shall be imposed on usage above the gallons allowed calculated by multiplying the Base Amount times the number of such Water Using Units on the common meter. The Additional Charge so calculated shall be divided equally among the multiple Residential Water Using Units using a common meter. (Ord. 566 §6, 2010; Ord. 494 §1, 2005)
3. For Commercial Water Using Units not metered, the unit will be charged the sum as set, per resolution, by the Board of Trustees per billing period until a meter is installed, but service shall not be provided to any unmetered Commercial Water Using Unit for more than six billing periods. If no meter has been installed at the end of six billing periods, water service to the unmetered Commercial Water Using Unit shall be terminated and not re-instituted until a meter has been installed and is functioning. If the lack of a meter is due to weather or the Town's inability to provide the meter, the appropriate water charge shall be determined by the Town Manager estimating the use based the type of and extent of usage by the Water Using Unit, considering usage by similar uses and the season. (Ord. 566 §6, 2010; Ord. 494 §1, 2005; Ord. 487 §2, 2004; Ord. 481 §2, 2004; Ord. 453 §2, 2000)
- C. All water users outside the corporate limits of the Town shall pay double the applicable rates for water users within the corporate limits of the Town. (Ord. 566 §6, 2010; Ord. 494 §1, 2005)
- D. The Board of Trustees may enact by resolution such rules and regulations as it deems necessary, including but not limited to fees and charges for non-metered water purchases, regulating the manner of billing and collecting the fees provided for in this chapter, and the manner and date of reading water meters. (Ord. 566 §6, 2010; Ord. 494 §1, 2005)
- E. All water users shall pay an Operation and Maintenance Standby fee upon discontinuance of service. The fee shall be set by the Board of Trustees per resolution. (Ord. 616 §1, 2012)

13.04.095 Late Fee.

The Town is authorized to assess and collect a late fee as set, per resolution, by the Board of Trustees, per billing period on the Town water billing after bills are delinquent for thirty days. (Ord. 566 §7, 2010)

13.04.100 System Development Fee.

- A. An applicant for water service to benefit Water Using Property located entirely within the boundaries of the Town (as determined when application is made to the Town) shall agree to pay, and shall tender, along with the application a System Development Fee as set, per resolution, by the Board of Trustees. (Ord. 566 §8, 2010; Ord. 486, 2004; Ord. 451, 2000)
- B. Each Residential Water Using Unit requesting water service shall pay a System Development Fee for a three-quarter inch service tap. The size of tap required for commercial use shall be determined as provided in Section 13.04.050 of this chapter. The fee shall be in addition to all other fees or charges relating to water service elsewhere described in this chapter and such System Development Fee shall not be rebated except as provided for in this section. If any part of

the Water Using Property is located outside of the Town, then the system development fee will be determined as provided in Section 13.04.080 of this chapter. (Ord. 566 §8, 2010; Ord. 494 §1, 2005)

- C. If the water service for which all or part of the System Development Fees are being charged as described in subsection B, is not physically installed within one year after the date of application for water service was approved, then the System Development Fee shall be forfeited and thereafter a new application must be filed with appropriate materials, data and fees in effect at the time of new application, in order for the Town to consider providing water service to such units. If so requested by the record owner prior to the date of forfeiture, the water service approval may be renewed for successive one-year terms upon the record owner's payment of any difference between the fees paid at the time of initial approval of the application and fees in existence at the time of renewal, together with a renewal fee that may be established by resolution of the Town Board. (Ord. 644 §6, 2014; Ord. 566 §8, 2010; Ord. 397, 1995; Ord. 356 §1, 1991; Prior Code §12-1-9)

13.04.110 Expansion - Change of use.

- A. If any proposed change in use or proposed expansion of current usage results in change of class of service or creates a potential demand for water that is greater than the use then permitted on the Water Using Property prior to the proposed changes or expansion, then the owner shall make application as provided above and make payment of the appropriate System Development fees for the change in class of service, expansion of current usage or potential demand for water. (Ord. 566 §9, 2010; Ord. 494 §1, 2005)
- B. No such additional nor expanded water service, as described above, shall be permitted on any Water Using Property subsequent to the effective date of the ordinance codified in this section unless the appropriate application and System Development fees, as set forth in this section for such additional or expanded water service has been tendered to the Town Clerk. (Ord. 566 §9, 2010; Prior Code §12-1-10)

13.04.120 Delinquencies, non-compliance and disconnection of service.

- A. Any owner who has not paid any amount when due under this Chapter date shall be sent a letter addressed to the owner or person designated by the owner to receive such notice that the amount is past due and stating full payment or arrangements for payment must be made on the account within fifteen days or water service to the property will be shut off. (Ord. 644 §7, 2014; Ord. 566 §10, 2010)
- B. Service to any Water Using Property or any Water Using Unit may be shut off until any failure to comply with this Title is corrected or remedied. At least fifteen days prior to any such disconnection of service, the owner or person designated by the owner to receive such notice shall be sent a letter addressed to the owner or person designated by the owner to receive such notice.
- C. If the owner has reason to contest termination of water service he must notify the Town Clerk within the allotted fifteen days at which time the owner can state reasons for disconnection of service not to take place. (Ord. 566 §11, 2010)
- D. Any supply of water which is shut off for nonpayment of charges or other failure to comply with this chapter shall not be turned on until all delinquent water rates and charges have been paid and/or the Water Using Property and Water Using Unit have been brought into compliance with this Title.

- E. Every owner shall pay to the Town the sum as set, per resolution, by the Board of Trustees for every time the water is either turned on or off for each water using unit because of:
1. Failure to pay water fees charged by the Town or any other violation of this chapter which results in the shutting off of service; or
 2. The owner or user intentionally or negligently damages the water system which requires shutoff of service; or
 3. The owner or user requests the Town to shut off or turn on, except in cases of emergency which are not caused by owner or user's intentional negligent acts; or
 4. The owner or user fails to comply with Chapter 13.12 of this code. (Ord. 566 §12, 2010)
- F. If payment of any charge imposed pursuant to this chapter is made by a dishonored check, a bad check fee in the amount established by resolution shall be imposed in addition to such charge, and such charge shall be considered delinquent in the same manner as if no payment had been made. The bad check fee shall be added to the account. (Ord. 580 §2, 2010)

(Ord. 494 §1, 2005)

13.04.123 Failure to pay; forfeiture of licenses and taps.

- A. If any charges made pursuant to this Title 13 remain unpaid for a period of one year from the date upon which the charges were due, the right to receive water and sewer service from the Town shall be forfeited, and any water license, water tap, sewer license, and sewer tap which has been issued shall be void and of no further effect. The Town shall not be required to refund any license or System Development fees upon forfeiture. (Ord. 566 §13, 2010)
- B. Water licenses, water taps, sewer licenses, and sewer taps may not be forfeited unless the property owner, as shown on county records, occupant, if different from the property owner, and other persons who have record interests in the property have been given at least thirty days written notice. The notice shall include:
1. The cause for forfeiture;
 2. The effective date of the forfeiture; and
 3. A provision advising that the property owner, occupant, and other persons who have a record interest in the property are entitled to an administrative hearing and indicating the hearing procedures.
- C. Hearing procedures:
1. The property owner or occupant shall be entitled to an administrative hearing before the Board of Trustees or its designee. The hearing shall be for the purpose of determining whether cause exists for the suspension of water service.
 2. All requests for hearings must be made in writing to the Town Clerk and received in the Clerk's office prior to the effective date of suspension.

3. Upon receipt of a request for a hearing, the Board of Trustees or its designee shall set a time and place for the hearing; provided, however, that the hearing must be held within ten working days of said request.
4. The Board of Trustees or its designee shall decide whether cause exists for suspension of water service by determining the facts and applying the provisions of this Title 13 to such facts. The burden of showing that reasonable grounds exist to support the action shall be upon Town personnel.
5. The Board of Trustees or its designee shall make written findings and an order disposing of the matter and shall provide the property owner or occupant with a copy of such decision by certified mail within fifteen calendar days of the date of the hearing.
6. The decision of the Board of Trustees or its designee shall be final, subject only to judicial review pursuant to Colorado Rules of Civil Procedure, Rule 106.

(Ord. 494 §1, 2005)

13.04.125 Property liable for charges - Lien enforcement.

- A. All charges prescribed by this code relating to the provision of water, together with the cost of collecting them, including court costs and attorneys' fees, are a lien that is prior and superior to all other liens, claims titles, and encumbrances, whether prior in time or not, except liens for general taxes, and remain a lien upon the real property served by the water and sewer connection from the date such charges and the cost of collecting them, if any, become due, until they are paid. The amount due may be collected by suit to foreclose the lien. (Ord. 494 §1, 2005)
- B. In the event that any person in possession of any premises pays the entire charges due and owing, the payment shall relieve the owner from such liability and the premises from the lien; however, the Town shall in no event be required to look to any person whatsoever, other than the owner of the premises, for the payment of the charges. (Ord. 644 §8, 2014)
- C. No change in ownership or occupancy shall affect the application of this Section or any of its provisions and the failure of any owner to learn that he or she purchased any property against which a lien for water services exists, whether or not such lien has been recorded, shall in no way affect his or her liability for such payment in full or be the basis for any claim of any kind whatsoever against the Town for refusing to turn on water service until such charges have been paid in full. (Ord. 644 §8, 2014)

13.04.127 Personal liability - Civil actions.

The owner or owners of any property served by the water systems shall be held personally liable for any and all charges imposed under this chapter, together with the cost of collecting such charges, fees and costs, including court costs and attorney's fees, from the time such shall become due and the Town of Kremmling shall have the right to recover all sums due by the terms of this section by judgment and execution thereon in a civil action in any court of competent jurisdiction. Such remedies shall be cumulative with all other remedies provided in this section for the enforcement of this chapter. (Ord. 494 §1, 2005)

13.04.130 Civil actions and collections.

The Town of Kremmling shall have the right to recover all sums due by the terms of this Chapter

13.04 by judgment and execution thereon in a civil action in any court of competent jurisdiction or by use of a third-party collection service or agency. Such remedies shall be cumulative with all other remedies provided in this Chapter. (Ord. 644 §9, 2014; Prior Code §12-1-12)

13.04.140 Delinquent charges.

In addition to or as an alternative to the foregoing and to the other remedies provided in this chapter, in the event any charges shall not be paid when due, the Town Clerk may certify such delinquent charges to the county treasurer to be placed by the latter upon the tax rolls for the current year, to be collected in the same manner as other taxes are collected, with ten per cent of the amount of such delinquency added thereto to defray the costs of collection; and all laws of the state of Colorado for the assessment and collection of general taxes and the enforcement of liens, therefor, including the laws of the sale of property, delinquency taxes and redemption of the same shall apply. (Ord. 494 §1, 2005; Prior Code §12-1-13)

13.04.150 Prohibited Acts - Violations - Termination.

- A. No person shall use the water from any part of the Town water works, or the distribution system connected thereto, without permission having been duly issued therefor and in compliance with the terms and conditions of this chapter and of Title 13. No person shall allow any person to take water from a Water Using Property for use elsewhere. No unauthorized person shall tamper with or in any way alter any of the water or water works or the water distribution system of the Town, including but not limited to, water mains and pipes, buildings reservoirs, controls, fire plugs, meters, and any and all other equipment and fixtures. No person shall refuse entry onto private property by an employee or agent of the Town for any authorized purpose.
- B. In addition to other termination provisions contained in this chapter, and following the notice and hearing procedures set forth in Section 13.04.120, the Town may disconnect water service to any Water Using Property served by a water meter which has been modified, changed, or otherwise tampered with to render it inoperable or inaccurate; or when the Town has been denied access to private property for any authorized purpose; or when other violations of the terms and provision of the Chapter are determined by the Town to exist. (Ord. 644 §10, 2014; Ord. 535 §45, 2008; Ord. 494 §1, 2005; Prior Code §12-1-14)

13.04.151 Temporary water rates - Outside users.

The provisions of Kremmling Municipal Code Section 13.04.090.C, shall be effective July 1, 2006. Until July 1, 2006, the water users outside the corporate limits of the Town of Kremmling ("Outside Users" herein) shall pay for water service and usage:

- A. At the same rate set for users within the corporate limits of the Town of Kremmling ("Applicable Rate" herein) until January 1, 2006;
- B. From January 1, 2006 to June 30, 2006, Outside Users shall pay for water service and usage at a rate one and one half time the Applicable Rate;
- C. On July 1, 2006, the provisions of Section 13.04.090.C shall be in full force and effect.
- D. This Section 13.04.151 shall be self-repealing and of no force and effect after July 1, 2006. (Ord. 496 §2, 2005)

13.04.170 Transfer of water tap; relinquishment of water tap.

- A. No transfer of a water tap, whether temporary or permanent, shall be permitted; provided,

however, once a water tap has been placed in service, such tap shall be deemed transferred to any successor in interest to the Water Using Unit served by the tap.

- B. A record owner of a lot may relinquish a water tap by filing a "Meter and Tap Relinquishment" on forms to be provided by the Town Clerk. Upon such relinquishment, all rights of the owner to said tap shall be forever extinguished, and any request by the owner or by any successor in interest to the owner for the installation of a tap on the lot shall be subject to all terms and conditions then existing at the time of the request, including payment of the then-current System Development Fee and all other applicable fees. (Ord. 663 §1, 2016)

13.04.200 Violation - Penalty.

Any person who modifies, changes or otherwise tampers with a meter, or denies access thereto by the Town, or otherwise violates any provision of any section of this chapter commits an offense. Any person convicted of violation of any section of this chapter shall be punished as provided in Kremmling Municipal Code Section 1.16.010. (Ord. 535 §46, 2008)

13.08 - Sewer Service System

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13.08.010 Proper disposal required.

It is unlawful to maintain or use any residence, place of business, tent dwelling or trailer house or other building or place where persons reside, congregate or are employed which is not provided with means of disposal of human excreta by a flush toilet connected with a sewage system approved by the State Health Department. (Prior Code §12-2-1)

13.08.020 Enforcement.

It shall be the duty of the health officer to enforce the provisions of this chapter, and in the performance of this duty the health officer or his duly authorized agent is authorized to enter, at any reasonable hour, any premises as may be necessary in the enforcement of this chapter. The State Board of Health and/or an authorized agent or officer of it shall have the right to enforce this chapter. (Prior Code §12-2-2)

13.08.200 Violation - Penalty.

Any person who violates any provision of any section of this chapter commits an offense. Any person convicted of violation of any section of this chapter shall be punished as provided in Kremmling Municipal Code Section 1.16.010. (Ord. 535 §47, 2008; Prior Code §12-2-3)

Chapter 13.12 - Backflow Prevention and Cross Connection Control Program

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13.12.010 Purpose.

The purpose of this Chapter is to protect the Town's water system from contaminants or pollutants that could enter the distribution system by backflow from a customer's water supply system through the service connection.

13.12.020 Authority.

A. The authority to implement this Chapter is contained in State laws and regulations, including but not limited to, Article 1-114 and Article 1-114.1 of Title 25 of the Colorado Revised Statutes; Section 39 of 5 CCR 1002-11, Colorado Primary Drinking Water Regulations; and the Colorado Plumbing Code.

B. The Town shall have the authority to survey all service connections within the distribution system to determine if the connection is a cross-connection.

C. The Town may control any service connections within the distribution system in lieu of a survey as long as the service connection is controlled with an air gap or reduced pressure zone backflow prevention assembly.

D. The Town may impose fees for the administration of this Chapter by resolution of the Board of Trustees.

E. The Town will maintain records of cross-connection surveys and the installation, testing and repair of all backflow prevention assemblies installed for containment and containment by isolation purposes.

F. Except as otherwise provided herein, the Town shall administer, implement and enforce the provisions of this Chapter.

13.12.030 Applicability.

This Chapter applies to all commercial, industrial and multi-family residential service connections within the Town's water system and to any persons outside the Town who are, by contract or agreement with the Town, users of the Town's water system. This Chapter does not

apply to single-family residential service connections unless the Town becomes aware of a cross connection at the single-family connection.

13.12.040 Definitions. The following terms are defined below:

A. "ACTIVE DATE" means the first day that a backflow prevention assembly or backflow prevention method is used to control a cross-connection in each calendar year.

B. "AIR GAP" is a physical separation between the free flowing discharge end of a potable water supply pipeline and an open or non-pressure receiving vessel installed in accordance with standard AMSE A112.1.2.

C. "BACKFLOW" means the undesirable reversal of flow of water or mixtures of water and other liquids, gases or other substances into the public water systems distribution system from any source or sources other than its intended source.

D. "BACKFLOW CONTAMINATION EVENT" means backflow into a public water system from an uncontrolled cross connection such that the water quality no longer meets the Colorado Primary Drinking Water Regulations or presents an immediate health and/or safety risk to the public.

E. "BACKFLOW PREVENTION ASSEMBLY" means any mechanical assembly installed at a water service line or at a plumbing fixture to prevent a backflow contamination event, provided that the mechanical assembly is appropriate for the identified contaminant at the cross connection and is an in-line field-testable assembly.

F. "BACKFLOW PREVENTION METHOD" means any method and/or non-testable device installed at a water service line or at a plumbing fixture to prevent a backflow contamination event, provided that the method or non-testable device is appropriate for the identified contaminant at the cross connection.

G. "CERTIFIED CROSS-CONNECTION CONTROL TECHNICIAN" means a person who possesses a valid Backflow Prevention Assembly Tester certification from one of the following approved organizations: American Society of Sanitary Engineering (ASSE) or the American Backflow Prevention Association (ABPA). If a certification has expired, the certification is invalid.

H. "CONTAINMENT" means the installation of a backflow prevention assembly or a backflow prevention method at any connection to the public water system that supplies an auxiliary water system, location, facility, or area such that backflow from a cross connection into the public water system is prevented.

I. "CONTAINMENT BY ISOLATION" means the installation of backflow prevention assemblies or backflow prevention methods at all cross connections identified within a customer's water system such that backflow from a cross connection into the public water system is prevented.

J. "CONTROLLED" means having a properly installed, maintained, and tested or inspected backflow prevention assembly or backflow prevention method that prevents backflow through a cross connection.

K. "CROSS CONNECTION" means any connection that could allow any water, fluid, or gas such that the water quality could present an unacceptable health and/or safety risk to the public, to flow from any pipe, plumbing fixture, or a customer's water system into a public water system's distribution system or any other part of the public water system through backflow.

L. "MULTI-FAMILY" means a single residential connection to the public water system's distribution system from which two or more separate dwelling units are supplied water.

M. "SINGLE-FAMILY" means (1) single dwelling which is occupied by a single family and is supplied by a separate service line; or (2) a single dwelling comprised of multiple living units where each living unit is supplied by a separate service line.

N. "UNCONTROLLED" means not having a properly installed and maintained and tested or inspected backflow prevention assembly or backflow prevention method, or the backflow prevention assembly or backflow prevention method does not prevent backflow through a cross connection.

O. "WATER SUPPLY SYSTEM" means a water distribution system, piping, connection fittings, valves and appurtenances within a building, structure, or premises. Water supply systems are also referred to commonly as premise plumbing systems.

13.12.050 Requirements.

A. Commercial, industrial and multi-family service connections shall be subject to a survey for cross connections. If a cross connection has been identified, an appropriate backflow prevention assembly and or method shall be installed at the customer's water service connection within 120 days of its discovery. The assembly shall be installed downstream of the water meter or as close to that location as deemed practical by the public water system. If the assembly or method cannot be installed within 120 days, the Town has the authority to take action to control or remove the cross connection, suspend service to the cross connection or receive an alternative compliance schedule from the Colorado Department of Public Health and Environment.

B. In no case, shall it be permissible to have connections or tees between the meter and the containment backflow prevention assembly.

1. In instances where a reduced pressure principle backflow preventer cannot be installed, the owner must install approved backflow prevention devices or methods at all cross-connections within the owner's plumbing system.

D. Reduced pressure principle backflow preventers shall not be installed in manner subject to flooding.

E. Provisions shall be made to provide adequate drainage from the discharge of water from reduced pressure principle backflow prevention assemblies. Such discharge shall be conveyed in a manner which does not impact waters of the State.

F. All assemblies and devices shall be protected to prevent freezing. Those assemblies and methods used for seasonal services may be removed in lieu of being protected from freezing. The devices must be reinstalled and then tested by a certified cross-connection control technician prior to the service being activated.

G. Where a backflow prevention assembly or method is installed on a water supply system using storage water heating equipment such that thermal expansion causes an increase in pressure, a device for controlling pressure shall be installed.

H. All backflow prevention assemblies shall be tested at the time of installation and on an annual schedule thereafter. Such tests must be conducted by a certified cross-connection control technician.

I. The Town will require inspection testing, maintenance and, as needed, repairs and replacement of all backflow prevention assemblies and methods, and of all required installations within the owner's plumbing system in the cases where containment assemblies and or methods cannot be installed.

J. All costs for design, purchase, installation, maintenance, testing and as needed repair and replacement shall be borne by the customer.

K. No grandfather clauses exist except for fire sprinkler systems where the installation of a backflow prevention assembly or method will compromise the integrity of the fire sprinkler system.

L. For new buildings, all building plans must be submitted to the Town and approved prior to the issuance of water service. Building plans must show:

1. Water service type, size and location.
2. Meter size and location.
3. Backflow prevention assembly size, type and location.
4. Fire sprinkler system(s) service line, size and type of backflow prevention assembly
 - i. All fire sprinkling lines shall have a minimum protection of an approved double check valve assembly for containment of the system.

ii. All glycol (ethylene or propylene), or antifreeze systems shall have an approved reduced pressure principle backflow preventer for containment.

iii. Dry fire systems shall have an approved double check valve assembly installed upstream of the air pressure valve.

iv. In cases where the installation of a backflow prevention assembly or method will compromise the integrity of the fire sprinkler system the public water system will not require the backflow protection. The public water system will measure chlorine residual at the service connection once a month and perform periodic bacteriological testing at the site. If the Town suspects water quality issues, the Town will evaluate the practicability of requiring that the fire sprinkler system be flushed periodically.

3.12.060 Inspection, Testing and Repair.

A. Backflow prevention devices or methods shall be tested by a certified cross-connection control technician upon installation and tested at least annually, thereafter. The tests shall be made at the expense of the customer.

B. Any backflow prevention devices or methods that are non-testable shall be inspected at least once annually by a certified cross-connection control technician. The inspections shall be made at the expense of the customer.

C. As necessary, backflow prevention devices shall be repaired and retested or replaced and tested at the expense of the customer whenever the devices are found to be defective.

D. Testing gauges shall be tested and calibrated for accuracy at least once annually.

13.12.070 Reporting and Recordkeeping.

A. Copies of records of test reports, repairs and retests, or replacements shall be kept by the customer for a minimum of three (3) years.

B. Copies of records of test reports, repairs and retests shall be submitted to the Town by mail, facsimile or e-mail by the testing company or testing technician.

C. Information on test reports shall include, but may not be limited to: (i) Assembly or method type; (ii) Assembly or method location; (iii) Assembly make, model and serial number; (iv) Assembly size; (v) Test date; (vi) Test results including all results that would justify a pass or fail outcome; (vii) Certified cross-connection control technician certification agency; (viii) Technician's certification number; (ix) Technician's certification expiration date; (x) Test kit manufacturer, model and serial number; and (xi) Test kit calibration date.

13.12.080 Right of entry.

A properly credentialed representative of the Town or its designee shall have the right of entry to survey any and all buildings and premises for the presence of cross-connections for possible contamination risk to and for determining compliance with this Chapter. This right of entry shall be a condition of water service in order to protect the health, safety and welfare of customers throughout the Town's water distribution system.

13.12.090 Compliance.

A. Customers shall cooperate with the installation, inspection, testing, maintenance, and as needed repair and replacement of backflow prevention assemblies and with the survey process. For any identified uncontrolled cross-connections, the Town shall have the authority to complete one of the following actions within 120 days of its discovery:

1. Control the cross-connection
2. Remove the cross-connection
3. Suspend water service to the cross-connection
4. Suspend water service to the property

B. The Town shall give notice in writing to any owner whose plumbing system has been found to present a risk to the Town's water distribution system through an uncontrolled cross connection. The notice and order shall state that the owner must install a backflow prevention assembly or method at each service connection to the owner's premises to contain the water service. The notice and order will give a date by which the owner must comply with the order

1. In instances where a backflow prevention assembly or method cannot be installed, the owner must install approved backflow prevention devices or methods at all cross-connections within the owner's water supply system. The notice and order will give a date by which the owner must comply with the order.
2. In the event water service is suspended, the water customer and/or owner of the property to which the service is proved will be jointly and severally responsible for paying any cost and fees associated with recommencing water service in accordance with this Chapter.

13.12.100 Violations; penalties.

Any person who violates any provision of any section of this Chapter commits an offense. Any person convicted of violation of any section of this chapter shall be punished as provided in Kremmling Municipal Code Section 1.16.010.

(Ord. 707 §3, 2022; Prior Code § 13-4-7)