

Title 13

PUBLIC UTILITIES

Chapters:

- 13.04 Electric, Water and Sewer Systems
- 13.08 Pretreatment Program, Industrial User, and Sewage System Supplemental Regulations

Chapter 13.04

ELECTRIC, WATER AND SEWER SYSTEMS

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13.04.010 Applicability.

A. All users of City electric, water or sewer services shall be subject to the terms and conditions as set out in this

Chapter and shall be subject to all applicable regulations of the City Code and other ordinances, resolutions and regulations of the City, as they now exist or as they may be amended in the future.

B. The owner, lessee, party in possession and party actually using electric, water or sewer service, of any property served by City electric, water or sewer service, shall be jointly and severally liable for all fees, charges and penalties imposed by this Chapter and for compliance with other requirements of this Chapter, notwithstanding any agreement among themselves. (Ord. 23, §1(part), 1984)

13.04.020 Application for service.

A. Application for City electric, water or sewer service shall be made upon forms provided by the City, which forms shall require information as may be necessary for the proper billing and management of the electric, water or sewer system.

B. The City may grant permission for the use of electric, water or sewer service only upon receipt of the proper application and payment of all applicable fees, charges and deposits.

C. All applications for electric service shall be accompanied by a deposit in the amount of \$75. Provided, however, no deposit shall be required of an applicant who has previously been a City utility customer and has paid all charges billed without receiving a "Shut Off" Notice for the period of his latest 18 months of service within the last two (2) years. The deposit shall be returned at the termination of service, deducting all charges due the City, or after 6 months of continuous service during which the customer has paid each bill in full by each due date specified. (Ord. 23, §1(part), 1984; Ord. 20, §1, 1998)

13.04.030 Conditions of and application for connection.

A. Applications for connection to the City electric, water or sewer system shall be made upon forms provided by the City which forms shall require information as may be necessary for the proper management and operation of the systems. The application shall be accompanied by the system improvement and other fees imposed by this Chapter, a plan of the property to be served, and the evidence of title to, and legal description of, the property to be served.

B. If the property to be served is outside the City limits, the application shall be accompanied by:

1. A title memorandum furnished by a reputable title company, a copy of the applicant's deed or a copy of a title insurance policy showing the title status of the property, the owner of record, and the legal description of the property to be served; and

2. An agreement executed by the applicant and the owner which contains the following conditions and other conditions consistent with this Chapter:

a) All service lines between the City lines or mains and the building served shall be constructed and maintained in compliance with all City codes, standards and specifications.

b) The owner and applicant agree to annex, to execute a petition for annexation of the property served, and to vote for annexation at any annexation election to the City, upon the City's request, at any time that such property is eligible for annexation. They shall irrevocably appoint the City Clerk as their attorney-in-fact with respect to annexation proceedings. This agreement shall be binding upon and shall run with the land for which service is provided. The City may require immediate annexation at the applicant's expense.

c) The owner and applicant agree to comply with all provisions of this Chapter, as amended from time to time.

C. Whenever a City sewer main is installed within 400 feet of the premises upon which a structure requiring plumbing is located, the occupant or owner will, upon request of the City, connect to such sewer line and pay all system improvement and other fees, therefor, in accordance with City ordinances and regulations, as they may be amended from time to time.

D. Applications for connection to the City electric, water or sewer system shall be accompanied by properly executed documents granting the City all easements reasonably necessary for electric, water or sewer lines and facilities.

E. Applications for all connections must be reviewed and approved by the City Manager. If any City main or line extension is required, the connection shall not be approved unless the terms of the extension have been approved by the City. The application shall be denied if capacity is not available for utility related reasons.

F. The City Council may declare a moratorium on new connections at any time due to limitations on system capacity or other circumstances which require such action in their opinion.

G. Separate buildings shall require separate taps to a City water main and a City sewer main, or in the case of service provided through a water or sewer company, district or privately owned main, separate taps to the company, district or privately owned main. Provided, however, a garage, regularly used to house vehicles accessory only to a residence within the City, may have plumbing and plumbing fixtures served off of the residence's taps, if not intended to change the existing use. Separate system improvement and other fees shall be due for each tap onto a City, company, district or privately owned main, regardless of building ownership. Separate dwelling units in a travel home park or mobile home park shall require separate sewer taps to a City owned sewer lateral or main. The purchaser may purchase more than one tap to serve any building or dwelling unit. New summer irrigation water taps shall not be authorized.

H. No application for the connection of any private line, private electric, water or sewer company, or feeder district shall be approved. Provided, however, this shall not preclude approving connection for water service to a mobile home park, travel home park, apartment building or condominium building, through a master water meter. Existing water companies or other private lines served by the City shall submit an application for connection for any additional customers, dwelling units, buildings, or taps to be serviced by such companies accompanied by fees as set out in Section 13.04.040, on the same basis as if the connection was to be directly to a City main.

I. Taps may be used to serve only that property for which the tap was purchased and approved to serve.

J. All existing authorized summer taps shall be used solely for irrigation purposes. Any other use shall terminate the right to use such tap. The City shall turn such taps on and off at the customer's request. (Ord. 23, §1(part), 1984; Ord. 20, §1, 1998; Ord. 29, §1, 1999; Ord. 21, §3, 2002)

13.04.040 Water and sewer system improvement fees and tap fees.

- A. General provisions applicable to water and sewer fees:
1. Fees imposed by this Section shall be due when any customer presently served by water or sewer extends his facilities or changes his use, if the expansion or change in use

necessitates a larger connection or increases the number of units, or when a new connection to the system is required except a connection solely for the purposes of repair of an existing adequately sized connection, in which case only actual costs of City material and labor will be charged. Such charges shall be paid prior to any expansion or connection or issuance of any permit therefor.

2. No connection to the City or existing private system shall be allowed which is smaller than reasonably necessary to serve the proposed use, as provided in City codes and specifications. No customer may make any changes or additions to property served which would substantially increase the amount of water used or sewage produced without obtaining an enlarged tap sufficient to accommodate such use.

3. If an existing connection is not of reasonably adequate size, a credit shall be allowed toward the fees imposed by this Chapter for an amount equivalent to the charge which would be imposed by this Chapter for a connection the same size as the one to be replaced by a new connection and taken out of service. Such credit may be applied only toward charges imposed by this Chapter. Provided, however, in all cases the applicant shall be charged at least for actual costs of material and labor expended by the City.

4. Private water or sewer systems shall be charged the charges imposed by this Chapter both for the connection of the private line to the City system and for each customer, building or dwelling unit served by such line, prior to connecting such customers. Private companies or systems shall also remit unit charges for each additional unit added to a multi-unit facility as specified in Subsections B and C below.

5. System improvement fees imposed upon property located outside the City limits shall be twice the charges specified in accordance with this Section. This shall not apply to water tapping fees.

6. If, at the time service is first initiated following connection, the amount of system improvement fees or water tapping charges has been increased by the City from what the applicant paid previously at the time he obtained the permit for connection or actually made the connection, he shall remit such additional amount at the time of initial service. Provided, however, this Subsection is not applicable to taps approved by the City before January 1, 2009.

B. Water connection fees and charges:

1. The following System Improvement Fees shall be imposed and collected prior to connection to the water system, or as otherwise required, pursuant to this Section:

a) Basic System Improvement Fee (Water):

<u>Size of Tap</u>	<u>BSIF</u>
3/4" or smaller	\$ 3,000
1"	\$ 5,800
1 1/2"	\$12,200
2"	\$21,400
3"	\$48,700
4"	\$86,100

b) System Improvement Fee (Water)--Unit Charges: In addition to the basic System Improvement Fee imposed by paragraph 1(a) above, multiple unit residences and dwelling facilities, including but not limited to duplexes, multiple family residences, apartments, mobile home parks, townhouses and condominiums shall be assessed an additional charge of \$1,500 per unit for each unit after the first unit which is served by City water out of a single tap. Hotels, motels and travel home parks shall be charged \$600 per unit for each unit after the first unit which is served by City water out of a single tap. Such charge shall be payable prior to the time any occupancy permit for such unit is issued and prior to the use of such unit.

c) No water tap larger than 2" shall be approved, except solely for a fire line, unless the City determines that adequate capacity is available to serve the use without adverse effects, or unless the applicant pays for the cost of installing necessary system capacity.

2. In addition to Water System Improvement Fees, a Water Tapping fee shall be paid as follows for City expenses incurred in tapping the main and installing pipe, meter and curb boxes, except when these facilities are provided by the developer, pursuant to the City Subdivision Regulations. Tapping fees shall be paid at the time the tap is purchased except when said tap has been purchased previously or credited through other means.

<u>Size of Tap</u>	<u>Tap Fee</u>
3/4" or less	\$1,400
1"	\$1,500
1 1/2"	\$1,700
2"	\$1,900
3"	\$2,100
4"	\$2,500

C. Sewer System Improvement Fees:

1. The following System Improvement Fees shall be imposed and collected prior to any connection to the sewer system:

a) Residential users, including single family residences, duplexes, townhouses, condominiums, apartments and mobile homes (within or without a mobile home park) shall pay System Improvement Fees in the amount of \$5,450 per dwelling unit. Provided, however, if the owners of a duplex, mobile home park, apartment building, townhouse building, or condominium building agree to maintain the City owned lateral from the outlet of their units to the lateral's point of connection with a City owned main, they may elect to have the System Improvement Fees set out pursuant to Subsection (b) below.

b) All other users not provided for in Subsection 1(a) above shall pay the following Sewer System Improvement Fees:

i) Basic System Improvement Fee (Sewer):

<u>Size of Water Tap</u> (Other than a fire line tap)	<u>BSIF</u>
3/4" or less	\$ 5,450
1"	\$ 9,850
1 1/2"	\$ 21,700
2"	\$ 38,650
3"	\$ 86,700
4"	\$154,000
6"	\$346,700
8"	\$617,400

ii) System Improvement Fee (Sewer)--Unit Charges: In addition to the Basic System Improvement Fee imposed by paragraph 1(b) (i) above, hotels, motels and travel home parks shall be assessed an additional charge of \$1,100 each unit served after the first unit served by a single tap. Those duplexes, apartments, mobile home parks, townhouses and condominiums and other multiunit residences qualified for rates under this paragraph 1(b) shall be assessed an additional charge of \$2,600 for each unit after the first unit served by a single tap. Such charge shall be payable prior to the time any occupancy permit for such unit is issued and prior to the use of such unit.

2. No sewer tap larger than 6 inches shall be approved unless the City determines that adequate capacity is available to serve the proposed use without adverse effects, or unless the applicant pays for the cost of installing necessary

system capacity. (Ord. 23, §1(part), 1984; Ord. 1, §1, 1998; Ord. 20, §1 & §3, 1998; Ord. 16, §1, 2001; Ord. 34, §1, 2002; Ord. 9, §20, 2004; Ord. 21 §1, 2004; Ord. 8, §4, 2006; Ord. §12, 2008)

13.04.050 Installation and maintenance responsibilities.

A. Water system - The City shall make and maintain all connections to the City water system, shall provide and maintain 3/4-inch meters with related pits and yokes, shall install and maintain water service lines from the City main to the customer's curb box, and shall install and maintain the curb box, except as otherwise provided by contract for existing private companies, or pursuant to City Subdivision Regulations. The owner shall purchase from the City all water meters larger than 3/4-inch, along with a yoke and a pit and related materials, including asphalt replacement, if required, at the time the tap is purchased. The City will install the tap, all meters and service line from the main to the meter. The owner shall install and maintain all other water lines and facilities to serve owner's property. The location of all meters must be approved by the City prior to installation. No occupancy permit shall be issued by the City for any building requiring water service until a meter has been installed, inspected and approved in accordance with these provisions. The City will own and maintain all water meters after proper installation. All meters shall be obtained through the City.

B. Sewer system - The customer shall be responsible for the connection, installation and maintenance of all sewer lines and facilities, including the entire length of sewer lateral between the City owned main and the customer's premises and for plumbing facilities serving his property.

C. Electric system

1. The City shall install, own and maintain all electric meters, lines, facilities, and service connections up to the customer's meter box. All costs the City incurs in extending service to the customer's building or facility shall be paid to the City by the customer, except that the City shall bear the first \$300 of costs to extend service to permanent individually owned residential dwelling units. The City's estimated costs of extending service shall be paid by the customer in advance, unless otherwise provided by contract.

2. Subdividers shall, at their cost, establish the permanent "rough grade" prior to installation of underground facilities.

3. The City shall convert overhead facilities to underground facilities where practical at the customer's request and expense.

4. All customers with motors 20 HP or greater shall install compensating starters and obtain a permit therefor prior to operation, unless other adequate protection is demonstrated to the City's satisfaction.

D. If any portion of the water, electric, or sewer lines or other facilities for which the customer is responsible is in need of repair and the customer fails to make such repairs following notice from the City, the City may either terminate water or electrical service or make repairs and bill them to the customer. Such charges shall become a lien upon the property and may be collected as other charges imposed by this Chapter.

E. Separate Non-Residential Irrigation Meters. The City will install, own and maintain all meters and related back-flow prevention devices requested by a customer to utilize the landscape irrigation rate of subsection 13.04.110(G). The customer shall reimburse the City for the cost of such installation and shall be responsible for the installation and ownership of all landscape irrigation facilities downstream of the back-flow prevention devices. (Ord. 23, §1(part), 1984; Ord. 11, §2, 1994; Ord. 1, §2, 1998; Ord. 16, §1, 2001)

13.04.060 Electric, water and sewer use charges--General provisions.

A. Charges for water, sewer and electric service shall be payable, assessed and billed at periodic intervals specified by the City Council.

B. Monthly water, electric and sewer charges shall commence when service is first utilized.

C. Sewer and electric charges may be billed with the water bills or otherwise, as determined by the City Council.

D. All bills shall specify a due date. Bills not paid by the due date shall be subject to a \$5.00 late payment penalty.

E. All charges and fees imposed by this Chapter shall become a lien on the property served as of the date they are billed or due. (Ord. 23, §1(part), 1984; (Ord. 5, §1, 2001)

13.04.070 Remedies for nonpayment. In addition to any other remedies which the City may have, the City may take the

following action upon failure to pay any charges or fees by the date specified as due upon the bill, or when they are otherwise due:

A. The City may foreclose the lien imposed by this Chapter in accordance with law.

B. The City may maintain an action for the amount of charges due in a court of competent jurisdiction including interest as allowed by law.

C. The City may certify the amount of any charge due to the County Treasurer to become an assessment upon such property served to be collected as taxes upon such property are collected.

D. It shall be unlawful to fail to pay the charges imposed by this Chapter.

E. The City may shut off water or electricity to any premises for which the bill is not paid in accordance with the procedures set forth in Section 13.04.140 of this Chapter. (Ord. 23, §1(part), 1984)

13.04.080 Specifications and standards. The materials used and installation of all components of the City electric, water and sewer system, service lines and plumbing systems connected thereto and served thereby shall be in accordance with standards, regulations, and specifications approved by the City, and in accordance with all City building, electrical and plumbing regulations and other applicable regulations. Such City standards, specifications and regulations may include but not be limited to the installation, location, and type of material of water and sewer mains, electric lines, service lines, curb boxes, valves, corporation stops, meters, meter pits, meter yokes, and other fixtures and facilities. All such facilities shall also comply with all applicable State and Federal regulations and The National Electric Safety Code. (Ord. 23, §1(part), 1984)

13.04.090 Electric, water and sewer extensions.

A. No water or sewer main, or electrical lines or facilities of the City may be extended without the approval of the City.

B. The City may, at its own expense, extend its water or sewer mains and electric lines as deemed feasible or necessary. The City may provide for such extensions in accordance with its

Subdivision Regulations or by contract with any person desiring such extensions or by improvement district. Any such contract shall be on terms approved by the City and may provide for the size of the mains or lines to be extended, the apportionment of the costs of the extensions, reimbursement provisions for subsequent taps onto such extension, or such other provisions as the City Council deems in the public interest.

C. All such mains, lines and facilities connected to the City system shall be conveyed and dedicated to the City, and the appurtenance easements shall be conveyed to the City, free and clear of all liens and encumbrances. (Ord. 23, §1(part), 1984)

13.04.100 Right of entry.

A. Whenever necessary to make an inspection or investigation to perform any duty, or to enforce any of the provisions of this Chapter, any authorized City representative may enter upon any building or premises served by City electric, water or sewer at any reasonable time for such purposes. If the building is occupied, he shall present proper credentials and request entry.

If such building is unoccupied, he shall make reasonable efforts to locate the owners or persons in possession of the premises and request entry. If entry is refused, he shall have recourse to all remedies provided by law to secure entry, including issuance of an inspection warrant by the Municipal Court.

B. The right of entry shall apply but not be limited to the following functions: To determine the location and conditions of all hydrants, pipes, fixtures, electrical facilities and meters, to read meters, to make repairs, to perform dye and smoke tests, and to investigate violations of this Chapter. (Ord. 23, §1(part), 1984)

13.04.110 Monthly water rates.

A. Single family homes, parsonages, duplexes, apartments, condominiums, rooming houses, mobile home parks and other multiple unit dwelling facilities providing permanent residences shall be subject to the following monthly rates for each meter serving the customer. Provided, however, use through an authorized summer irrigation tap shall be combined with use through the household meter for purposes of the application of the following rates:

Monthly Minimum

Inside City*	\$24.00	\$2.50/1000 gallons
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Outside City \$29.00 \$3.10/1000 gallons  
 \*Includes outside City with current Annexation Agreement and  
 Power-of-Attorney in effect.

B. Existing authorized summer irrigation taps shall pay a demand charge of \$15.00 per month in addition to the charges provided in Subsection (A) above for each month the tap is in use.

C. Existing customers for which the City has determined that the installation of a meter is physically unfeasible shall pay \$24.00 per commercial unit per month.

D. The rates for water sold at the City dispenser shall be \$4.00 per 1,000 gallons as set by the City Council from time to time.

E. All other customers, including churches and apartments who so elect, shall be charged, unless otherwise provided by an existing contract, at the following monthly rates:

<u>Meter Size</u>	<u>Minimum Monthly Charge</u>	<u>Authorized Monthly Use for Minimum Charge * (Gallons)</u>	<u>Charge for Use Over the Minimum Charge * (Gallons)</u>
3/4" or less	\$ 24.00	4,000	\$2.50 per 1000 gals
1"	40.00	10,000	\$2.30 per 1000 gals
1¼"	55.00	15,000	\$2.30 per 1000 gals
1½"	81.00	25,000	\$2.30 per 1000 gals
2"	127.00	40,000	\$2.30 per 1000 gals
3"	253.00	80,000	\$2.30 per 1000 gals
4"	363.00	100,000	\$2.30 per 1000 gals
6"	664.00	150,000	\$2.30 per 1000 gals

F. Customers with a water account subject to the rates in subsection (E) who have installed a separate 2 inch or smaller meter to supply water exclusively for irrigation of lawn, trees, shrubs and other decorative landscaping plantings shall be charged a landscaping water rate for each such meter, 2 inches in size or less, as follows:

\$15.00 per month demand charge, plus a charge for water used at the rate of \$2.50 per thousand gallons.

G. Water used by the City shall be charged to the appropriate City fund at the rate of \$1.60 per 1,000 gallons used.

H. Water used by construction meter shall be charged water rate of \$2.50 per 1,000 gallons, a base rate of \$15.00 and a set up fee of \$50.00. (Ord. 23, \$1(part), 1984; Ord. 13, \$1, 1988; Ord. 11, \$2, 1990; Ord. 13, 1990; Ord. 12, \$2, 1992; Ord. 11, \$1, 1994; Ord. 27, \$1, 1994; Ord. 37, \$2, 1995; Ord. 37, \$1, 1996; Ord. 1, \$3, 1998; Ord. 20, \$1, 1998; Ord.29, \$1 & 4; 1999; Ord. 34, \$2, 2002; Ord. 8, \$2, 2006; Ord. \$12, 2008)

13.04.120 Monthly electric rates.

A. Monthly charges for residential customers (including single family homes, parsonages, duplexes, apartments, condominiums, apartment houses, rooming houses, mobile homes, and other multiple unit dwelling facilities providing permanent residences) shall be charged on the basis of the following rates for each meter serving the customer. Provided, however, customers with a separate existing domestic hot water meter shall only be charged for one base rate per month.

<u>Monthly Base Rate</u>	<u>Energy Charge</u>
\$11.00	\$.0848/KWH

B. Security lights and yard lights shall be charged at the rate of \$8.00 per light per month. Street lighting, electricity for traffic lights, and other electricity used by the City shall be charged at the rate of \$.078/KWH. KWH for nonmetered street lights shall be determined as follows:

- 100 Watt High Per Sodium Light - 40 KWH per month.
- 250 Watt High Per Sodium Light - 115 KWH per month.
- 400 Watt High Per Sodium Light - 192 KWH per month.

C. All other customers, other than those provided for in Subsections A and B above, shall be charged for electric service at the following monthly rates:

1. Customers with less than 50 KVA of installed transformer capacity:

<u>Monthly Base Rate</u>	<u>Energy Charge</u>
Single phase - \$18.50	\$.0832/KWH
Three phase - \$35.00	\$.0832/KWH

2. Customers with 50 KVA or more of installed transformer capacity shall pay a \$75.00 base charge, a demand charge, and an energy charge. The monthly demand charge shall be equal to \$4.60 x 110% of the customer's test year peak demand. The customer's energy charge shall be \$.07/KWH. Provided, however, those customers whose meter is on the line

side of the transformer shall receive a 2% discount on the energy charge.

3. Wholesale customers shall be charged at the rate of \$.078/KWH. (Ord. 23, §1(part), 1984; Ord. 4, §1, 1990; Ord. 14, 1991; Ord. 37, §2, 1996; Ord. 23, §1, 2002; Ord. 8, §3, 2006; Ord. §12, 2008)

13.04.130 Monthly sewer rates.

A. Charges for sewer service shall be as follows:

<u>Type of User</u>	<u>Minimum Charge Per Month</u>	<u>Charges Based upon Water Usage over 6,000 Gal./Mo.</u>
Permanent residential customers, including single family homes, parsonages, duplexes, apartments, condominiums, mobile home parks, trailer courts, and other individually owned units of multiple dwelling facilities and nonmetered commercial units.	\$23.50/Unit	n/a
All other users	\$23.50	\$1.55/1,000 Gallons

B. A monthly surcharge for any users other than the residential class discharging waste water with biological oxygen demand or concentrations of suspended solids other than those of the average residential user\* shall be computed in accordance with the following formula and added to the charge provided for in Subsection A:

$$\text{Surcharge} = (\text{Volume}) \times (\text{BOD} - 1.669) \times (\$.44) + (\text{Volume}) \times (\text{SS} - \text{BOD} - 2.087) \times (\text{K})$$

K = 0 if SS is less than or equal to (BOD + 2.087)  
 K = \$.44 if SS is greater than (BOD + 2.087)

\*Average residential user SS = 2.087 pounds/1,000 gal.  
 = 250 mg./liter

\*Average residential user BOD = 1.669 pounds/1,000 gal.  
 = 200 mg./liter

C. 1. If any user is discharging toxic or other pollutants in concentrations higher than that of a residential user which causes increased treatment or system costs, an additional surcharge may be imposed based upon the excess concentrations.

2. Industrial users who exceed limits in their Discharge Authorization Order may be subject to additional surcharges.

3. Any restaurant which does not have a grease trap and any service station or car wash without a sandtrap shall be subject to an additional surcharge equal to 50% of the BOD surcharge computed pursuant to Subsection B above.

D. Minimum charges for minimum periods of less than one month shall be prorated.

E. Each user shall be notified at least annually in conjunction with a regular bill of the rate and that portion of the use charges which are attributable to wastewater treatment services.

F. Each customer's BOD and SS will be assigned pursuant to City regulations by the City Manager based upon available data from the Colorado Department of Health Individual Sewage Disposal System Guidelines or the best available engineering data, except when data based upon actual composite sampling, done in accordance with minimum State Health Department sampling procedure guidelines, is available, in which event such data shall be utilized.

G. Customers served by water utilities other than the City shall provide their actual water consumption data to the City. Failure to provide such data shall be reason to terminate City sewer service.

H. Water delivered through an authorized landscape irrigation meter shall not be utilized in determining charges due under this section. (Ord. 2, §1(part), 1985; Ord. 4, §1, 1985; Ord. 11, §3, 1990; Ord. 12, §3, 1992; Ord. 43, §1, 1993; Ord. 11, §3, 1994; Ord. 4, §1, 1995; Ord. 37, §3, 1995; Ord. 37, §4, 1995; Ord. 1, §4, 1998; Ord. 29, §2, 1999; Ord. §12, 2008)

13.04.140 Shut off and resumption of electric, water, and sewer service.

A. In case any person fails or refuses to pay any charges or penalties for City water, electric or sewer service or shall

fail to comply with the provisions of this Chapter or other regulations applicable to the City electric, water or sewer service, the City may shut off the electricity or water to the premises.

B. Prior to shutting off the electricity or water, the City shall send a notice to the address of the customer concerned, as shown on City records, stating the reason for the shut off, and the date upon which service may be shut off unless the charges are paid or other specified violation is corrected. Such date shall be at least ten (10) days after the deposit of the letter giving notice of the shut off in the mail.

C. The customer shall be entitled to a hearing with a City representative for the purpose of resolving any dispute concerning the amount due or the violation specified. The notice of shut off shall so advise the customer.

D. If the customer requests a hearing, an informal hearing shall be scheduled as soon as possible by the City.

E. If the City representative, following the hearing, determines the matter adverse to the customer, service may be shut off immediately or on the date specified in the notice of shut off, whichever is later.

F. The customer may appeal any such decision to the City Council where he will be allowed a hearing, providing he makes a deposit with the City in the amount of any charges due.

G. If the City shuts off electric or water service pursuant to this Chapter, service will not be restored until all overdue charges, penalties, other applicable charges which have been billed, and a turn-off penalty charge of \$27.00 (\$54.00 if made at any time other than regular working hours) for each service shut off and a deposit in an amount equal to the greater of \$75.00 or the customer's highest previous City utility bill, have been paid to the City.

H. Customers whose premises will be vacant may request water, sewer and electric service to be shut off. Monthly charges shall not be due during months in which service is shut off during the entire month. (Ord. 23, §1(part), 1984)

13.04.150 Restriction of water use.

A. The City Council may by resolution limit the use of City water to specific times, days and uses.

B. It shall be unlawful for any person to sell or give water away to be used on premises other than those for which service is authorized.

C. It shall be unlawful to open or close any fire hydrant, stop or curb valve, or to turn on or turn off the water service to any property without lawful authority to do so.

D. It shall be unlawful to cause or allow any pollutant to be introduced in the City water system or to cross connect it with any irrigation water system. (Ord. 23, §1(part), 1984)

13.04.160 Use of fire hydrants.

A. When it is necessary to use water temporarily at a place where the water supply is inadequate, application may be made to the City for a permit to use water from a fire hydrant. It shall be unlawful to use water from, or connect any apparatus to, a fire hydrant without first obtaining a permit.

B. Each permit shall specify the terms and conditions of use and the fire hydrant or hydrants authorized to be used. No person shall attach to the operating stem or cap of a fire hydrant any wrench or tool that is not approved by the City for use on fire hydrants. In addition to any other remedy available to the City, any wrench, connection apparatus, valve, hose, or other item attached to a fire hydrant in violation of this Chapter shall be subject to removal and confiscation by the City. (Ord. 12, §1(part), 1984)

13.04.170 Tampering with and unauthorized use of utilities and service. It shall be unlawful to tamper with, damage or destroy any City water, sewer or electric lines, mains, meters or facilities, or to utilize any City utility service without lawful authority, or to operate any City utility facilities without lawful authority. (Ord. 23, §1(part), 1984)

13.04.180 Groundwater. All groundwater from the Dawson, Denver, Arapahoe, Laramie-Fox Hills, and Dakota aquifers, and other nontributary groundwater underlying land included within the corporate limits of the City of Delta as of January 1, 1985, is hereby incorporated in the actual municipal service plan of the City, pursuant to and in accordance with the provisions and exceptions of C.R.S. 37-90-137. (Ord. 11, 1985)

13.04.190 Special provisions for Garnet Mesa Sewer Project

A. The provisions of this Section shall supersede any conflicting provisions in this Chapter with respect to

connections to the sewer mains constructed as part of the 1995/1996 Garnet Mesa Sewer Extension Project (Project).

B. "5th & B" and "Quakie" segments.

1. Taps purchased utilizing the "5th and B" and "Quakie" segments prior to construction of them shall be charged the inside City rate for System Improvement Fees (SIF). If the Project does not receive the full package of grants and loans, each such tap shall be billed for an additional amount to bring the total up to the outside City rate for System Improvement Fees, unless the owner of the tap has not connected to the system and decides to surrender the tap, in which event the owner shall receive a refund of amounts paid except for \$500 which the City shall retain.

2. Taps purchased subsequent to construction shall be subject to standard outside City rates for SIF's.

C. "Pioneer Road" segment.

1. Taps purchased prior to construction for the Pioneer Road segment may be purchased at the inside City rate for System Improvement Fees.

2. If the full package of state and federal loan and grant funds is not obtained for the Project, persons purchasing a tap pursuant to paragraph 1 above shall have the option of voiding the tap and receiving a refund of everything but \$500, or paying an additional surcharge equal to the applicable outside City System Improvement Fees to retain the tap. Taps which are voided pursuant to this paragraph shall result in the property in question being required to pay standard City System Improvement Fees as applicable in the future, plus an additional 50% surcharge for taps repurchased thereafter.

3. Property for which no tap is purchased pursuant to paragraph 1 which utilizes the Pioneer Road segment shall be subject to standard System Improvement Fees and other charges at any time in the future for connection if the Project is constructed with the full package of state and federal grant and loan financing, plus a 50% surcharge if the Project does not receive the full package of state and federal loan and grant financing.

D. General project provisions.

1. Taps purchased for Project mains prior to July 15, 1995, not covered by (B) or (C) above may be purchased at the inside City rate for System Improvement Fees. Taps purchased thereafter, but before construction of the main is completed at the tap's connection point, may be purchased for 1.5 times the inside City rate for System Improvement Fees.

2. Taps purchased thereafter shall be at standard outside City rates for SIF's.

E. Taps purchased which will utilize mains constructed by the Project, including segments referenced in (B), (C) and (D) above, which are not activated and subject to standard monthly charges shall be subject to a monthly base charge equal to one half of the applicable standard monthly minimum charge commencing after completion of construction. If such property has an existing septic system, it will not be required to connect to the sewer system until an individual sewage disposal system installation or repair permit is necessary to replace or repair the septic system.

F. For taps purchased pursuant to paragraphs (B) (1), (C) (1) and (D) (1) above, the City will make the tap and extend the service line to the edge of the street where applicable. (Ord. 23 §1, 1995; Ord. §12, 2008)

13.04.200 Construction surcharge.

A. Connections to the water system constructed pursuant to the Alsdorf Water Main Extension Project shall be subject to a surcharge of \$1,250 prorated for each 3/4" connection or equivalent, until further action by City Council.

B. Connections to the water system constructed pursuant to the 2005 5<sup>th</sup> Street Water Main Extension Project shall be subject to a surcharge of \$550 prorated for each ¾" connection or equivalent, until further action by City Council. Such surcharge shall be payable on the sooner of payment of a tapping fee for any tap, payment of the system investment charge for any tap, or sale of any lot in a subdivision planned to be served by such main, including Fox Hollow Subdivision Filing No. 1. (Ord. 20, §2, 1998; Ord. 20, §1, 2004)

13.04.210 Outside City services. The City may require as a condition of continuing to provide service outside the City from its water, sewer, or electric system, a contemporaneous agreement executed by the owner of the property served, agreeing to annex and appointing the Delta City Clerk irrevocably as the owner's attorney-in-fact for the purposes of executing petitions to annex. (Ord. 20, §2, 1998)

13.04.220 Additional water company requirements. Each water company served by the City shall furnish monthly to the City of Delta a list of its current customers by name and address. They'll notify the City immediately upon any changes

in the customers served or new taps. No new taps shall be authorized by any company until approved by the City with payment of applicable fees and charges. (Ord. 20, §2, 1998)

13.04.230 Special provisions for the North Delta Sewer Project.

A. The provisions of this Section shall supersede any conflicting provisions in this Chapter, with respect to connections to the sewer mains constructed as part of the 2000 North Delta Sewer Extension Project (Project). The System Improvement Fees for taps purchased on the Project by June 23, 2000, shall be at the inside City rate and may be paid in installments due on or before June 23, 2000 and December 20, 2000. Taps purchased after June 23, 2000, but before construction of the main is completed at the tap's connection point, may be purchased for 1.5 times the inside City rate for System Improvement Fees. Outside city taps purchased thereafter shall be subject to standard outside City rates for System Improvement Fees as in effect from time to time.

B. Taps purchased which will utilize mains constructed by the Project which are not activated shall be subject to a monthly base charge equal to one half of the applicable standard monthly minimum charge. If such property has an existing septic system which is operating properly, it will not be required to connect to the sewer system until an individual sewage disposal system installation or repair permit is necessary to repair or replace the septic system.

C. Taps purchased to be served by the Project's mains which are purchased before construction of the main is completed at the tap's connection point will be provided the physical tap and extension of the service line to the edge of the street, where applicable, and any necessary pump to serve an existing structure, if service is initiated within one year of completion of the project, at the cost of the Project. All such pumps and appurtenances will be installed, owned and maintained at the cost of the customer thereafter.

D. The City will deny future taps to property owners for significant new facility construction to be located in designated flood hazard areas unless there were no practical alternative. A "designated flood hazard area" would be a floodway or floodplain, so determined by FEMA or another responsible agency of Federal, State or local government involving a 500-year frequency flood hazard in the case of a Critical Action or involving a 100-year frequency flood hazard

in all other instances. A "Critical Action" constitutes any action which would create or extend the useful life of the following facilities: 1) facilities which produce, use or store highly volatile, flammable, explosive, toxic, or water reactive materials; 2) schools, hospitals, and nursing homes which are likely to contain occupants who may not be sufficiently mobile to avoid the loss of life or injury during flood and storm events; 3) emergency operation centers or data storage centers which contain records or services that may become lost or inoperative during flood and storm events; and 4) multi-family housing facilities designed primarily (over 50 percent) for individuals with disabilities. This special mitigation measure will only pertain to newly issued taps within the impact area of the project to be financed by the RUS, and will not involve any other areas within the City of Delta's overall service area. This "impact area of the project" has been determined to be that portion of the North Delta area served by RUS-funded sewer mains, lying generally north of the Gunnison River, east of 1400 Lane extended, west of 1675 Road, and south of the North Delta Canal. (Ord. 23, §1, 2000)