

CHAPTER 13

Municipal Utilities

Article 1 Water and Sewer Policy

- Sec. 13-1-10 Policy and purpose
- Sec. 13-1-20 Rules, regulations and definitions
- Sec. 13-1-30 Ownership and operation of facilities
- Sec. 13-1-40 Extension policies outside Town
- Sec. 13-1-50 Procedure for new connections of water and sewer lines
- Sec. 13-1-60 Fees and charges
- Sec. 13-1-70 Unpaid bills
- Sec. 13-1-80 Unpaid bills a lien on property
- Sec. 13-1-90 Debt service program
- Sec. 13-1-100 Maintenance of plumbing
- Sec. 13-1-110 Deposit
- Sec. 13-1-120 Waste of water prohibited
- Sec. 13-1-130 No use during fire alarms
- Sec. 13-1-140 Fire hydrants
- Sec. 13-1-150 Pollution and interference
- Sec. 13-1-160 Sprinkling hours
- Sec. 13-1-170 Other water sources
- Sec. 13-1-180 Other taxes
- Sec. 13-1-190 Civil actions
- Sec. 13-1-200 Bleeder lines
- Sec. 13-1-210 Inspections

Article 2 Cross-Connections

- Sec. 13-2-10 General policy
- Sec. 13-2-20 Definitions
- Sec. 13-2-30 General requirements
- Sec. 13-2-40 Requirements of consumer

Article 3 Watershed Protection

- Sec. 13-3-10 Purpose
- Sec. 13-3-20 Jurisdiction and map
- Sec. 13-3-30 Definitions
- Sec. 13-3-40 Interpretation and construction
- Sec. 13-3-50 Regulated activities
- Sec. 13-3-60 Activities which require no permit
- Sec. 13-3-70 Permit application
- Sec. 13-3-80 Permit fee
- Sec. 13-3-90 Permit duration
- Sec. 13-3-100 Permit suspension or revocation
- Sec. 13-3-110 Permit transfer
- Sec. 13-3-120 Permit review; burden, issuance or denial
- Sec. 13-3-130 Permit terms and conditions
- Sec. 13-3-140 Performance bond
- Sec. 13-3-150 Containment facilities; reporting requirements
- Sec. 13-3-160 Site inspections
- Sec. 13-3-170 Hearings
- Sec. 13-3-180 Compliance order
- Sec. 13-3-190 Legal action

Sec. 13-3-200 Appeals

Article 4 Wastewater Enterprise

Sec. 13-4-10 Establishment of Enterprise
Sec. 13-4-20 Governing Body
Sec. 13-4-30 Maintenance of Enterprise status
Sec. 13-4-40 Issuance of bonds
Sec. 13-4-50 Enterprise fees and charges
Sec. 13-4-60 Wastewater Enterprise annual budget
Sec. 13-4-70 Wastewater Revenue Fund established

Article 5 Trash Service

Sec. 13-5-10 Establishment of service; deposit
Sec. 13-5-20 Monthly charges
Sec. 13-5-30 Delinquent accounts
Sec. 13-5-40 Notice of delinquency
Sec. 13-5-50 Review by Board of Trustees
Sec. 13-5-60 Payment contract
Sec. 13-5-70 Reservation of right

ARTICLE 1

Water and Sewer Policy

Sec. 13-1-10. Policy and purpose.

(a) It is hereby declared that the rules and regulations hereinafter set forth will serve a public use and are necessary to ensure and protect the health, safety, prosperity, security and general welfare of the inhabitants of the Town.

(b) The purpose of these rules and regulations is to provide for the control, management and operation of the water and sewage system of the Town, including additions, extensions and connections thereto.

(c) The use of water under the provisions of this Article 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. (Ord. 3 §1, 2004; Ord. 7 §1, 2010)

Sec. 13-1-20. Rules, regulations and definitions.

(a) The Town has deemed that the provisions of water treatment and distribution services and wastewater treatment and collection services are in the public interest and that Eagle River Water & Sanitation District, a quasi-municipal corporation, can serve those interests. For purposes of this Article, Eagle River Water & Sanitation District shall be referred to as *District*.

(b) The Town has adopted the Rules and Regulations of the Eagle River Water & Sanitation District, as amended from time to time, to govern water treatment and distribution services and wastewater treatment and collection services for operation and management purposes unless otherwise modified in this Code.

(c) The Town owns the main water system, main distribution lines, water treatment facilities and storage, collection system facilities and main lines, and sewer treatment facility and associated infrastructure.

(d) In consideration of the promises, the mutual advantages accruing to the Town and the District and the mutual undertakings contained herein, the Town and the District have entered into an agreement which states in part as follows:

"Article 1 General Conditions

"1.1 District shall provide in a good and workmanlike manner the services described in Article 2 of this Agreement upon the terms and conditions herein stated.

"1.2 District shall be an independent contractor and nothing herein contained shall be construed to create the relationship of principal and agent or employer and employee between Town and District. Any person or party hired by District shall be the employee, agent, servant or contractor of District.

"1.3 District shall comply with all applicable local, State and Federal laws, rules and regulations.

"1.4 District shall provide the services described herein on a routine basis and, in accordance with the Rules and Regulations of District and any amendments thereto. Town shall be billed monthly for the hours District works to perform the services based upon the Fee Schedule listed in Exhibit A."

(e) The following definitions are applicable when determining water and sewer service rates:

Accommodation unit means one (1) habitable room intended primarily for sleeping purposes and without a cooking facility and is equal to 0.35 SFE. Examples of an accommodation unit are a hotel room, hotel suite, hostel room, bed and breakfast room or a lock-off without a cooking facility.

Commercial and/or industrial unit means any structure or facility that is used to engage in a business, commerce, manufacturing, marketing and/or sale of products and services of any kind.

Cooking facility means an arrangement within a residential unit which provides, but is not limited to, the following features: refrigeration capability; hot plate, electrical frying pan, toaster over, crock pot, counter-top burners, stove or microwave; and facilities for washing and cleaning.

Efficiency or studio unit means a residential unit having one (1) room with an integral cooking facility and one (1) bathroom and is equal to 0.50 SFE.

Meter size is determined by a fixture count assessment according to the International Plumbing Code and applies to commercial and/or industrial units and is correlated to an equivalent SFE based upon the following:

<i>Meter Size</i>	<i>SFE Equivalent</i>
¾"	1.5
1"	2.6
1½"	5.8
2"	10.3
3"	23.0
4"	40.9

Mixed-use facility means a buildings containing one (1) or more residential units, accommodation units or efficiency units and one (1) or more commercial units.

Public use facility includes facilities operated by the county government, municipalities, special districts, schools, churches or other not-for-profit entities.

Residential unit. A residential unit up to three thousand (3,000) square feet with a cooking facility is equal to 1.0 Single Family Equivalent (SFE). Accounts with a SFE determined to be above 1.0 SFE (square footage of structure greater than three thousand [3,000] square feet) must

multiply all base rates and usage allowances per tier by the account's assigned SFE. This allows for each account to pay proportionate monthly base rates and allows for more water use in each tier. Examples of a *residential unit* are: single-family homes, condominiums, townhouses, duplexes, multiplexes, apartments, efficiencies, studio units, lock-offs, mobile homes, etc.

Single-family equivalent (SFE) is a generic residential unit, the use of which is estimated to have an impact upon the water and/or sewer systems equal to that of the average single family (2.3 persons). One (1) SFE is up to three thousand (3,000) square feet.

Variance is designed to vary from the strict interpretation of this provisions of this Code as it relates the water and wastewater fees. A *variance* is granted at the discretion of the Board of Trustees upon approval by a resolution based upon unusual conditions or unique circumstances or undue hardship, not self-imposed, for a certain time. (Ord. 3 §1, 2004; Ord. 5 §1, 2010; Ord. 7 §1, 2010)

Sec. 13-1-30. Ownership and operation of facilities.

(a) The Town is responsible for providing water for, and collecting sewage from, entities using the sewer and water system. The Town is responsible for the maintenance, repair and replacement of all water mains, service lines, public sewers, manholes and water and sewer service facilities owned by the Town. The Town shall not be liable or responsible for interruption of service brought about by circumstances beyond its control. All private water lines and sewer lines are to be installed and maintained by customers.

(b) The Town or the District reserves the right to shut off its main for the purpose of maintenance, repairs, extensions or for any other purpose.

(c) No claim shall be made against the Town for any damage caused by the shutoff.

(d) In all cases of routine maintenance, the Town shall make every reasonable attempt to notify the customer in advance of the shutoff, giving an estimate of the time the water works system will be out of service. (Ord. 3 §1, 2004; Ord. 7 §1, 2010)

Sec. 13-1-40. Extension policies outside Town.

It is unlawful for any person to make a tap onto the water or sewer system of the Town, either within or outside the Town, without first having made formal application to the Board of Trustees for approval and having complied with all the regulations of the Board and this Article. (Ord. 3 §1, 2004; Ord. 7 §1, 2010)

Sec. 13-1-50. Procedure for new connections of water and sewer lines.

(a) The owner of the land shall request new service in writing and shall submit an application for new sewer and water connection service.

(b) In every case where the Town furnishes sewer or water service to properties outside the Town, the Town reserves the right to discontinue such service when, in the judgment of the Board of

Trustees, it is in the best interest of the Town to do so, and such service shall be considered a revocable license.

(c) Out-of-Town users shall pay all costs for making the tap and shall pay tap-on fees which are double the in-Town rate. (Ord. 3 §1, 2004; Ord. 7 §1, 2010)

Sec. 13-1-60. Fees and charges.

(a) The Board of Trustees shall set water and sewer rates based upon metered consumption charge per month at such level as may be required to pay for the operation and administration, maintenance, debt service, reserves, rehabilitation of facilities, additions and extensions, improvements and capital improvements of the Town. The Board of Trustees shall also establish a monthly surcharge for out of district properties receiving water and sewer services from the Town.

(b) Water and sewer tap-on fees are in addition to the cost of making the tap and shall be paid by the customer. Prior to connection to the municipal system and/or at the time of issuance of the building permit, whichever first occurs, the tap fees shall be paid in full. Water and sewer tap-on fees shall be established by the Board of Trustees.

(c) All of the fees for sewer and water shall be due and payable in accordance with the District requirements.

(d) Any use, either commercial or individual, not covered in this rate structure shall be determined on a case-by-case basis by the Board of Trustees.

(e) Tap-on fees. Fees are in addition to the actual cost of making tap, which cost shall be paid by the customer.

(1) Water. For any connection to an existing curb stop for a three-quarter-inch tap, the fee is established by a fee schedule approved by resolution of the Board of Trustees in addition to the actual cost, to be paid by the customer. Additional fees for larger taps are required:

(2) Sewer. The fee for a sewer tap is established by a fee schedule approved by resolution of the Board of Trustees and is in addition to the actual cost of making the tap. (Ord. 3 §1, 2004; Ord. 2 §3, 2006; Ord. 5 §1, 2010; Ord. 7 §1, 2010)

Sec. 13-1-70. Unpaid bills.

(a) The responsibility for payment of water and sewer services at any given service address shall ultimately rest with the property owner.

(b) Any supply of water which is shut off for nonpayment of charges shall not be turned on until all delinquent water and sewer rates, charges, fees and penalties, including, without limitation, the turn-on and turn-off charges set forth by the District have been paid in full.

(c) The Town shall be under no obligation whatsoever to any customer whose account is not current to perform any affirmative obligation contained in these regulations for the benefit of such customer. (Ord. 3 §1, 2004; Ord. 7 §1, 2010)

Sec. 13-1-80. Unpaid bills a lien on property.

All unpaid water and sewer charges shall be a lien upon the water-using property and/or the water-using unit to or for which water and sewer were supplied from the time when said charges become due and shall be a perpetual charge and lien against said water-using property and/or water-using unit until paid, and such charges shall be collected and such lien enforced by the law. (Ord. 3 §1, 2004; Ord. 7 §1, 2010)

Sec. 13-1-90. Debt service program.

- (a) Debt service program is for properties that are vacant permanently or on a long-term basis.
- (b) The property owner shall request in writing application to the debt service program.
- (c) Water shall be turned off at the curbside valve. The Town will not be responsible for discontinuing service unless the curb valve has been properly installed and located.
- (d) The actual cost of debt service shall be as listed in Section 13-1-60 of this Article.
- (e) The property owner shall request in writing reinstatement of service.
- (f) In the event the property owner requests to end participation in the debt service program before a period of six (6) months has lapsed from the date of the water being turned off as stated in Subsection 13-1-90(b), the property owner shall owe the balance of debt service already paid from the time of turn-off and the total due for six (6) months of debt service before service is reinstated by turning on the curbside valve.
- (g) The schedule for payments in the debt service program is in accordance with this Article. (Ord. 3 §1, 2004; Ord. 7 §1, 2010)

Sec. 13-1-100. Maintenance of plumbing.

- (a) All customers shall maintain the plumbing and fixtures within their own premises in good repair and protected from freezing at their own expense. They shall make any repairs that may be necessary to prevent leaks and damage.
- (b) No cross-connection between the public water supply system and any nonpotable supply will be allowed.
- (c) No connection capable of causing backflow between the public water supply system and any plumbing fixture, device or appliance, or between any waste outlet or pipe having direct connections to waste drains, will be permitted. (Ord. 3 §1, 2004; Ord. 7 §1, 2010)

Sec. 13-1-110. Deposit.

The Town may require at any time from any person using or intending to use the system a cash deposit intended to guarantee payment of said party's charges to the Town. (Ord. 3 §1, 2004; Ord. 7 §1, 2010)

Sec. 13-1-120. Waste of water prohibited.

Owners shall prevent unnecessary waste of water and keep all water outlets closed when not in actual use. Hydrants, urinals, water closets, bathtubs and other fixtures must not be left running for any purpose other than the use for which they were intended. (Ord. 3 §1, 2004; Ord. 7 §1, 2010)

Sec. 13-1-130. No use during fire alarms.

During all alarms of fire, the use of garden hoses and all outlets where a constant flow of water is maintained is positively forbidden. (Ord. 3 §1, 2004; Ord. 7 §1, 2010)

Sec. 13-1-140. Fire hydrants.

It is unlawful for any person except members of the Fire Department or designees of the Board of Trustees to open any of the fire hydrants, or attempt to draw water from the same, without prior authorization from the Board of Trustees. (Ord. 3 §1, 2004; Ord. 7 §1, 2010)

Sec. 13-1-150. Pollution and interference.

It is unlawful for any person to pollute or interfere in any manner with the reservoirs, streams, trenches, pipes and drains used in and necessary for the construction, maintenance and operation of the water systems of the Town and over any streams or source from which water is taken by the Town for five (5) miles above the point from which said water is taken. (Ord. 3 §1, 2004; Ord. 7 §1, 2010)

Sec. 13-1-160. Sprinkling hours.

Whenever there is a shortage of water and, in the opinion of the Board of Trustees, an emergency exists, the Board of Trustees shall have the power to regulate the sprinkling hours by motion or resolution. Such regulation shall be posted in a public place in the Town, and such power shall continue until such time as the emergency ends. (Ord. 3 §1, 2004; Ord. 7 §1, 2010)

Sec. 13-1-170. Other water sources.

No person, owner or other entity shall in any way at any time connect or introduce water from whatever source derived in, to or with the water system. (Ord. 3 §1, 2004; Ord. 7 §1, 2010)

Sec. 13-1-180. Other taxes.

The payment of the fees and charges imposed by this Article shall not relieve the person paying the same from the payment of any other taxes hereinafter imposed by ordinance, it being the intent of this Article that such fees and charges prescribed by the various sections or subsections of this Article shall be cumulative, except where otherwise specifically provided. (Ord. 3 §1, 2004; Ord. 7 §1, 2010)

Sec. 13-1-190. Civil actions.

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

cumulative with all other remedies provided herein for the enforcement of this Article. (Ord. 3 §1, 2004; Ord. 7 §1, 2010)

Sec. 13-1-200. Bleeder lines.

Where the Town permits bleeder lines, only one (1) bleeder per tap will be permitted. The maximum bleeder size will be one-fourth-inch diameter tubing. Each bleeder shall be equipped with a one-fourth-inch globe or needle valve for modulating the flow during winter months and turning off the flow during summer months. (Ord. 3 §1, 2004; Ord. 7 §1, 2010)

Sec. 13-1-210. Inspections.

(a) Whenever necessary to make an inspection to enforce any provision of this Article, or whenever there is reasonable cause to believe there exists in any building or upon any premises within the jurisdiction of the Town a violation of any provision of this Article, the Inspector may, upon presentation of proper credentials, enter such building or premises at any and all reasonable times to inspect the same or to perform any duty imposed upon him or her by this Article; provided that, except in emergency situations, the Inspector shall give the occupant, or the owner if there is no occupant, if he or she can be located after reasonable effort, twenty-four (24) hours' written notice of the Inspector's intention to inspect.

(b) In the event the occupant, or the owner if there is no occupant, refuses entry, the Inspector is hereby empowered to seek assistance from any court of competent jurisdiction in obtaining such entry. (Ord. 3 §1, 2004; Ord. 7 §1, 2010)

ARTICLE 2

Cross-Connections

Sec. 13-2-10. General policy.

The Town shall be responsible for the protection of the Town's potable water distribution system from contamination or pollution due to the backflow of contaminants or pollutants through the water service connection. If, in the judgment of the Town, an approved backflow-prevention assembly is required at the consumer's water service connection or within the consumer's private water system for the safety of the water system, the Water Department shall give notice in writing to such consumer to install such approved backflow-prevention assemblies at specific locations on his or her premises. The consumer shall install such approved assemblies within the time frame set forth in the notice and at his or her own expense. Failure, refusal or inability of the consumer to install, have tested and maintain such assemblies shall constitute grounds for discontinuing water service to the premises until such requirements have been satisfactorily met. (Ord. 6, 2005; Ord. 7 §1, 2010)

Sec. 13-2-20. Definitions.

Definitions of terms used in this Article are those contained in the Colorado Control Manual, Colorado Department of Public Health and Environment's latest edition, unless otherwise defined below:

Approved backflow device means a backflow device or air gap meeting the standards and installation requirements of the A.S.S.E. (American Society of Sanitary Engineers), the latest edition of the Colorado Department of Public Health and Environment's Colorado Control Manual and/or the requirements of the Water Department. Approval by the Water Department will be dependent upon the hazards assessed, but shall not be less than the Colorado Department of Public Health and Environment's Colorado Control Manual requirements for potable water system protection. "Approved" status shall also be contingent on inspection, testing and passing of such test by a certified control technician. Any variation or exception may be by direction from the current edition of the Colorado Department of Public Health and Environment's Colorado Control Manual.

Certified control technician means a person who has passed and possesses a current certification from one (1) of the following national certification councils: American Society of Sanitary Engineers (A.S.S.E.), the American Backflow Prevention Association (A.B.P.A.) or the American Boards of Certifications (A.B.C.) for backflow tester and repairer. Any variation or exception will be by direction from the current edition of the Colorado Department of Public Health and Environment's Colorado Control Manual.

Containment means the installation of an approved backflow device isolating the premises and all plumbing connections to the service connection therein from the Town's potable water supply. At the Town's discretion, installation of the approved backflow device shall, at a minimum, be placed at or near the property line with all necessary equipment/enclosures to endure uninterrupted service and meet all installation safety codes at the consumer's expense.

Cross-connection means a connection or potential connection between any part of the Town's potable water system and any other environment containing other substances in a manner that, under any circumstances, would allow such substances to enter the Town's potable water system. *Other substances* may be gases, liquids or solids, such as chemicals, waste products, steam, water from other sources (potable or nonpotable) or any matter that may change the color or add odor to the water.

Service connection means the terminal end of the water supplier service connection from the Town's potable water distribution system to the threads on the corporation stop where the Town boundaries terminate and/or lose jurisdiction and sanitary control and consumer ownership begins. *Service connection* also includes water service connection from a fire hydrant and all other temporary or emergency water service connections from the Town's potable water system. (Ord. 6, 2005; Ord. 7 §1, 2010)

Sec. 13-2-30. General requirements.

(a) New connection. All new connections to the Town's water system shall have an approved backflow device. The Town will provide on-site evaluation and/or plan review in order to determine the type of backflow device that will be required as a condition of service. All new connections requiring a backflow device shall be inspected and tested by a certified control technician.

(b) Changes in service. Any changes in service, including but not limited to reconnection, change in the number of fixture values or change in the type of water service, shall require installation of an approved backflow device.

(c) Existing installations. For connections or premises without backflow devices existing prior to November 15, 2005, the Town will perform on-site evaluations and/or plan reviews and inform the consumer by letter of any corrective action deemed necessary, the method of correction and the time allowed for correction as a condition of service. Up to sixty (60) days will be allowed but may be shortened depending upon the degree of hazard (pollutant or contaminant) involved. The Water Department does not waive the right to require a backflow device if future conditions require such.

(d) Testing. All backflow devices shall be tested at least annually by a certified control technician using the latest test procedures as specified by one (1) of the following councils, A.S.S.E., A.B.C. or A.B.P.A., and is not a failed device.

(e) Emergency disconnection. At the Town's discretion, severing the service connection will be performed if the degree of hazard warrants such action in order to protect the Town's potable water supply. Discontinuance of service may be summary, immediate and without written notice whenever, in the judgment of the Town, such action is necessary to protect the Town's potable water supply or the distribution system.

(f) Failure to comply. If, after a first notice by letter or direct delivery of notice, the consumer fails to comply with the Town's directive or fails to allow access to premises for inspection, immediate termination of service will occur, or, at the Water Department's discretion, no more than an additional ten (10) days shall be granted to comply with said directive. Failure to allow access by the consumer, or those designated by him or her, to premises for inspection by the Town will automatically classify the premises as a high-hazard risk to the Town's potable water supply. Appeal of any notice shall be directed to the Town Clerk. An appeal shall not stay the execution of the failure to comply order by the Town in order to protect the Town's potable water supply. The failure to comply order may be reversed if the appeal is upheld.

(g) Record keeping. The Town shall maintain records of all backflow device inspections and test results for a minimum of three (3) years.

(h) Variance. Upon written application by the consumer, the Town may vary any of the requirements of this Section upon the finding by the Town that an approved backflow device is not necessary to protect the Town's potable water supply. The Town may approve the variance with or without conditions. (Ord. 6, 2005; Ord. 7 §1, 2010)

Sec. 13-2-40. Requirements of consumer.

(a) Cross-connections. The consumer shall be responsible for the elimination or protection of all cross-connections (known or unknown by the Town) on his or her premises by an approved backflow device at his or her expense. Such backflow device expenses shall include installation, maintenance, protection, testing, repair, removal or replacement of such devices as required by the Town as a condition of service.

(b) Backflow device. The consumer or those occupying any premises shall not bypass, disable, remove or modify any backflow device without written consent by the Town. Any such modifications shall result in termination of service.

(c) Fire suppression system design and installation. The consumer or those designated by him or her will comply with current N.F.P.A. standards and/or the current Town requirements when designing, installing and maintaining any fire suppression system as a condition of service. (Ord. 6, 2005; Ord. 7 §1, 2010)

ARTICLE 3

Watershed Protection

Sec. 13-3-10. Purpose.

The purpose for the watershed is to establish the full exercise of the powers of the Town in maintaining and protecting the Town's water supply from injury, damage, pollution and activities that will create a hazard to health and water quality. The Town's authority herein shall be for the purpose of reviewing and restricting any activity within the watershed which creates a foreseeable risk of damage or injury to the Town's water supply. The Town's review authority within the watershed shall therefore be concurrent to the authority of the County or any other government entity to review and/or require permits for the same activity as the Town may regulate. (Ord. 9, 2008; Ord. 7 §1, 2010)

Sec. 13-3-20. Jurisdiction and map.

The jurisdiction of the watershed shall extend over the territory occupied by the Town waterworks and all reservoirs, streams, trenches, pipes and drains used in and necessary for the construction, maintenance and operation of the same and over Turkey Creek, Eagle River and the Town waterworks and all water sources tributary thereto for five (5) miles above the points from which water is diverted for use by the Town. The official watershed map, with all notations, references and other information shown thereon, is located in the office of the Town Clerk. (Ord. 9, 2008; Ord. 7 §1, 2010)

Sec. 13-3-30. Definitions.

As used in this Article, the following words and phrases shall be defined as follows:

Best management practice means an effective means of preventing or reducing harmful effects of land use activities and includes recommended methods, structures and practices designed to prevent or reduce pollution of the air, land and/or water from these activities. Best management practices may be found in various publications, manuals and documents of the Colorado Department of Public Health and Environment, Colorado State University, Colorado Department of Transportation and other sources that may be acceptable to the Town.

Director means the Director of the Department of Public Works or his or her designee or representative.

Diversion or *divert* means removing water from its natural course or location, or controlling water in its natural course or location by means of a ditch, canal, flume, reservoir, bypass, pipeline, conduit, well, pump or any other structure or device.

Exigent circumstances means any situation where there is imminent danger of loss of life, harm by injury or damage to or destruction of property or any other dangerous or harmful situation regarding the public health, safety and well-being.

Mineral means an inanimate constituent of the earth in a solid, liquid or gaseous state which, when extracted from the earth, is useable in its natural form or is capable of conversion into a useable form as a metal, metallic compound or chemical or as an energy source or a raw material for manufacturing or construction material, but does not include surface or subsurface water.

Mining and *extraction* mean any removal or development of a mineral from its natural occurrence on affected land or from a watercourse and includes, but is not limited to, drilling, blasting, scaling, crushing, tunneling, excavating, dredging, panning or sluicing, and includes any tailing piles, tailing ponds, waste dumps or concentration, milling, evaporation or other on-site processing activities or any buildings, structures or machinery used in such operation. *Mining* and *extraction* do not include hand-panning or the use of battery-powered concentrate wheels or minislucies.

Permit means any permit issued pursuant to this Article.

Permittee means a person issued a permit.

Person means and shall include a firm, company, organization, partnership, entity, agency, corporation, association or other organization acting as a group or unit, as well as an individual. It shall also include an executor, administrator, trustee, receiver or other representative appointed according to law. Whenever the word *person* is used in any section of this Article prescribing a penalty or fine, as to firms, associations and other organizations, the word shall include the partners, members or agents who are responsible for any violation of such section hereof and, as to corporations, shall include the officers, agents or members thereof who are responsible for any violation of this Article. *Person* includes the singular and the plural.

Pollutant means dredged spoil, dirt, slurry, solid waste, incinerator residue, sewage, sewage sludge, garbage, trash, chemicals, chemical waste, biological nutrients, biological material, temperature changes, radioactive material, heat, wrecked or discarded equipment, rock, sand, cellar dirt or any industrial, municipal or agricultural waste.

Pollution means the people-made, people-induced or natural alteration of the physical, chemical, biological or radiological integrity of water.

Sewage disposal system means a septic tank or other facility designed and constructed for the purpose of receiving and disposing of sewage.

Watercourse means any and all river, streams, creeks, intermittent washes, gullies, tributaries, reservoirs, lakes, ponds, wetlands or other types of natural or created water bodies, including structures or devices to channel water within the watercourse, and further includes all groundwater tributaries.

Waterworks means all components of the Town's water supply system, including but not limited to all equipment, diversion structures, dams, canals, ditches, flumes, pipelines, conduits,

reservoirs, drains, wells, pumps, buildings, structures, roads, watercourses and other facilities necessary for the construction, maintenance and operation of the water supply system.

Wetlands means those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. *Wetlands* includes, by way of illustration, swamps, marshes, bogs and similar areas. (Ord. 9, 2008; Ord. 7 §1, 2010)

Sec. 13-3-40. Interpretation and construction.

Nothing in this Article shall infringe upon the authority of any other municipality, county or other governmental entity to regulate land use or activities within their respective jurisdictions on lands outside the corporate limits of the Town that are also within the Town's jurisdiction pursuant to this Article. Notwithstanding any lawful regulations, permits or approvals issued by any state or federal agency, municipality, county or any other governmental entity concerning land use or activities on land that is also within the Town's jurisdiction described in this Article shall not in any way infringe upon, limit or supersede the terms and conditions of any permit validly issued pursuant to the provisions of this Article and the authority hereunder to regulate such activities and land use. (Ord. 9, 2008; Ord. 7 §1, 2010)

Sec. 13-3-50. Regulated activities.

(a) The Town has determined that the activities set forth below may harm the Town's waterworks or pollute the Town's water supply. Subject to the exceptions provided for in Section 13-3-60 below, it shall be unlawful for any person to engage in any of the specified activities as follows within the area of the Town's jurisdiction as defined in this Article without first obtaining a permit from the Town authorizing such activity:

(1) Excavation, dredging, filling, grading or compaction of any topsoil, sand, rock, dirt or other material over an area in excess of one-half (½) acre. The area disturbed by the construction and maintenance of a driveway to a single-family residence shall not be included in the calculation of the one-half-acre threshold under this Section.

(2) Any surface or subsurface mining or mineral resource extraction, including any and all oil and/or natural gas extraction or mining.

(3) Use of any restricted-use pesticide (RUP), herbicide, fungicide, rodenticide, insecticide or any other chemical for eradication or control of any plants or animals that is within one hundred (100) feet of any watercourse.

(4) Removal of any vegetation or trees by any method over an area in excess of one-half (½) acre.

(5) Construction, maintenance and/or operation of any sewage treatment disposal system with an average design capacity greater than two thousand (2,000) gallons per day, provided that any sewage disposal system with an average design capacity less than two thousand (2,000) gallons per day is also subject to regulation under this Article if it is not installed, operated and maintained

in compliance with all applicable laws, rules, regulations, permits and best management practices or is located within one hundred (100) feet of any watercourse.

(6) Alteration, improvements or modification of any watercourse.

(7) Dumping, depositing or discharging any pollutant into any watercourse, or dumping, depositing or storing any pollutant on land within one hundred (100) feet of any watercourse.

(8) Construction, maintenance and/or operation of a surface or subsurface tank that stores chemicals, chemical waste, biological nutrient or material, radioactive material, petroleum product or any industrial, municipal or agricultural waste, excepting residential propane tanks and septic systems not covered under Paragraph (5) above.

(9) Construction of any impervious surface greater than twenty-five thousand (25,000) square feet that could direct any contamination or pollutant toward a watercourse or Town waterworks.

(10) Any other activity that will cause material injury, damage or harm to the Town's waterworks or pollution of the Town's water supply as reasonably determined by the Town, based upon the written communication of a licensed engineer or qualified professional which specifies the cause and extent of such injury, damage, harm or pollution.

(11) Any of the activities prohibited in this Section, regardless of the amount of acreage affected, if such activities are located in or within one hundred (100) feet of any watercourse and/or if such activity is associated with the construction of any water diversion, storage or conveyance structure, including but not limited to such structures as diversion headworks, dams, canals, ditches, flumes, pipelines, conduits, reservoirs, drains, wells and pumps, and further including any equipment, buildings, structures, roads and other facilities necessary for the construction, maintenance and operation of the structures.

(b) Any limitation on acreage imposed by this Section includes the cumulative amount of acreage encompassed by any and all proposed activities by any person on any contiguous or noncontiguous parcels of land that are part of the same plan, project or development. (Ord. 9, 2008; Ord. 7 §1, 2010)

Sec. 13-3-60. Activities which require no permit.

This Article shall not apply to and no permit shall be required for the following activities:

(1) Any activity that is a lawful use of any land or structure, where such use and such structure existed prior to the time this Article was adopted by the Town. Any change or enlargement of any preexisting use of land, or changes to any preexisting structure, made after the adoption of the ordinance codified herein, including any modification, alteration or expansion, except ordinary maintenance, as determined by the Town, is subject to the provisions of this Article. For purposes of clarification, any portion of any activity that has obtained approval from any state or federal agency, municipality, county or any other governmental entity, but that has not yet commenced, is not a preexisting activity or use.

(2) The following activities are allowed within the area of the Town's jurisdiction as defined in this Article, provided that there is adherence to best management practices:

- a. Road maintenance by governmental entities.
- b. Normal maintenance of ponds, bridges, riprap and drainage and irrigation ditches and related structures, including ditch burning.
- c. Noxious weed or insect control.
- d. Removal of dead, insect-infested or diseased trees.
- e. Construction or maintenance of wetlands.
- f. Modifications to any watercourse for fisheries improvements or riparian habitat creation and/or restoration permitted by the Army Corp of Engineers.
- g. Emergency riparian work, provided that any permanent work shall be regulated if otherwise regulated by this Article.
- h. Wildland fire mitigation and emergency firefighting activities. (Ord. 9, 2008; Ord. 7 §1, 2010)

Sec. 13-3-70. Permit application.

Any person proposing to undertake a regulated activity as set forth in Section 13-3-50 above shall file an application for a watershed permit with the office of the Director on a form provided by the Town Clerk. The application shall contain the following information:

- (1) The name, address and verified signature of the applicant.
- (2) The name and address of the owner of the property on which the activity is proposed.
- (3) Verified consent of the owner of the property if different than that of the applicant.
- (4) The address and/or legal description of the property if different than that of the applicant.
- (5) The full and complete description of the proposed activity, including but not limited to the acreage of the property, the acreage affected by the proposed activity, the proposed amount of diversion and/or storage and any activity that may result in a discharge, spill or release of any pollutant into the Town's waterworks or water supply.
- (6) A map explicitly depicting the location of the property and the proposed activity.
- (7) Identification and description of all water use anticipated to be necessary for the proposed activity, including but not limited to all water rights owned or to be used by the applicant, amount of consumptive use, location and timing of any expected return flows resulting from diversions and the amount and type of discharge.
- (8) Identification and description of any impact that the activity may reasonably have on the Town's waterworks and on the quality of the Town's water supply.

(9) Identification and description of all measures that will be taken to prevent injury, including compliance with all applicable best management practices.

(10) Any other information required by the Director to properly evaluate the application, as reasonably determined by the Director. (Ord. 9, 2008; Ord. 7 §1, 2010)

Sec. 13-3-80. Permit fee.

Each application for a permit shall be accompanied by payment in full of a fee, as established by resolution of the Board of Trustees, as may be adjusted as necessary. (Ord. 9, 2008; Ord. 7 §1, 2010)

Sec. 13-3-90. Permit duration.

A permit issued pursuant to this Article shall be valid for two (2) years from the date of issuance. (Ord. 9, 2008; Ord. 7 §1, 2010)

Sec. 13-3-100. Permit suspension or revocation.

A permit may be suspended or revoked at any time for violation of any compliance order issued by the Director or for a violation of any of the terms or conditions of the permit or the provisions of this Article, subject to notice to the permit holder and a hearing by the Board of Trustees. If exigent circumstances exist that require immediate suspension, as determined by the Director, the Director may immediately suspend a permit for a period not to exceed fourteen (14) days. In the case of such a summary suspension by the Director, the permittee, upon written request, shall be entitled to a hearing before the Board of Trustees as promptly as is reasonably possible. (Ord. 9, 2008; Ord. 7 §1, 2010)

Sec. 13-3-110. Permit transfer.

Permits issued hereunder are to a specific user for a specific activity. No permit shall be transferred or assigned to any other person, different premises or a new, different or changed operation. Any such change shall require a new permit application. (Ord. 9, 2008; Ord. 7 §1, 2010)

Sec. 13-3-120. Permit review; burden, issuance or denial.

(a) Within thirty (30) days following the filing of a completed application, which shall not be considered complete until all necessary information required by this Article is provided, the Director shall review the application and classify the proposed activity according to its impact on either the Town's waterworks and/or the quality of the Town's water supply. In evaluating each application, the Director may consider, but is not limited to, the following factors:

- (1) The nature and type of the proposed activity.
- (2) Proximity of the proposed activity to a watercourse and whether it is located within a floodway.
- (3) The nature and type of soils, rock or other material.
- (4) The nature and type of vegetation.

- (5) The scope and stability of the land.
- (6) Any increase of effect on the fire hazard.
- (7) The nature, type and amount of each regularly processed new material.
- (8) The nature, type and amount of effluents or pollutants reasonably anticipated from the proposed activity discharged either into a watercourse or underground.
- (9) The nature, type and amount of each regularly produced product.
- (10) Any anticipated impact on the Town's waterworks or quality of the Town's water supply resulting in any way from the activity, including but not limited to direct discharges, nonpoint or indirect discharges, reduction in flows within a watercourse or the concentration of any pollutant.
- (11) The amount and type of mechanized or motorized vehicles associated with the activity.
- (12) Any water rights obtained, needed, necessary or related to the proposed activity.
- (13) Any permits or other governmental approval required to proceed with the proposed activity or already obtained where such permits or approvals are based on standards at least as stringent.
- (14) The economic impact in relation to the risks and benefits to watershed protection.
- (15) The cumulative effect of the proposed activity with other activities.

(b) The burden shall be upon the applicant to demonstrate, by a preponderance of the evidence and in compliance with the provisions of this Article, that the activity will not harm, damage or injure the Town's waterworks or pollute the Town's water supply.

(c) If the Director determines that the proposed activity will not have any harmful impact on the Town's waterworks or water supply, then the Director shall recommend to the Board of Trustees that a permit be issued and whether any considerations should apply. If the Director determines that the applicant has not met his or her burden with respect to the impact on either the Town's waterworks and/or the Town's water supply, then the Director shall identify such negative impacts and shall state the reasons for recommending denial of a permit. The Board of Trustees shall consider such recommendation and may issue the permit, with or without conditions, upon a determination that the requirements of this Article have been satisfied, or may deny the permit application.

(d) Any person whose permit application is denied or who is not satisfied with any conditions of approval shall be entitled to a hearing as provided in this Article. (Ord. 9, 2008; Ord. 7 §1, 2010)

Sec. 13-3-130. Permit terms and conditions.

The Board of Trustees may prescribe any terms and conditions in the issuance of any permit in accordance with any provisions of this Article as it deems necessary to prevent harm, damage or injury to the Town's waterworks and/or the pollution of the Town's water supply, including compliance with all applicable best management practices. The Board of Trustees may also make

any permit conditional upon the applicant obtaining any and all necessary permits and other governmental or private approvals or obtaining financial security for performances or requirements of the permit. This Article allows the Town to limit discharge of water pollutants to prevent nuisances and prevent damage, harm or injury to the Town's waterworks or pollution of the Town's water supply. It does not allow the Town to authorize a discharge of pollutants into state waters, which is the jurisdiction of the Water Quality Control Commission. (Ord. 9, 2008; Ord. 7 §1, 2010)

Sec. 13-3-140. Performance bond.

The Board of Trustees may require as a condition of any permit issued hereunder that the permittee obtain a performance bond in an amount necessary to ensure completion of all measures required to prevent both injury to the Town's waterworks and the pollution of the Town's water supply. The Board of Trustees may also require as part of the performance bond an additional amount necessary to clean up or mitigate the effects of any spill, release or discharge by the permittee. This Section shall not apply to or have effect upon the provisions of Section 34-32-109(6), C.R.S. (Ord. 9, 2008; Ord. 7 §1, 2010)

Sec. 13-3-150. Containment facilities; reporting requirements.

Each permittee shall provide and maintain at his or her own expense any facilities necessary to prevent and contain any spill, release or discharge of any pollutant that may cause damage, harm or injury to the Town's waterworks or pollution of the Town's water supply. Any such spill, release or discharge shall be reported immediately to the Director and to all other persons or entities that may be affected thereby. The permittee shall inform the Director as to the location, the nature and type of the pollutant, concentration, volume and any measures taken to contain or remediate the spill, release or discharge, and assure that such discharge does not occur again. Within five (5) days of such discharge, the permittee shall submit a written report to the Director explaining the spill, release or discharge including a description of measures which have and shall be taken to prevent recurrence. (Ord. 9, 2008; Ord. 7 §1, 2010)

Sec. 13-3-160. Site inspections.

Whenever necessary to assure compliance with any terms or conditions of the permit or provisions of this Article, the Director has the right to enter the property to make an inspection. Refusal by the permittee to allow such right of entry to inspect the property shall constitute sufficient grounds to suspend or revoke the permit by the Director. Upon such refusal or if exigent circumstances are present that require immediate entry, the Director may obtain a search warrant from a court of competent jurisdiction, entitling the Director to enter and inspect the property. Upon obtaining a search warrant, or if exigent circumstances exist, the Director may use such reasonable force as is necessary to enter and inspect the property. (Ord. 9, 2008; Ord. 7 §1, 2010)

Sec. 13-3-170. Hearings.

(a) Any applicant whose application for a permit is denied, or who is otherwise aggrieved by any conditions of approval, may, within fourteen (14) days of the Board of Trustee's action on the permit, file with the Town Clerk a written request for a public hearing before the Board of Trustees on the application.

(b) The Board of Trustees shall schedule a hearing and publish notice of the hearing at least fourteen (14) days prior to the date set for hearing. At such hearing, the applicant and/or his or her attorney, consultants or representatives and the Director may make a presentation and/or present information and evidence. The applicant shall have the burden of establishing by a preponderance of the evidence that the proposed activity will not injure, harm or damage the Town's waterworks or pollute the Town's water supply. The Town shall, within thirty (30) days of the close of the hearing, issue a decision on the permit, including findings related to such decision. The Board of Trustees' decision shall be the final action by the Town.

(c) Testimony, evidence and information presented at all hearings held pursuant to this Article shall be open to the public and quasi-judicial in form and recorded. (Ord. 9, 2008; Ord. 7 §1, 2010)

Sec. 13-3-180. Compliance order.

Whenever the Director determines that any permittee has violated or is violating any terms or conditions of a permit or the provisions of this Article, the Director may issue an order requiring the permittee to comply within a specified period of time. Any violation of the compliance order by the permittee shall be cause for the suspension or revocation of the permit. Whenever the Director determines that a person is proceeding with a prohibited activity without a permit, the Director may issue an order requiring the person to cease and desist such activity until such time as a permit is obtained pursuant to this Article. (Ord. 9, 2008; Ord. 7 §1, 2010)

Sec. 13-3-190. Legal action.

If any person violates any provision of this Article, in addition to utilization of the enforcement and penalty powers of the Town, the Town may commence an action for appropriate legal or equitable relief in a court of competent jurisdiction. In addition to the penalties provided herein, the Town shall be entitled to reasonable expert fees, attorneys' fees and costs of litigation. (Ord. 9, 2008; Ord. 7 §1, 2010)

Sec. 13-3-200. Appeals.

An applicant or permittee may appeal any final decision of the Board of Trustees in accordance with applicable judicial appeals procedure. (Ord. 9, 2008; Ord. 7 §1, 2010)

ARTICLE 4

Wastewater Enterprise

Sec. 13-4-10. Establishment of Enterprise.

There is hereby established, pursuant to the terms and provisions of the Water Activity Law, Title 37, Article 45.1, C.R.S., the Town Wastewater Enterprise (the "Enterprise"). The Enterprise shall consist of the system which is the business represented by all of the Town's wastewater facilities and properties, now owned or hereafter acquired, whether situated within or outside the Town boundaries, including all present or future improvements, extensions, enlargements, betterments, replacements or additions thereof or thereto. The Enterprise shall have all of the authority, powers, rights, obligations

and duties as may be provided or permitted by the Water Activity Law and the Colorado Constitution, and as may be further prescribed by ordinance or resolution of the Town. (Ord. 10 §1, 2008; Ord. 7 §1, 2010)

Sec. 13-4-20. Governing body.

The governing body of the Enterprise (the "Governing Body") shall be the Board of Trustees and shall be subject to all of the applicable laws, rules and regulations pertaining to the Board of Trustees. Whenever the Board of Trustees is in session, the Governing Body shall also be deemed to be in session. It shall not be necessary for the Governing Body to meet separately from the regular and special meetings of the Board of Trustees, nor shall it be necessary for the Governing Body to specifically announce or acknowledge that actions taken thereby are taken by the Governing Body of the Enterprise. The Governing Body may conduct its affairs in the same manner and subject to the same laws which apply to the Board of Trustees for the same or similar matters, provided that, in accordance with Section 37-45.1-104(2), C.R.S., the Governing Body may authorize the issuance of bonds by adoption of a resolution. (Ord. 10 §2, 2008; Ord. 7 §1, 2010)

Sec. 13-4-30. Maintenance of Enterprise status.

The Enterprise shall at all times and in all ways conduct its affairs so as to continue to qualify as a "water activity enterprise" within the meaning of Section 37-45.1-102, C.R.S., and as an "enterprise" within the meaning of Article X, Section 20, of the Colorado Constitution. Specifically, but not by way of limitation, the Enterprise is not authorized to, and shall not, receive ten percent (10%) or more of its annual revenue in grants from all state and local governments combined. (Ord. 10 §3, 2008; Ord. 7 §1, 2010)

Sec. 13-4-40. Issuance of bonds.

The Enterprise is authorized to issue bonds, notes or other obligations payable from the revenues derived or to be derived from the system, in accordance with the Water Activity Law. The Board of Trustees may also authorize the issuance of such bonds, notes or other obligations in accordance with the laws of the State and, in so doing, shall be deemed to be acting as both the Governing Body and the Board of Trustees. (Ord. 10 §4, 2008; Ord. 7 §1, 2010)

Sec. 13-4-50. Enterprise fees and charges.

The Board of Trustees shall adopt by resolution for and on behalf of the Enterprise the following rates, fees and charges:

(1) Minimum and sufficient wastewater rates;

(2) Plant investment fees; and

(3) Other fees and charges as the Board of Trustees deems necessary to cover the cost of inspection, testing fees for engineering design review, operations, maintenance and extensions of the system. (Ord. 10 §5, 2008); Ord. 7 §1, 2010

Sec. 13-4-60. Wastewater Enterprise annual budget.

The Governing Body shall adopt an annual budget for the Enterprise, separate from the Town's General Fund budget. (Ord. 10 §6, 2008; Ord. 7 §1, 2010)

Sec. 13-4-70. Wastewater Revenue Fund established.

(a) In accordance with the provisions of Section 4-2-60 of this Code, there is established an enterprise fund, to be known as the "Wastewater Revenue Fund," in which shall be deposited all revenues from wastewater billing and other revenues related to the system. All funds received from the wastewater rates shall be used only for the operation, maintenance, debt service, replacement of and additions to the system. All amounts on hand in such fund shall be invested by the Governing Body in investments proper for public funds.

(b) The Enterprise may pledge all or any portion of the Wastewater Revenue Fund, including revenues anticipated to be collected, to the payment of principal, interest, premium, if any, and reserves for revenue bonds or any other obligations lawfully issued or otherwise contracted for by the Enterprise for the payment or other financing costs of the system, or for the purpose of refunding any obligations issued or otherwise contracted for such purpose. (Ord. 10 §7, 2008; Ord. 7 §1, 2010)

ARTICLE 5

Trash Service

Sec. 13-5-10. Establishment of service; deposit.

Services for the collection of trash shall be established with the customer when a trash service agreement is completed and a deposit of twenty-five dollars (\$25.00) is collected. An initial payment of twenty-five dollars (\$25.00) for the first month of service will also be collected at such time. (Ord. 1 §2, 1999; Ord. 7 §1, 2010)

Sec. 13-5-20. Monthly charges.

The charge of twenty-five dollars (\$25.00) shall be due in advance on the first day of each month and shall be paid on or before the fifteenth day of each month. (Ord. 1 §2, 1999; Ord. 7 §1, 2010)

Sec. 13-5-30. Delinquent accounts.

(a) Payments not postmarked or received by the fifteenth day of each month will incur a finance charge of one percent (1%) (twelve percent [12%] per annum) on any remaining balance.

(b) An administration fee of three dollars (\$3.00) shall be levied on each account not paid in full by the fifteenth day. (Ord. 1 §2, 1999; Ord. 7 §1, 2010)

Sec. 13-5-40. Notice of delinquency.

(a) Customers with account balances forty-five (45) days (i.e., two [2] billing cycles) overdue will receive a warning notice reminding them that the Town has not received a payment for two (2) billing cycles.

(b) Customers with account balances seventy-five (75) days (i.e., three [3] billing cycles) overdue will received a certified warning letter from the Town. The letter will serve as a reminder of the steps that will be taken if the account is not paid.

(c) Customers with account balances one hundred five (105) days (i.e., four [4] billing cycles) overdue will receive notification of the Town's intent to file a property lien, together with an additional fee of seventy-five dollars (\$75.00) for legal and administrative costs. Notification shall be in the form of a certified letter and telephone call from the Town Clerk. The customer shall have five (5) business days to respond to the Town. If there is no response, the lien will be processed. The lien shall be in effect until the account is paid in full. (Ord. 1 §2, 1999; Ord. 7 §1, 2010)

Sec. 13-5-50. Review by Board of Trustees.

The Board of Trustees may consider any unpaid account having gone through the steps outlined in Section 13-5-40 above for a tax certificate lien. The Board of Trustees shall consider each account at the last meeting in September of each year, prior to the November 1 filing deadline for such lien. A fee of seventy-five dollars (\$75.00), together with all County legal and administrative costs, will be collected. (Ord. 1 §2, 1999; Ord. 7 §1, 2010)

Sec. 13-5-60. Payment contract.

A customer with an account balance over one hundred fifty dollars (\$150.00) may enter into a payment contract with the Town, as long as the account is paid in full within six (6) months from the contract date. The contract shall be signed and stamped by the Town Clerk. If the contract is not fulfilled, the account will be processed under the provisions of Sections 13-5-40 and 13-5-50 above. (Ord. 1 §2, 1999; Ord. 7 §1, 2010)

Sec. 13-5-70. Reservation of right.

The Board of Trustees reserves the right to determine any additional steps necessary to collect on delinquent accounts. This includes, but is not limited to, action through small claims court, as set forth in Section 13-1-190 of this Chapter. (Ord. 1 §2, 1999; Ord. 7 §1, 2010)