

ORDINANCE No. 6

Series 1964

An Ordinance Adopting Rules and Regulations Concerning the Operation of the Water System of the Town of Breckenridge, Colorado, and Obtaining of Water Therefrom, and Fixing Fees for Connections to said Water System and Rates for Obtaining Water Therefrom and for Fire Protection Service and Providing Penalties for the Violation Thereof.

BE IT ORDAINED BY THE BOARD OF TRUSTEES  
OF THE TOWN OF BRECKENRIDGE, COLORADO:

Section 1: Titles. Titles of Sections, when and wherever the same may appear throughout this Ordinance, are used for convenience only and shall have no relevancy and/or effect upon the terms, provisions, and conditions hereof or of the construction or interpretation of same.

Section 2: Definitions. Whenever in this Ordinance the words herein after defined or construed in this Section are used, they shall, unless the context requires other uses, be deemed to have the following meanings:

- a. Person: "Person" shall include any individuals, partnerships, associations, organizations, or corporations.
- b. "Water using Unit": Any space or any structure or building, movable, fixed, or otherwise, or any part or parcel of the same for which a separate water

rate is applicable, as hereinafter set forth in Section 13 of this Ordinance, or, in the alternative, for any space or any structure or building, movable, fixed, or otherwise, or any part or parcel thereof which is not specifically described in said Section 13, a water using unit shall be any space or any structure or building, movable, fixed, or otherwise, or any part or parcel thereof having or being equipped with a device, fixture, or method for using water.

- c. "Water using property": Any real estate within the Town of Breckenridge on which a water using unit is located or intended or desired to be located.
- d. "Owner": Any person owning water using property.
- e. "Chairman": As used in this Ordinance, refers to the member of the Board of Trustees of the Town of Breckenridge duly selected and appointed by said Board as the chairman of said Board's Water Committee.
- f. "Water system": The water system owned and/or operated by the Town of Breckenridge.

Section 3: Other Water Systems. No person shall operate, own, manage, control or possess a commercial water system obtaining its water supply from any source for the purpose or with the effect of distributing water therefrom to any water using property or water using unit without first obtaining a franchise therefor from the Town of Breckenridge

in the manner provided by, through, and under the laws of the State of Colorado.

Section 4: Obtaining Water. No person shall obtain water from the water system of the Town of Breckenridge, nor shall any water be furnished therefrom to any water using unit or water using property except by, through, under and in accordance with this Ordinance.

Section 5: Application Procedure and Requirements. (1) Owners desiring water from the water system shall make application therefor in writing to the Chairman, at the office of the Town Clerk, setting forth the name and post office address of the owner, the legal description of the water using property for which water is desired, the nature, number, extent, and type of water using units thereon, the purpose or purposes for which the water will be used, and such other fact or facts reasonably necessary to determine the purpose, extent, nature and location of water use, the water using property, and the water using unit or units. If the water using unit or units involved have not been constructed, or will have been constructed for less than one year previous to the date of said application, then a complete and final copy of the construction plans shall accompany such application.

(2) Applications shall be made only in the name of, and for, owners only.

(3) No applications for water from the water system shall be accepted between November 1st of one year and May 1st of the year following, except as may be provided by special agreement with the Board of Trustees.

(4) A fee of Twenty-Five Dollars (\$25.00) shall accompany each application, and in addition, if a new tap and service connection to the water system is applicable or is required, a fee of Two Hundred Dollars (\$200.00) shall accompany said application, each or any such fee to be in cash, certified check, or money order.

(5) Upon receipt of said application, together with the required accompanying data, material and fees, the Chairman shall, upon finding the same in order and in accord with this Ordinance, grant the application for water and cause the tap and service connection to be made with the water system, including where applicable, at no additional cost, the supplying of the necessary corporation cock, the stop-and-waste cock, and the work and labor of installing and recording same.

(6) A tap and service connection will be considered and deemed a new tap except where all of the following conditions exist and obtain:

- a. A tap and service connection from the water system to the water using property and/or water using units is in existence which is adequate by acceptable standards, serviceable, and in good repair, AND
- b. The supplying of water from the water system to the water using property and/or water using units from said tap and service connection has not been abandoned or discontinued by action or request of the owner or last previous owner

of said water using units and/or water using property, AND

- c. No delinquency exists in any charges or fees for fire protection provided for in this Ordinance concerning the water using property and/or water using units.

(7) All taps and connections to the water system shall be three-fourths inch (3/4 inch) in size, unless permission has been granted by the Board of Trustees for a different size tap and connection, in which case the fee for such tap shall be determined by the Board of Trustees.

Section 6: Service Connections. (1) Installation of all service lines and other facilities extending from the stop-and-waste cock on the main or trunk line of the water system to the water using unit or units, including without limitation, all excavation and backfilling, and the continued maintenance thereof, shall be done, made, and performed by owner at owner's sole expense.

(2) No excavation shall be made in, on, or about any street, highway, or public way unless and until owner shall have first made and deposited a cash bond in the amount of Fifty Dollars (\$50.00) in the case of an unpaved street, highway, or public way, or in the amount of One Hundred Dollars (\$100.00), or the amount required by the State of Colorado in such cases, whichever amount is more, in the case of a paved street, highway, or public way, said bond conditioned to require such owner to restore said street, highway, or public way to at least its condition

existing as before such excavation. If said street, highway, or public way is not so restored, then the amount of the bond shall be retained by the Board of Trustees; otherwise, to be returned to owner.

(3) Owner shall properly barricade all excavations, identifying the same with red flags, flares, and/or reflectors, and take any and all other steps under the circumstances which are reasonably necessary to safeguard the public.

(4) By undertaking, making, doing, performing, permitting, or causing others to undertake, make, do, or perform such installation and/or excavation, owner shall be deemed to have agreed with the Town of Breckenridge to hold said Town, its agents and employees, harmless of and from all liability, claims, suits, demands, or obligations of whatsoever kind or nature connected with, or arising out of, said installation and/or excavation.

Section 7: Separate Connections Required. (1) No tap and service connection shall be connected to or serve more than one water using unit, except where such water using unit is contiguous with another water using unit, or water using units, and is reasonably operated with such other water using unit, or water using units, as an integrated unit and operation and where such water using unit, or water using units, must of necessity have a common owner.

(2) Any water using unit, or water using units, operated as an integrated unit and operation under this Section which subsequently passes into the ownership of different owners, shall each be required to have a separate tap and service connection.

(3) No water pipes shall be permitted to connect between one water using unit and another water using unit except pursuant to, and in accordance with, this Section of this Ordinance.

(4) No water pipes or water installations of any type whatsoever shall be laid, conducted, or permitted to cross property not owned by the owner on whose property the tap and service connections from the water system originate, nor shall any such pipes or water installations be conducted, laid, or permitted to cross other property owned by the owner on whose property the tap and water connection from the Town originates, unless such property is contiguous and adjacent thereto.

Section 8: Supplying Water to Others. No person or owner obtaining water from the water system for any water using unit shall supply water to any other water using unit unless and until the applicable water rate for such other water using unit so supplied is paid in addition to the water rate, or rates, applicable to the water using unit of the person or owner supplying such water to such other water using unit. The water supply to either, or both, or any of such water using units, may be shut off upon any violation of this Section, and remain so shut off unless and until any and all applicable rates are paid.

Section 9: Service Connections Outside Town. No water taps shall be made outside the corporate limits of the Town of Breckenridge, nor shall any water be furnished from the water system to any person or property outside said corporate limits, except by special agreement with the Board of Trustees, under such charges and under such

conditions and limitations as the said Board of Trustees may deem proper in the circumstances; or in the alternative, as the said Board of Trustees may impose by ordinance.

✓Section 10: Main or Trunk Line Extensions. (1) The supplying of water and water service to an area within the corporate limits of the Town of Breckenridge where no water main or trunk line is available, such as a new subdivision, resubdivision, or territory which has been annexed to the Town, shall be accomplished, made, done and performed by one of the following methods at the option of the Board of Trustees:

- a. The person requesting such water and water service shall advance to the Town all such main and/or trunk line extension costs.
- b. The Town may enter into a written agreement whereby the person requesting such water and water service shall install, at his own expense, the necessary main or trunk line extensions under a contract let to the lowest acceptable bidder approved by the Board of Trustees.
- c. The person requesting such water and water service shall construct the necessary main or trunk line extensions with his own work force at and for a cost agreed to in writing by the Board of Trustees.

(2) Any of the above methods shall be made, accomplished and performed in accordance with reasonable plans, specifications, drawings, engineering, and other reasonable requirements established, designated, and approved by the Board of Trustees.



(3) In addition to any and all other fees and costs, the person requesting such water and water service shall pay to the Town, at the office of the Town Clerk, the sum of three percent (3%) of the total construction costs of said main or trunk line extensions, or One Hundred Dollars (\$100.00), whichever is more, to defray the costs of review and inspection by the Town.

*JMS*

(4) The person requesting such water and water service shall recover the costs advanced or expended for construction of such main or trunk line extensions by receiving credits from the Town for tapping ~~charges~~ *PER RE ME* charges on the same until such credits equal said construction costs or for a period of ten (10) years, whichever event first occurs. Interest will not be paid on any part of a deposit or cost, and no payments will be made on any unrecovered costs or unused credits after ten (10) years from the date of written acceptance of said extensions by the Board of Trustees.

(5) All of said mains and trunk line extensions shall be and become the property of the Town.

(6) All main and trunk line extensions shall be placed not less than eight (8) feet below the undisturbed surface of the ground and only in a dedicated right-of-way or utility easement. The size, type, and location of all pipes and all related items shall be subject to the approval of the Board of Trustees. Standards of laying, connecting, tapping and backfilling shall be set forth and stated on the plans and specifications and shall be subject to the approval of the Board of Trustees before any contracts or agreements for construction are entered into by either the Town or the person requesting said

water and water service. No main and/or trunk line extensions, water pipes, or lines shall be laid in the same trench with gas mains, sewer lines, or other foreign conduits. The Board of Trustees may promulgate and establish other reasonable rules, standards and regulations concerning the construction and installation of said main and trunk line extensions and related matters.

Section 11. Fire Protection Charge. A monthly charge is hereby levied and assessed on all property within the corporate limits of the Town of Breckenridge not contiguous and adjacent to other property having the same owner, if such owner is not paying a water tax for a water using unit located thereon, as provided in Section 13, which has a building thereon (whether inhabitable or not), house trailer, camper trailer, or any inhabitable facility, in the amount of Two Dollars and Fifty Cents (\$2.50) for fire protection service.

Section 12. On and Off Charge. Every owner shall pay to the Town the sum of Two Dollars and Fifty Cents (\$2.50) for every time the water is either turned on or off for each water using unit, except in the case where a new tap is being installed, in which case there shall be no charge for turning the water on.

Section 13: Water Tax Rates. (1) Taxes are hereby levied and assessed for water and water service at the following flat rates per month, which taxes and which rates are hereby found, determined, and declared by the Board of Trustees of the Town of Breckenridge to be equitable and just:

*Handwritten notes:*  
JCE  
S.R.G.  
June 9

a. Residential Use

Private dwellings with not more than one bath . . . . .	Per each . . . . .	\$5.00
Private dwellings with more than one bath . . . . .	Per each . . . . .	7.50
Motel units with one bath . . . . .	Per rentable unit. . . . .	3.00
Hotel units with one bath . . . . .	Per rentable unit. . . . .	3.00
Hotel and motel units without bath . . . . .	Per rentable unit. . . . .	2.50
Rooming houses and dormitories . . . . .	Per rentable bed . . . . .	0.75
Trailer courts or trailer parks . . . . .	Per <del>rentable</del> <sup>rentable</sup> space . . . . .	5.00
Duplex dwelling, multiple dwelling, and apartment with not more than one bath per unit . . . . .	Per unit . . . . .	5.00
Duplex dwelling, multiple dwelling, and apartment with more than one bath per unit . . . . .	Per unit . . . . .	7.50

b. Public Buildings

Court house, schools, or similar public buildings . . . . .	Per each . . . . .	12.00
Lodge rooms or halls, churches, and similar nonprofit organization buildings . . . . .	Per each . . . . .	5.00

(Where living quarters are provided  
and used therein, the residential  
rate shall also be charged.)

c. Business Use

Medical offices, clinics,  
barber shops, beauty  
salons, filling stations,  
automotive repair garages . . . . . Per each . . . . . \$10.00

Soda fountains, soft  
drink parlors, cafes,  
restaurants, taverns, or  
similar buildings:

1 thru 20 seated units . . . . .	12.00
21 thru 40 seated units . . . . .	22.00
41 thru 60 seated units . . . . .	32.00
61 thru 80 seated units . . . . .	41.00
81 thru 100 seated units . . . . .	50.00
101 or more seated units . . . . .	60.00

Drug stores, grocery  
stores, meat markets,  
or similar buildings . . . . . Per each . . . . . 7.50

Offices with one bath . . . . . Per rentable unit 3.00

(Where living quarters are provided  
and used in any such building, the  
residential rate shall also be  
charged.)

d. Laundromat

Charge for the first washing machine . . . . . 12.50

Charge for each washing machine in  
excess of one . . . . . 1.50

e. Special Uses

Tank load water drawn from any town  
water outlet must have approval of  
the Chairman, and shall be paid for  
at the rate of \$0.50 for each 1,000  
gallons.

For any special or unusual uses, such  
as swimming pools, special rates and  
requirements shall be set by the Board  
of Trustees.

f. Minimum Rates

Any water using unit shall pay a  
minimum monthly rate of . . . . . 5.00

(2) The above taxes shall be due monthly in advance on the first day of each month and paid on or before the tenth day of such month, and if not so paid, the supply of water may be shut off by the Town without further notice. Any supply of water which is shut off for nonpayment of charges shall not be turned on until all delinquent water taxes, rates and charges, including without limitation, the on and off charges set forth in Section 12 hereof and the fire protection charges set forth in Section 11 hereof have been paid.

Section 14: Unpaid Water Bills -- a Lien. All unpaid water taxes and charges shall be a lien upon the water using property and/or the water using unit to or for which water was supplied and/or fire protection services were provided from the time when said taxes and charges become due and shall be a perpetual charge and lien against said water using property and/or water using unit until paid, and said taxes and charges shall be collected and such lien enforced by law.

Section 15: Other Water Sources. No person or owner shall in any way at any time connect or introduce water from whatever source derived in, to, or with the water system.

Section 16: Ordinance Exclusive. It shall be unlawful for any person to obtain water from the water system and/or water service from the town of Breckenridge except in accordance with this Ordinance and upon payment of the proper and applicable fees, charges and taxes herein levied, assessed, set forth and imposed.

Section 17: Other Taxes. The payment of the fees, charges, and taxes imposed by this Ordinance shall not relieve the person paying the same from the payment of any other taxes hereafter imposed by Ordinance, it being the intent of this Ordinance that said fees, charges and taxes prescribed by the various sections or subsections of this Ordinance shall be cumulative except where otherwise specifically provided.

Section 18: Civil Actions. The Town of Breckenridge shall have the right to recover all sums due by the terms of this Ordinance 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 Ordinance.

Section 19: Violations. Failure to comply with the terms of this Ordinance by failure to pay the necessary fees, charges and taxes and to otherwise comply with the terms of this Ordinance shall constitute an offense and a violation thereof. Every person violating this Ordinance shall be punished, upon conviction, by a fine of not less than Twenty-Five Dollars (\$25.00) nor more than Three Hundred Dollars (\$300.00), or by imprisonment for not more than ten (10) days, or both such fine and imprisonment for each offense. Delinquency for each calendar month shall constitute a separate offense.

Section 20: Repeal. Ordinance No. 6 of the Town of Breckenridge, passed and adopted on the 10th day of May, 1961, entitled, "An Ordinance Adopting Rules and Regulations Concerning the Operation of

the Water System of the Town of Breckenridge, Colorado, and the Obtaining of Water Therefrom, and Fixing Fees for Connections to the Said Water System and Rates for Obtaining Water Therefrom.", is hereby repealed in its entirety. All other Ordinances and parts of Ordinances in conflict herewith are also hereby repealed.

Section 21: Severability. If any provisions of this Ordinance or the application thereof to any person, situation, or circumstance be held invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications, and the provisions of this Ordinance are declared to be severable, the Board of Trustees expressly declaring that it would have passed this Ordinance and every section, subsection, sentence, clause, phrase and word thereof irrespective of the fact that any one or more of the other sections, subsections, sentences, clauses, phrases or words thereof may be declared invalid.

Section 22: Emergency Clause. It is declared that an emergency exists and that this Ordinance is necessary to the immediate preservation of the public peace, health, safety and general welfare, and shall be in force and effect five (5) days after publication.

INTRODUCED, READ, APPROVED AND ADOPTED THIS

17<sup>th</sup> DAY OF December, 1964.

Attest:

Elva Jane Enyeart  
Elva Jane Enyeart  
Town Clerk

Theodore J. Fletcher  
Theodore J. Fletcher  
Mayor

Published in the Summit County Journal the  
25<sup>th</sup> day of December, 1964.