

ORDINANCE NO. 9

Series 2001

AN ORDINANCE REPEALING AND READOPTING WITH AMENDMENTS TITLE 12 OF THE  
BRECKENRIDGE MUNICIPAL CODE CONCERNING THE TOWN OF BRECKENRIDGE MUNICIPAL  
WATER SYSTEM

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BRECKENRIDGE, COLORADO:

Section 1. Findings. The Town Council of the Town of Breckenridge hereby finds and determines as follows:

A. The Town of Breckenridge is a home rule municipal corporation organized and existing pursuant to Article XX of the Colorado Constitution.

B. On April 1, 1980 the people of the Town of Breckenridge adopted the Breckenridge Town Charter.

C. Section 13.1 of the Breckenridge Town Charter provides in pertinent part as follows:

The town shall have and exercise with regard to all utilities . . . all municipal powers, including, without limitation, all powers now existing and which may be hereafter provided by the Constitution and the statutes.

D. Section 13.1 of the Breckenridge Town Charter further provides that "the right of the town to construct . . . any public utility, work or way, is expressly reserved."

E. §31-35-402(1)(b), C.R.S., authorizes a municipality to operate and maintain water facilities for its own use and for the use of public and private consumers and users within and without the territorial boundaries of the municipality.

F. Pursuant to the authority granted by the Breckenridge Town Charter and §31-35-402(1)(b), C.R.S., the Town owns and operates a municipal water system.

G. Section 13.3 of the Breckenridge Town Charter provides that "(t)he council shall by ordinance establish rates for services provided by municipality-owned utilities."

H. §31-35-402(1)(f), C.R.S., authorizes a municipality with respect to a municipal water system:

To prescribe, revise, and collect in advance or otherwise, from any consumer or any owner or occupant of any real property connected therewith or receiving service therefrom, rates, fees, tolls, and charges or any combination thereof for the services furnished by, or the direct or indirect connection with, or the use of, or any commodity from such water facilities . . . including, without limiting the generality of the foregoing, minimum charges, charges for the availability of service, tap fees, disconnection fees, and reasonable penalties for any delinquencies, including but not necessarily limited to interest on delinquencies from any date due at a rate not exceeding one percent per month or fraction thereof, reasonable attorneys' fees and other costs of collection . . . .

I. §31-35-402(1)(f), C.R.S., further provides that the governing body of a municipality is empowered to establish the rates, fees, tolls, and charges in connection with the operation of its municipal water system "without any modification, supervision, or regulation of any such rates, fees, tolls, or charges by any board, agency, bureau, commission or official other than the governing body collecting them."

J. The rates, fees, tolls and charges imposed in connection with the operation of a municipal water system should raise revenue required to construct, operate, repair and replace the water works, meet bonded indebtedness requirements, pay the overhead and other costs of providing service. Such rates, fees, tolls and charges may also recover an acceptable rate of return on investment. The rates, fees, tolls and charges imposed by this Ordinance accomplish the Town's goals and objectives of raising revenue required to construct, operate, repair and replace the Town's water works and to service the bonded indebtedness of the Town's enterprise water fund. Because the Town's enterprise water fund is overfunded at the time of the adoption of this Ordinance, the rates, fees, tolls and charges set forth in this Ordinance have not been fixed for the purpose of recovering any specific rate of return on investment.

K. The action of the Town Council in setting the rates, fees, tolls, and charges to be charged and collected by the Town in connection with the operation of its municipal water system is a legislative matter.

L. In connection with the adoption of this Ordinance, the Town has reviewed, considered and relied upon the water rate determination study prepared by Rick Giardina & Associates, Inc., and all matters and materials related thereto or submitted to the Town in connection therewith.

M. The water rate classifications contained in this Ordinance, and the methodology used to derive such rate classifications, are reasonable and are rationally related to those legitimate governmental utility purposes set forth in Paragraph J of this Section 1. The different water rate classifications contained in

this Ordinance are: (i) based on factors that establish a rational basis for the distinctions made; (ii) neither impinge on fundamental rights or affect suspect classes; and (iii) are not believed by the Town Council to be unlawfully discriminatory in any manner.

Section 2. Title 12 Repealed and Readopted. Title 12 of the Breckenridge Town Code is hereby repealed and readopted with amendments to as to read in its entirety as follows:

TITLE 12

MUNICIPAL WATER SYSTEM

CHAPTER 1

GENERAL

SECTION:

- 12-1-1: Short Title
- 12-1-2: Enterprise Water Fund
- 12-1-3: Applicability--General
- 12-1-4: Applicability to Government-Owned Lands
- 12-1-5: Additional Rules and Regulations
- 12-1-6: Definitions--General
- 12-1-7: Definitions--Supplemental
- 12-1-8: Occupancy Prohibited and Connection To Water System Required
- 12-1-9: Unauthorized Use of Water System
- 12-1-10: Unlawful Connection To Other Water Source
- 12-1-11: Operation of Fire Hydrant and Water Valves
- 12-1-12: Property Owner Responsible For Charges
- 12-1-13: Right of Entry
- 12-1-14: Emergency Situation; Town Manager Authority
- 12-1-15: Non-liability of Town

12-1-1: SHORT TITLE: This Title shall be known and may be cited as the "Town of Breckenridge Water Ordinance."

12-1-2: ENTERPRISE WATER FUND: In accordance with Section 1-9-2 of this Code, The Town of Breckenridge Water System Enterprise Fund shall at all times be treated as a enterprise within the meaning of Article X, Section 20 of the Colorado Constitution.

12-1-3: APPLICABILITY--GENERAL: Except as otherwise expressly provided in this Title, the provisions of this Title shall apply to water service supplied to all customers of the Town of Breckenridge water system, both within and outside the corporate limits of the Town.

12-1-4: APPLICABILITY TO GOVERNMENT-OWNED LANDS: The provisions of this Title shall apply to water service supplied by the Town through its water system to all lands owned by any government or governmental agency.

12-1-5: ADDITIONAL RULES AND REGULATIONS: The Finance Director and the Director of the Department of Public Works are authorized to develop and implement any and all written rules, regulations and policies necessary to the proper implementation of this Title, subject to the approval of the Town Manager.

12-1-6: DEFINITIONS—GENERAL: Unless the context clearly indicates otherwise, the following words and phrases used in this Title shall have the following meanings:

BILLING CYCLE: A bi-monthly billing period for water charges incurred at a water using property during such time period. The billing cycle shall be established by the Finance Director.

BUILDING: A "building" as defined in the Town's Uniform Building Code adopted pursuant to Chapter 1 of Title 8 of this Code.

BULK WATER: Water which the Town sells for approved bulk uses. Bulk water is typically provided to a water user through a Town-owned water hydrant.

CONNECTION: The physical connection of a water using property to the water system.

CONSTRUCTION WATER: Water which is provided to the site of a real estate development during the construction phase and prior to the installation of a permanent water meter for such development.

DEVELOPER: A person developing or subdividing real property in accordance with the provisions of Chapters 1 and 2 of Title 9 of this Code.

DIRECTOR: The Director of the Department of Public Works, or such person's designee.

**ENR INDEX:** The Engineering News-Record (ENR) Construction Cost Index For Denver, Colorado, as published by The McGraw-Hill Companies; or if such index is no longer published or available, such other comparable index as may be acceptable to the Finance Director.

**FINANCE DIRECTOR:** The Finance Director of the Town, or such person's designee.

**INSPECTION FEE:** A fee paid by an owner to the Town to reimburse the Town for its costs incurred in inspecting the owner's connection to the water system including, without limitation, plan review, field location, and inspection of the stop-and-waste valve box and the water meter.

**IN-TOWN:** Referring to a location within the corporate limits of the Town.

**MIXED USE:** The use of a single tract, parcel or lot of real property, or any improvement constructed thereon, which includes both residential and non-residential uses, or different water use classes from the Schedule of Single Family Equivalents in Section 12-4-10, or different water use classes from the Schedule of Single Family Equivalents in Section 12-4-10.

**NON-RESIDENTIAL USE:** Any use of real property which is not a residential use.

**OUT-OF-TOWN:** Referring to a location outside the corporate limits of the Town.

**OWNER:** Any person owning a water using property.

**PERSON:** Any individual, partnership, association, limited liability entity, corporation, or organization.

**PLANT INVESTMENT FEE (PIF):** A fee to be paid to the Town prior to the connection of a water using property to the water system. A PIF represents that water using property's fair share of the capital expense to the Town of acquiring, owning and maintaining the water system.

**PREDOMINANT USE (OF A MIXED USE WATER USING PROPERTY)** The predominant water user classification of a mixed use water using property. The predominant use of a mixed use water using property shall be the single water user class for such property (from the Schedule of Single Family Equivalents set forth in Section 12-4-10) to which the highest number of SFEs are assigned.

**RESIDENTIAL USE:** A "residential use" of real property as defined in Section 9-1-5 of this Code.

**SINGLE-FAMILY EQUIVALENT (SFE):** A quantitative value assigned to all classes of water users of the water system. Such value, or any portion thereof, is a direct comparison of water consumption of a particular class of water user to the peak water use characteristics of a single family residence two thousand square feet in size.

**TOWN:** The Town of Breckenridge, Colorado.

**WATER CHARGES:** All fees, charges, penalties and sums required to be paid to the Town pursuant to the provisions of this Title.

**WATER SYSTEM:** All water treatment, storage, and distribution facilities, systems and appurtenances owned and operated by the Town for the various water needs of its water users. The water system includes all waterworks facilities, including water treatment plant(s), raw and treated water storage, and pumping and distribution facilities owned by the Town of Breckenridge and used to supply water.

**WATER USER OR WATER USING PROPERTY:** Any building, lot, tract, or parcel of real estate which is connected to the water system and which obtains water therefrom.

**12-1-7: DEFINITIONS--SUPPLEMENTAL:** Except to the extent inconsistent or in conflict with the provisions of Section 12-1-6, the definitions set forth in the Town's (i) Development Code (Chapter 1 of Article 9 of this Code), (ii) Subdivision Ordinance (Chapter 2 of Article 9 of this Code) and (iii) building and technical codes are adopted by reference and shall apply to this Chapter. In the event of any conflict between the definitions set forth in Section 12-1-6 and any supplemental definition referred to above, the definition set forth in Section 12-1-6 shall control. Any word or term which is not specifically defined in Section 12-1-6 or in any of the enumerated Town codes shall be defined according to common usage.

**12-1-8: OCCUPANCY PROHIBITED AND CONNECTION TO WATER SYSTEM REQUIRED:** Except as provided in Section 12-2-13, it shall be unlawful for any person to use or occupy any building within the Town unless such building is connected to the water system in accordance with the requirements of this Title.

**12-1-9: UNAUTHORIZED USE OF WATER SYSTEM:** It shall be unlawful for any person to use, excavate, connect to, open, alter, or otherwise disturb any portion of the water system, except in

accordance with the provisions of this Title.

12-1-10: **UNLAWFUL CONNECTION TO OTHER WATER SOURCE:** *It is unlawful for any person to introduce water from another source into the water system.*

12-1-11: **OPERATION OF FIRE HYDRANTS AND WATER VALVES:** No person other than an authorized member of the Red, White and Blue Fire Department or an authorized Town employee shall operate any fire (water) hydrant, main valve, fire-flow valve, or individual service valve which is part of the water system without prior permission from the Town.

12-1-12: **PROPERTY OWNER RESPONSIBLE FOR CHARGES:** An owner of a water using property is personally and primarily responsible for payment of all water charges incurred for such water using property. If a water using property is subject to a tenancy, the tenant of the water using property shall be jointly and severally responsible with the owner for all water charges incurred at the water using property during the term of such tenancy. Billings for a water using property which is the subject of a tenancy may be made to the tenant, if requested by either the owner or the tenant, but such billing practice shall be deemed done for the convenience of the owner and the tenant only, and shall not preclude collection of the water charges from the owner of the water using property. After notice and opportunity to be heard as provided in this Title, water service may be discontinued by the Town at any time that water charges are not paid, or for any other violation of this Title.

12-1-13: **RIGHT OF ENTRY:**

A. Whenever necessary to: (i) investigate any alleged or apparent violation of this Title, (ii) determine the location and condition of any water line, water main, fire hydrant, water pipe, water fixture or water meter, (iii) read a water meter, (iv) make repairs to the water system, (v) perform tests concerning the operation of the water system, or (vi) perform any other lawful duty or act necessary to the proper and safe operation of the water system or to enforce any of the provisions of this Title, the Director or any employee of the Town's Department of Public Works, while in the lawful performance of such person's duties, may enter upon any water using property at any reasonable time for such purpose. If the water using property is occupied, the Director or Public Works employee shall present proper credentials and request entry. If the water using property is unoccupied, the Director or Public Works employee shall make reasonable efforts to locate the owner or persons in possession of the water using property and request entry. If entry is refused, the Municipal Court, upon the application of the Director or Public Works employee, shall have jurisdiction to issue an inspection warrant for the purpose of authorizing such person to enter upon a water using property for the purposes provided by this Section.

B. It shall be unlawful for the owner or occupant of any water using property, after request and the presentation of proper credentials, to deny entry to the Director or Public Works employee in violation of this Section.

12-1-14: **EMERGENCY SITUATIONS; TOWN MANAGER AUTHORITY:** In the event of an emergency which endangers the continued operation of the water system, the Town Manager shall have the authority to implement such reasonable emergency restrictions or regulations with respect to the operation of the water system as the Town Manager shall deem necessary and proper to protect the public health, safety or welfare. The violation of any emergency restriction or regulation lawfully adopted by the Town Manager pursuant to this Section shall be treated as a violation of this Section, and a person convicted of violating such emergency restriction or regulation shall be punished as provided in Section 12-6-10. Any emergency restriction or regulation implemented by the Town Manager pursuant to this Section shall be in force only until the next regular Town Council meeting following the adoption of such restriction or regulation.

12-1-15: **NON-LIABILITY OF TOWN:** The adoption of this Title shall not create any duty to any person with regard to the enforcement or non-enforcement of this Title. No person shall have any civil remedy against the Town or its officers, employees, or agents, for any damage arising out of or in any way connected with the adoption, enforcement or non-enforcement of this Title. Nothing in this Title shall be construed to create any liability, or to waive any of the immunities, limitations on liability, or any other provisions of the Colorado Governmental Immunity Act, Section 24-10-101, *et seq.*, C.R.S., or to waive any immunities or limitations on liability otherwise available to the Town, its officers, employees or agents.

## CHAPTER 2

### IN-TOWN WATER SERVICE

#### SECTION:

- 12-2-1: New Water Systems Prohibited
- 12-2-2: Disconnection From Private Water Systems Required
- 12-2-3: Extension of Water System By Developers
- 12-2-4: When New Connection Required; Exception
- 12-2-5: Size of Connection--Owner's Responsibility; Town's Non-liability
- 12-2-6: Installation of Connections
- 12-2-7: Installation and Maintenance of Certain Water Facilities By Owner
- 12-2-8: Maintenance of Certain Water Facilities By Town--General
- 12-2-9: Responsibility For Frozen Water Lines

- 12-2-10: Separate Service Line Required; Exceptions
- 12-2-11: Extension of Service Line Prohibited
- 12-2-12: Director to Inspect and Approve Construction
- 12-2-13: Existing Wells
- 12-2-14: Easements Required
- 12-2-15: Conveyance of Water Lines
- 12-2-16: Construction of Mains, Trunk Lines and Cross Connecting Loops
- 12-2-17: Water Lines and Appurtenances; Acceptance; Maintenance
- 12-2-18: Water Meters Required
- 12-2-19: Water Meter Installation
- 12-2-20: Water Meters--Failure to Install
- 12-2-21: Water Meter--Restrictions
- 12-2-22: Unlawful to Tamper With Water Meter
- 12-2-23: Water Meter Maintenance and Testing
- 12-2-24: Water Meters Required for Bulk Water Use

12-2-1: NEW WATER SYSTEMS PROHIBITED: No person shall construct, operate, own or maintain any private commercial water system within the water service area without the prior approval of the Town Council.

12-2-2: DISCONNECTION FROM PRIVATE WATER SYSTEMS REQUIRED: Whenever the Town is capable of providing water service to any property within the corporate limits of the Town, no person shall provide water to any such property by any private commercial water system, or any other water system other than the Town's water system. Any private commercial water system previously servicing the property shall be physically disconnected from the residence, building or structure, and no water may be piped or delivered to the residence, building or structure thereafter.

12-2-3: EXTENSION OF WATER SYSTEM BY DEVELOPERS: It shall be the financial responsibility of any owner or developer proposing to connect such person's real estate to the water system to pay all costs of extending and connecting such real estate to the water system. Any such extension or connection to the water system shall be done in compliance with all applicable Town rules, regulations and standards. An owner or developer may be eligible for full or partial reimbursement of the cost of such extension in accordance with the provisions of Section 9-2-3-7 of this Code.

12-2-4: WHEN NEW CONNECTION REQUIRED; EXCEPTION:

A. Any connection will be considered a new connection, requiring payment of all fees and charges required for a new connection to the water system, except where all of the following conditions exist:

1. A connection from the water system to the water using property is in existence which is adequate to provide required flows, is serviceable, and in good repair; and
2. The supplying of water from the existing connection has not been abandoned or disconnected by request of a previous owner of the water using property; and
3. No water charge delinquencies exist concerning the water using property.

B. The Director shall review the adequacy of the existing service connection to determine if a new service should be installed. If the existing service line and connection are to be replaced with a larger connection, credit for the existing service will be given based on the current schedule of connection fees for that particular existing service line.

12-2-5: SIZE OF CONNECTION--OWNER'S RESPONSIBILITY; TOWN'S NON-LIABILITY: All connections shall be of adequate size and an engineered design. It shall be the sole responsibility of the owner to determine the size of the connection required to adequately provide water service to the owner's property. The Town shall have no liability for any improperly sized connection.

12-2-6: INSTALLATION OF CONNECTIONS: All new connections to the water system shall be performed by the owner of the water using property who desires to obtain water from the water system. The Town shall not be responsible for making any connections to the water system.

12-2-7: INSTALLATION AND MAINTENANCE OF CERTAIN WATER FACILITIES BY OWNER: In addition to the provisions of Section 12-2-9 with respect to frozen water lines, it shall be the responsibility of the owner of a water using property to install and maintain the owner's individual service line and other related water facilities which extend from the stop-and-waste valve to the water using property. The stop-and-waste valve or sub-main loop valve shall be installed at or near the property line in an easement or right of way dedicated to the Town.

12-2-8: MAINTENANCE OF CERTAIN WATER FACILITIES BY TOWN--GENERAL: Except as provided in Section 12-2-9 with respect to frozen water lines, the connection, stop-and-waste valve and service line between the connection and the stop-and-waste valve shall be maintained by the Town.

12-2-9: RESPONSIBILITY FOR FROZEN WATER LINES: Notwithstanding the provisions of Section 12-2-8, it shall be the responsibility of the owner of a water using property to thaw or repair any frozen water

line which is located anywhere between the connection to the water main and the owner's water using property.

**12-2-10: SEPARATE SERVICE LINE REQUIRED; EXCEPTIONS:**

A. Except as provided in Subparagraphs B and C of this Section, each water using property shall be served by its own service line.

B. Wherever possible, duplex units shall make only one connection sized for both units. Individual service lines and valving may branch at property line, and easements shall be provided if any service line traverses the private property of the other duplex unit owner.

C. Individual townhouse unit connections are prohibited. Townhouse units shall be served by individual connections into a project sub-main loop. Such loop shall be valved and connected into the water system at both ends. Temporary dead-ends will only be allowed for good cause by special approval of the Director.

D. Condominium and commercial buildings operated as an integrated unit under multiple ownership or tenancy shall make one service connection for the entire structure.

**12-2-11: EXTENSION OF SERVICE LINE PROHIBITED:** Each water using property shall be served by its own service line, and no connection with the water system shall be made by extending the service line from one property to another property. In cases where older service lines have been so extended prior to the effective date of the ordinance codified in this Title, the continued use of such extension shall be permitted only until the existing unit(s) are removed or expanded, at which time a new connection shall be made at the owner's expense. The extended service line shall then be disconnected and abandoned.

**12-2-12: DIRECTOR TO INSPECT AND APPROVE CONSTRUCTION:** All water service construction related to the water system shall be inspected and approved by the Director for conformance with approved engineering standards and applicable Town ordinances.

**12-2-13: EXISTING WELLS:** Notwithstanding the requirements of Section 12-1-8, any building which is supplied with water using an adequate, safe and adjudicated well as of the date of the ordinance codified in this Title may continue to use such well to provide water. If the well subsequently fails such that it cannot provide adequate and safe water, such building shall then be connected to the Town's water system as provided in Section 12-1-8.

**12-2-14: EASEMENTS REQUIRED:** Whenever the provision of water service to a water using property requires the use of easements or rights-of-ways, the owner or developer of the water using property to be served shall grant to the Town, without charge, any required easements. All easements or rights-of-ways shall be acceptable in form to the Town Attorney.

**12-2-15: CONVEYANCE OF WATER LINE:** Immediately upon completion of the installation of any water facilities that are to be owned, operated and maintained by the Town, such facilities shall be conveyed to the Town free and clear of any liens, encumbrances or claims, and thereafter the facilities shall be solely owned by the Town. The form of conveyance shall be acceptable to the Town Attorney.

**12-2-16: CONSTRUCTION OF MAINS, TRUNK LINES, AND CROSS CONNECTING LOOPS:**

A. All plans and specifications for water lines, storage facilities, pumping facilities, trunk lines, cross connecting loops, or other appurtenances to be connected to the water system shall conform to the utility design standards established by the Town and shall be submitted to the Director for approval prior to construction. Any costs for special consultant review incurred by the Town in connection with the review of such plans and specifications shall be borne by the person submitting such documents.

B. No construction of water service lines mains, trunk lines, or services shall be performed between November 1 and May 1, except by for good cause and pursuant to special review and approval by the Director.

**12-2-17: WATER LINES AND APPURTENANCES; ACCEPTANCE; MAINTENANCE:** All new water system improvements, not including service lines, shall receive the following levels of acceptance following construction:

A. Construction acceptance shall be granted by the Town following satisfactory completion of all construction activities and submittal of engineered as-built drawings.

B. Final acceptance shall be granted by the Town after the water main(s), appurtenances, and all required easements or rights-of-way have been conveyed to the Town, and after the new construction has received favorable operational review of not less than one year. During such year, the Town shall have full control over the new lines and appurtenances as though they had been deeded to and owned by the Town, including the sole right to permit additional connections to or use of such facilities. However, during such one year period, the owner shall be responsible for all maintenance and defects in such facilities which occur during such one year period. The owner shall furnish an irrevocable letter of credit, or other form of surety satisfactory to the Town Attorney, to cover all such maintenance and repair obligations.

12-2-18: WATER METERS REQUIRED: It shall be unlawful for any person to take, use or consume any water from the water system for any purpose whatsoever except through a water meter which meets the applicable requirements of this Title. The provisions of this Section shall not apply to bulk water delivered by the Town without the use of a water meter.

12-2-19: WATER METER INSTALLATION: All water meters shall be of a type, size and design approved by the Town and shall be installed as required by the procedures of the Town. Each meter shall be inspected and properly adjusted before installation and inspected prior to commencement of new water service.

12-2-20: WATER METERS--FAILURE TO INSTALL: Except as provided in Section 12-2-24 with respect to bulk water, water service shall not be provided by the Town unless a water meter meeting the requirements of Section 12-2-19 is installed, tested, and inspected.

12-2-21: WATER METER--RESTRICTIONS: Connections on service lines between the main and the water meter are prohibited.

12-2-22: UNLAWFUL TO TAMPER WITH WATER METER: It shall be unlawful for any person to tamper or interfere with a water meter, the readout of any water meter, a water meter seal, or to modify the water service or plumbing so that water will not accurately actuate the meter.

12-2-23: WATER METER MAINTENANCE AND TESTING: All water meters and remote readouts shall be maintained by the Town, and tested and repaired as necessary. All meter pits, vaults, covers, and meter risers located in a Town right-of-way or a Town easement shall be maintained by the Town.

12-2-24: WATER METERS REQUIRED FOR BULK WATER USE; EXCEPTION: Unless otherwise authorized by the Director, bulk water shall be provided only through a water meter meeting the requirements of Section 12-2-19. If bulk water is to be sold through an approved water meter, the Town shall provide instructions for proper hydrant operation, provide and install a bulk water meter, and perform water turn-on and disconnection.

### CHAPTER 3

#### CROSS-CONNECTIONS

##### SECTION:

- 12-3-1: Definitions
- 12-3-2: Building Plans--Submission--Approval
- 12-3-3: Approved Backflow Prevention Devices Required
- 12-3-4: Required Inspections
- 12-3-5: Backflow Prevention Devices—Technical Specifications and Requirements
- 12-3-6: Backflow Prevention Devices—Installation Requirements
- 12-3-7: Required Testing And Maintenance

12-3-1: DEFINITIONS: The definitions set forth in Section 12-1-6 are incorporated herein by reference. Unless the context clearly indicates otherwise, the following words and phrases used in this Chapter shall have the following meanings:

**AIR GAP:** The unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture, other device or vessel and the flood level rim of said vessel.

**APPROVED:** Accepted by the Director of Public Works as meeting the applicable specifications or procedures as set forth in this Chapter.

**APPROVED BACKFLOW PREVENTION DEVICE (ASSEMBLY):** A device listed in the latest University of Southern California, Foundation for Cross Connection Control and Hydraulic Research "List of Approved Backflow Prevention Assemblies".

**AUXILIARY WATER SUPPLY:** Any water supply on or available to the premises other than the Town's water system. These auxiliary water supplies may include, but are not limited to, water from another water supplier's potable water supply or any natural source(s) such as well, spring, river, stream, pond, or lake, "used waters" or "industrial fluids." These waters may be polluted or contaminated, or may be objectionable and constitute an unacceptable water source over which the Town does not have sanitary control.

**BACKFLOW:** The undesirable reversal of the direction of flow of the water or mixtures of water and other liquid, gases, or other substances into the distribution pipes of a potable water supply system from any source or sources caused by backpressure and/or backsiphonage.

**BACKFLOW PREVENTION DEVICE (BACKFLOW PREVENTER):** A device or means designed to prevent backflow created by backpressure, backsiphonage or backpressure and

backsiphonage acting together.

**BACK PRESSURE:** Backflow caused by a pump, elevated tank, boiler, or "head" in pipe, or any means that could create greater pressure within a piping system than that which exists within a potable water supply system.

**BACKSIPHONAGE:** The reverse flow of water or other liquids, mixtures, gases or substances into the distribution pipes of a potable water supply system caused by negative or sub-atmospheric pressure in the potable water supply system.

**CERTIFIED CROSS-CONNECTION CONTROL TECHNICIAN:** A person who has shown his/her cross-connection control technician certification examination given by the Water Distribution and Wastewater Collection Systems Council. The technician shall be familiar with all applicable laws, rules, and regulations which address cross-connection control. The technician shall be able to make competent tests and repairs on all approved backflow prevention devices, and shall stay abreast of all new products and information on the subject. The technician shall be listed by the Colorado Department of Health.

**CHECK VALVE:** A self-closing device which is designed to permit the flow of fluids in only one direction. A single check valve is not an approved backflow prevention device.

**COLORADO DEPARTMENT OF HEALTH CROSS-CONNECTION CONTROL MANUAL:** A manual published by the State of Colorado addressing cross-connection control practices which shall be used as a guidance document for the Town in implementing a Cross-Connection Control Program.

**COMMERCIAL BUILDING, PROPERTY OR PREMISE:** Any building which includes a retail trade or service activity, or an office, restaurant or bar.

**CONTAINMENT:** The installation of an approved backflow prevention device, or method, on the water service line(s) serving any premises, location, facility or area. Protection by containment shall be used when a potable water system may be contaminated or polluted by substances used or stored within a building or premises.

**CONTAMINATION:** An impairment of the quality of the potable water by sewage, industrial fluids or waste liquids, compounds or other materials to a degree which creates an actual hazard to the public health through poisoning or through the spread of disease.

**CRITICAL LEVEL(C/L):** The marking on a backflow prevention device or vacuum breaker which is a point conforming to approved standards and established by an approved testing laboratory which determines the minimum elevation above the flood-level rim of the fixture, highest point of usage, or receptacle served at which the device may be installed. When a backflow prevention device does not bear a critical level marking, the bottom of the vacuum breaker, combination valve, or the bottom of any such approved device shall constitute the critical level.

**CROSS-CONNECTION:** Any physical arrangement where a potable water supply is connected, directly or indirectly, with any other water supply system, sewer, drain, conduit, tank, plumbing fixture, or other device which contains, or may contain, contaminated water, sewage, or other waste, liquid or gas of unknown or unsafe quality which may be capable of imparting contamination or pollution to a potable water supply system as a result of backflow. Bypass arrangements, jumper connections, removable spools, swivel or changeover devices, four-way valve connections, and other temporary or permanent devices through which, or because of which, backflow could occur are considered to be cross-connections.

**CROSS-CONNECTION -- CONTROLLED:** A connection made between a potable water system and a non-potable water system with an approved backflow prevention device, properly installed and tested in accordance with this Chapter, which will continuously afford the protection commensurate with the degree of hazard.

**DIRECTOR:** The Director of Public Works of the Town of Breckenridge, or his designated representative.

**DOUBLE CHECK VALVE ASSEMBLY:** An assembly of two independently operating approved check valves between two tightly closed (resilient seated) shut-off valves, plus four (4) properly located test cocks for the testing of each check valve. The entire assembly shall be an approved backflow prevention device.

**HAZARD, DEGREE OF:** The term is derived from an evaluation of the potential risk to public health and the adverse effect of the hazard upon a potable water supply system.

**HAZARD -- HEALTH:** Any condition, device, or practice in the Town's water system and its operation which could create, or in the judgment of the Town may create, a danger to the



health and well-being of the water user. An example of a health hazard is a structural defect, including a cross-connection in a water supply system, or a direct connection of a potable water supply line to a sanitary sewer.

**HAZARD -- PLUMBING:** A plumbing-type cross-connection in a potable water supply system that has not been properly protected by an air-gap separation or an approved backflow prevention device. Unprotected plumbing type cross-connections are considered to be a health hazard.

**HAZARD -- POLLUTION:** An actual or potential threat to the physical properties of the water system or to the potability of the water system or the water user's potable water system which would constitute a nuisance or be aesthetically objectionable or could cause damage to either of such systems or its appurtenances, but would not be a threat to life or be dangerous to health.

**HAZARD -- SYSTEM:** An actual or potential threat of severe damage to the physical properties of the water system or the water user's potable water system, or of a pollution or contamination which would have a protracted effect on the quality of the potable water in either of such systems caused by a cross-connection.

**INDUSTRIAL FLUIDS SYSTEM:** Any system containing a fluid or solution which may be chemically, biologically, radiologically, or otherwise contaminated or polluted in a form or concentration such as would constitute a health, system, pollution or plumbing hazard if introduced into an approved water supply. This may include, but not be limited to: polluted or contaminated waters; all types of process waters and "used waters" which originated from a potable water system which may have deteriorated in sanitary quality; chemicals in fluid form; plated acids and alkalis; circulated cooling waters connected to an open cooling tower and/or cooling towers that are chemically or biologically treated or stabilized with toxic substances; contaminated natural waters such as from wells, springs, streams, rivers, lakes, dams, ponds, retention pits, or irrigation canals or systems; oils, gases, glycerine, glycols, paraffins, caustic and acid solutions and other liquid and gaseous fluids used in industrial or other purposes or for fire fighting purposes.

**ISOLATION:** The control of cross-connections within a building's plumbing system by the installation of approved backflow prevention devices or methods at or near the potential sources of pollution or contamination.

**NON-POTABLE WATER:** Water that is not safe for human consumption or that does not meet the requirements set forth in the State of Colorado Primary Drinking Water Regulations.

**POLLUTION:** The presence of any foreign substance (organic, inorganic, radiological or biological) in the water that may degrade the water quality so as to constitute a non-health type hazard or impair its usefulness.

**POTABLE WATER:** Water free from impurities in amounts sufficient to cause disease or harmful physiological effects. The bacteriological, chemical, and radiological quality shall conform with the State of Colorado Primary Drinking Water Regulations.

**POTABLE WATER SUPPLY:** The Town's water system, or a water user's potable water system.

**REDUCED PRESSURE PRINCIPLE DEVICE:** An assembly of two (2) independently operating approved check valves with an hydraulic automatic operating differential relief valve between the two (2) check valves. The assembly shall be located between two (2) check valves. The assembly shall be located between two (2) tightly closing (resilient seated) shut-off valves, and have four (4) properly located test cocks for the testing of the check and relief valves. The entire assembly shall be an approved backflow prevention device.

**SUBMERGED INLET:** A water pipe or extension thereof from a potable water supply terminating below the flood level rim of a tank, vessel, fixture or appliance which may contain water of questionable quality, waste or other contaminant or pollutant.

**VACUUM:** Any pressure less than atmospheric pressure.

**VACUUM BREAKER, ATMOSPHERIC NONPRESSURE TYPE:**

A vacuum breaker consisting of an air inlet opening and a non-loaded floating check disk valve designed to prevent backsiphonage only. The device shall not be subjected to continuous static line pressure or backpressure or be installed where it would be under pressure for more than twelve (12) continuous hours.

VACUUM BREAKER, PRESSURE TYPE: A vacuum breaker, designed to prevent backsiphonage only, consisting of a spring-loaded check valve, a spring-loaded air inlet opening, a tightly closing shut off valve on each side of the device, and two (2) appropriately located test cocks. The device shall not be subjected to backpressure. The entire assembly shall be an approved backflow prevention device.

WATER DISTRIBUTION AND WASTEWATER COLLECTION SYSTEMS CERTIFICATION COUNCIL: The group designated by the Colorado Department of Health to administer and maintain the Cross-Connection Control Technician certification program.

WATER-SERVICE CONNECTION: *The terminal end of the service connection from the Town's potable water distribution system; i.e., where the Town loses jurisdiction and sanitary control over the water at its point of delivery to the water user's stop-and-waste valve or meter, whichever comes first from the water main. If a meter is installed at the end of the service connection, then the service connection shall mean the downstream end of the meter. There shall be no unprotected takeoffs from the service line ahead of any meter or backflow prevention device located at the point of delivery to the Water User's potable water system. This shall include irrigation systems and fire sprinkler systems. Service connection shall also include water service connection from a fire hydrant and all other temporary or emergency water service connections from the potable water system.*

#### 12-3-2: BUILDING - PLANS - SUBMISSION - APPROVAL:

A. All building plans submitted to the Town pursuant to the Town's Building and Technical Codes adopted by the Town pursuant to Chapter 1 of Title 8 of this Code shall, in addition to such other requirements as may be imposed by law, be reviewed and approved by the Director to assure compliance with the provisions of this Chapter.

B. In addition to other requirements imposed by law, all building plans submitted to the Town shall include:

1. Water service connection size and location;
2. Water meter size and location;
3. Size, type and location of backflow prevention device(s); and
4. Size and type of any backflow prevention devices used on service lines of fire sprinkling system(s).

#### 12-3-3 APPROVED BACKFLOW PROTECTION DEVICES REQUIRED:

A. The owner of each commercial building, property or premises connected to the water system, and the owner of each building with a fire sprinkler system, shall cause to be installed a backflow protection device in accordance with the requirements of this Chapter so as to prevent a cross-connection.

B. Any backflow prevention device required by this Chapter shall be of a model and size approved by the Director.

C. Only approved backflow prevention devices, as described in this Chapter, shall be used within the Town; provided, however, that residential containment may be accomplished with a backflow prevention device not approved by the American Society of Sanitary and Mechanical Engineers if approved by the Director.

D. Backflow prevention devices installed prior to the effective date of the Ordinance codified in this Chapter shall be replaced with an approved backflow prevention device at such time as the unapproved device fails an operational test.

#### 12-3-4: REQUIRED INSPECTIONS:

A. No backflow prevention device shall be installed within the Town until such device has been inspected and approved by the Director. The Director shall inspect all backflow protection devices to insure that such devices have been properly installed in accordance with the provisions of this Chapter and to further insure that such devices are operating properly after installation.

B. Final inspections on new or retrofit installations shall be performed by the Town only after the backflow prevention device has been tested. The test results, plumbing permit and test permit number shall be supplied to the Director at the time of the final inspection.

#### 12-3-5: BACKFLOW PREVENTION DEVICES -- TECHNICAL SPECIFICATIONS AND

REQUIREMENTS:

A. All backflow prevention devices which are within the Town shall comply with the specifications contained in the most recently published editions of the following publications:

1. "Cross-Connection Control Manual", Colorado Department of Health; and
2. "Recommended Practice for Backflow Prevention and Cross-Connection Control", AWWA Manual M14.

In addition to the requirements of this Paragraph A, all backflow prevention devices used within the Town shall also comply with the provisions of Paragraphs B through F of this Section.

B. Backflow prevention devices used on fire lines shall have O. S. & Y. valves and be listed by the National Fire Protection Association.

C. All fire sprinkling lines shall have a minimum protection of an approved double check valve for containment of the system.

D. All glycol (ethylene or propylene) or anti-freeze systems shall have an approved reduced pressure principal device for containment.

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

F. Single family residences with a fire sprinkler system and domestic water combined shall have a double check valve when no chemicals are used.

G. All underground fire sprinkler systems shall conform to the following sections of the most recently published editions of the National Fire Protection Association Pamphlet No. 13, Section 1-11.2 (hydrostatic testing), and Sections 1-1.2.2 (allowable leakage); and to National Fire Protection Association Pamphlet No. 24, "Private Fire Service Mains and Their Appurtenances", Sections 8.4, 8.5, 8.6, 8.7 and 8.8. Copies of these publications shall be made available for inspection and copying at the office of the Town Clerk during normal business hours.

12-3-6: BACKFLOW PREVENTION DEVICES -- INSTALLATION REQUIREMENTS:

A. All backflow prevention devices shall be installed in accordance with the provisions of the most recently published editions of reference manuals set forth in Section 12-3-5(A).

B. All backflow prevention devices shall be installed in the horizontal position. Variances may be granted by the Director only for retrofit fire systems.

C. Backflow prevention devices shall be installed in accessible location to facilitate maintenance, testing and repair.

D. All backflow prevention devices shall be installed immediately downstream of the water meter, except fire lines.

E. Before installing a backflow prevention device, pipelines shall be thoroughly flushed to remove foreign material.

F. It is impermissible to have connections or tees between the water meter and the service line backflow prevention device.

G. It is impermissible to connect the relief valve discharge on the reduced pressure device into a sump, drainage ditch or similar facility.

H. Backflow prevention valves are not to be used as the inlet or outlet valve on the water meter. Test cocks are not to be used as supply connections.

I. A pressure vacuum breaker shall be used where the device is never subjected to back pressure and is installed a minimum of twelve inches (12") above the highest piping or outlet downstream of the device in a manner to preclude back pressure.

J. An atmospheric non-pressure type vacuum breaker may be used only where the device is:

1. Never subject to more than twelve (12) hours of continuous pressure;
2. Installed with the air inlet in a level position and at a minimum of six inches (6") above the highest piping or outlet it is protecting; and
3. No such valve may be placed downstream of the device.

K. A single check valve shall not be considered to be a backflow prevention device.

L. Double check valve assemblies may be installed in below grade vaults when those vaults are properly constructed.

M. Reduced pressure backflow preventers shall be installed above ground. The unit should be placed at least twelve inches (12") above the finished grade to allow clearance for repair work. A concrete slab at finished grade is recommended. Property drainage should be provided for the relief valve and may be piped away from the location, provided it is readily visible from above grade and the relief valve is separated from the drainline by a minimum of double the diameter of the supply line. A modified vault installation may be used if constructed with ample side clearances. Precautions should be taken to protect above ground installations from freezing.

N. A reduced pressure principle backflow preventer may be installed in a basement provided with an adequate drain which has an effective opening of twice the diameter of the device.

#### 12-3-7: REQUIRED TESTING AND MAINTENANCE:

A. All backflow prevention devices shall be tested and properly maintained at the owner's expense so that such devices shall operate at all times in accordance with the applicable technical specification for such device.

B. At least once each calendar year, the owner shall cause a certified test to be performed on each such device to determine if such device is operating properly. The Director shall have the authority to require more frequent inspections if, in the Director's determination, there is a substantial existing or potential hazard from a particular backflow protection device. All tests provided for in this Subparagraph B shall be performed at the expense of the owner and results submitted to the Director.

C. All costs for the design, installation, maintenance and repair of a backflow protection device shall be borne by the owner of the water using property where the backflow protection device is located.

## CHAPTER 4

### WATER CHARGES

#### SECTION:

- 12-4-1: Inspection Fee
- 12-4-2: Plan Review Fees--New Water Mains
- 12-4-3: Plant Investment Fee (PIF)--General
- 12-4-4: Plant Investment Fee--Automatic Annual Adjustment
- 12-4-5: Plant Investment Fees--Mixed Uses
- 12-4-6: Plant Investment Fees--Non-Refundable; Non-Transferable
- 12-4-7: Plant Investment Fees--Refund When Building Permit Expires
- 12-4-8: Plant Investment Fees--Recalculated on Change of Use
- 12-4-9: Waiver or Deferral of Plant Investment Fees
- 12-4-10: Schedule of Single-Family Equivalents (SFEs)
- 12-4-11: Water User Fees--Residential
- 12-4-12: Water User Fees--Non-Residential
- 12-4-13: Water User Fees--Mixed Use
- 12-4-14: Bulk Water
- 12-4-15: Construction Water
- 12-4-16: Noncontinuous Service; Temporary Vacations
- 12-4-17: Meter Failure; Computations of Charges
- 12-4-18: Corrections

12-4-1: INSPECTION FEE: An owner shall pay to the Town an inspection fee of one hundred dollars (\$100.00) for the inspection by the Town each new connection made by the owner to the water system. Such fee shall be paid prior to commencement of installation of the connection.

12-4-2: PLAN REVIEW FEES--NEW WATER MAINS: Any developer installing a new water main which is to be connected to the water system shall pay to the Town a plan review fee of one hundred dollars (\$100.00). Such fee shall be paid prior to commencement of installation of the new water main. A separate fee shall be paid for each filing of a multi-filing subdivision.

12-4-3: PLANT INVESTMENT FEE (PIF)--GENERAL: Each person who desires to receive water service from the water system for an in-Town water using property shall pay a plant investment fee (PIF). For the year 2001, the amount of the PIF shall be Three Thousand Two Hundred Dollars (\$3,200.00) per SFE. Thereafter, the amount of the PIF shall be adjusted by the Finance Director in the manner set forth in Section 12-4-4. PIFs shall be payable prior to issuance of a building permit. The amount of SFEs to be used to calculate the required PIF shall be determined by the Town in accordance with the table of single-family equivalents set forth in Section 12-4-10.

12-4-4: PLANT INVESTMENT FEE--AUTOMATIC ANNUAL ADJUSTMENT: On April 1st of each year, commencing in 2002, the amount of the PIF to be paid to the Town pursuant to Section 12-4-3 shall be

increased by the percentage change in the annual average of the ENR Index between the prior two calendar years. The Finance Director shall make the required calculation, and the amount of the PIF for the next twelve month period (April 1 - March 31) shall then be fixed by the Finance Director based upon such calculation without the necessity of further action by the Town Council. In no event shall the amount of the PIF be reduced based upon a change in the ENR Index. Not later than thirty (30) days after the PIF is adjusted each year as provided in this Section, the Town Clerk shall cause to be published a public notice setting forth the amount of the adjusted PIF. Such notice shall be published one time in a newspaper of general circulation in the Town; provided, however, that the failure of the Town Clerk to cause such notice to be published shall not affect the validity of the adjustment to the PIF as made by the Finance Director pursuant to this Section. In the event the ENR Index information for the prior calendar year is unavailable by April 1st, the PIF as previously fixed for the prior calendar year shall continue in effect until such time as the ENR Index for the prior year is available and the Finance Director makes the required calculation.

12-4-5: PLANT INVESTMENT FEE--MIXED USES: The PIF for a proposed mixed-use building shall be calculated at the time of the issuance of a building permit and paid based on the approved design for the building. The SFEs shall be adjusted and the final amount of PIFs required to be paid for such building shall be corrected at the time of issuance of a certificate of occupancy.

12-4-6: PLANT INVESTMENT FEES--NON-REFUNDABLE; NON-TRANSFERABLE: Except as provided in Section 12-4-7, PIFs are non-refundable and non-transferable. Once paid, PIFs run with the land.

12-4-7: PLANT INVESTMENT FEES--REFUND WHEN BUILDING PERMIT EXPIRES: Any person who has previously paid PIFs, but whose building permit for such development has expired without the proposed water using property being connected to the water system, shall have the PIFs refunded by the Town. Building permit status shall be determined by the Town's Building Official and the Director of Community Development. PIFs shall be refunded in the amount previously paid without any interest thereon. Following a refund of PIFs pursuant to this Section, new PIFs shall thereafter be paid at the rates in effect when a new building permit is issued or reinstated.

12-4-8: PLANT INVESTMENT FEES--RECALCULATED ON CHANGE OF USE: When a water using property changes use, the PIF for such property shall be recalculated based upon the new use. If the recalculated PIF is higher than the PIF which was previously paid for the water using property, the difference between the higher PIF and the PIF which was previously paid shall be paid to the Town. If the recalculated PIF is the same as or lower than the PIF which was previously paid for the water using property, no refund of the previously paid PIF shall be made by the Town. Under no circumstance shall a PIF, or any portion thereof, be refunded based upon a change of use which results in a lower PIF requirement than was previously paid for such water using property.

12-4-9: WAIVER OR DEFERRAL OF PLANT INVESTMENT FEES:

A. Upon request the Town Council may waive or defer payment of the PIF for any of the following developments:

1. A development constructed by a governmental entity; or
2. A development the primary purpose of which is determined by the Town Council to provide low or moderately priced housing for residents of Summit County; or
3. A development, other than those enumerated above, which the Town Council determines will provide a substantial public benefit.

B. A request for waiver or deferral of the PIF shall be made prior to the physical connection of the development to the water system.

C. The Town shall not waive payment of the PIF unless the Town Council finds and determines that sufficient cause therefor has been demonstrated and that waiving the PIF will be in the public interest. If the Town Council declines to waive the payment of the PIF, it may nevertheless defer payment of such fee as hereafter provided.

D. In connection with any deferral of the payment of the PIF the Town Council shall require payment of such fee at the then-current rate if the development ceases to be used for the purpose for which the deferral was granted. Such payment obligation shall be evidenced by a written covenant or agreement in a form acceptable to the Town Attorney.

12-4-10: SCHEDULE OF SINGLE-FAMILY EQUIVALENTS (SFEs):

A. WATER USER CLASS

SFE

Residential

Accessory apartments, apartments, townhouses, triplexes and condominium units\*

1 or 2 bedrooms

0.80

Each bedroom in excess of 2 0.40

*\*Note: Divisible units in these units will be comparatively assessed as bedrooms, and the higher SFE assessment shall govern.*

Bed and breakfast, lodges, hotels, motels and other lodging facilities available for overnight rental\*

Per rental room 0.40\*

*\*Note: Divisible units in these units will be comparatively assessed as a condominium versus a hotel room, and the higher SFE assessment shall govern.*

Dormitory-style quarters

Per unit of occupant capacity 0.10

Single-family residences and duplexes

First 2,000 square feet 1.00

Each additional square foot 0.00016

Studio units (condominiums, accessory apartments, apartments, employee units)\*

No bedrooms; kitchen facilities 0.55

*\*Note: Divisible units in these units will be comparatively assessed as bedrooms, and the higher SFE assessment shall govern.*

Non-Residential

Automobile service stations

Per fueling position 1.50

Plus, per 1,000 square feet of retail space 0.40

Beauty salon/hairdresser

Per haircutting station 0.35

Car wash--self-service

Per wash bay 2.00

Per wash bay utilizing recirculating system whereby at least 60 percent of water provided is recirculated 1.00

Churches, meeting rooms and similar facilities

Per 1,000 square feet of building space 0.30

Day care center

Per unit of child care capacity 0.01

Fire stations buildings

Per 1,000 square feet of building space 0.15

Health spas/pools & hot tubs/athletic club facilities

Per 1,000 square feet of building space 0.18

Irrigated Area 0.06

Per 1,000 square feet of irrigated area in excess of 3,500 square feet of irrigated area

Laundromat--commercial

Per capacity of each commercial washing machine	.08/lb.
Laundromat--self-service	
Per washing machine	1.10
Light industrial, service commercial, warehousing	
Per 1,000 square feet of building space	0.30
Movie theater	
Per seat	0.01
Offices and office buildings	
Per 1,000 square feet of building space	0.40
Restaurant and lounges	
Per 1,000 square feet of building space	4.50
Retail stores	
Per 1,000 square feet of building space	0.40
Schools	
Without cafeteria or showers, per student, based on design capacity of school	0.02
With cafeteria, gym and/or swimming pool, per student based on design capacity of school	0.03
Ski rental shops	
Per 1,000 square feet of building space	0.28
Snack bars and delicatessens	
Per 1,000 square feet of building space	0.90
Travel trailer parks	
Without individual water and sewer hookups, per space	0.20
With individual water and sewer hookups, per space	0.40

B. The provisions of this Section shall be interpreted in accordance with the following rules:

1. The square footage of a building or structure shall mean the amount of the density of such building or structure as calculated in accordance with the provisions of the Town's Development Code (Chapter 1 of Title 9 of this Code).
2. When the number of SFEs for a building or structure is to be calculated based upon square footage, the number of SFES to be charged shall be calculated incrementally. For example, a 1,200 square foot restaurant would be charged 5.4 SFES [(1,000 sq. ft = 4.5 SFES) + (200 sq. ft./1000 sq. ft. x 4.5 SFES) = 5.4 SFES]
3. The capacity of washing machines used in a commercial laundromat shall be determined annually by the Director.
4. If a water user is not itemized, such water user shall be assigned a water user class by the Finance Director from the list set forth in Paragraph A of this Section. Such assigned water use class shall most closely approximate the property type and anticipated water usage of the water user.

A. The in-Town base rate user fee for all residential water users, regardless of the size of the water meter, shall be twenty three dollars and five cents (\$23.05) per billing cycle per SFE. The base rate user fee for residential water users shall include a usage allowance of not to exceed 12,000 gallons of water per SFE per billing cycle.

B. In addition to the monthly base user fee set forth in Paragraph A of this Section, each in-Town residential water user shall pay an excess use charge of two dollars and thirty cents (\$2.30) for each one thousand (1,000) gallons of metered water, or fraction thereof, used per SFE per billing cycle in excess of the usage allowance of twelve thousand (12,000) gallons of water per SFE per billing cycle.

**12-4-12: WATER USER FEES--NON-RESIDENTIAL:**

A. The in-Town base rate user fee per SFE per billing cycle and the usage allowance per SFE per billing cycle for all non-residential water users shall be determined based upon the size of the water meter which connects the water using property to the water system, as follows:

<u>Meter Size</u>	<u>Base Water Fee Per Account</u>	<u>Usage Allowance (gallons) Per Account</u>
Less than 1 inch	\$26.40	13,000
1 inch	\$39.60	20,000
1 ½ inch	\$69.10	35,000
2 inch	\$108.80	54,000
3 inch	\$209.20	105,000
4 inch	\$323.40	162,000
6 inch	\$635.40	318,000

B. In addition to the base user fee set forth in Paragraph A of this Section, each in-Town non-residential water user shall pay an excess use charge of two dollars and thirty cents (\$2.30) per one thousand (1,000) gallons of metered water, or fraction thereof, used per billing cycle in excess of the usage allowance for the applicable meter size set forth in the table of Paragraph A of this Section.

**12-4-13: WATER USER FEES--MIXED USE:** The in-Town base rate user fee and the usage allowance per billing cycle for all mixed use water using properties shall be calculated based upon the predominant use of the water using property as determined by the Finance Director. In addition to the base user fee, each in-Town mixed use water user shall pay an excess use charge of two dollars and thirty cents (\$2.30) per one thousand (1,000) gallons of metered water, or fraction thereof, used per billing cycle in excess of the applicable usage allowance.

**12-4-14: BULK WATER:** The rate for bulk water sold by the Town shall be two dollars thirty cents (\$2.30) per one thousand (1,000) gallons, or fraction thereof. A base charge of twenty five dollars (\$25.00) will be charged to each bulk water user for meter setting, inspection, and service turn-on and turn-off by the Town.

**12-4-15: CONSTRUCTION WATER:** Construction water is provided by the Town without charge. The provision of free construction water shall terminate upon the installation of a permanent water meter to serve the improvements constructed at the construction site.

**12-4-16: NONCONTINUOUS SERVICE; TEMPORARY VACATIONS:** If a water using property is to be vacated temporarily, the owner may request a temporary discontinuance of service. The discontinuance charge shall be fifty dollars (\$50.00) for each SFE. No charge shall be assessed when water service is restored to the water using property following a temporary discontinuance. A temporary discontinuance fee shall be paid prior to the time water service is discontinued.

**12-4-17: METER FAILURE; COMPUTATION OF CHARGES:** If any water meter should fail to correctly register water usage in any month, the owner shall be charged with the monthly consumption for the water using property as averaged from the most recent two (2) months when the meter operated properly.

**12-4-18: CORRECTIONS:** The Town shall determine the number of SFEs to be served by each water using property, and establish the appropriate base rate user fee. The Town shall have the right to revise or correct any improper water rate assessment at any time.

**CHAPTER 5**

**OUT-OF-TOWN WATER SERVICE**

**SECTION:**

- 12-5-1: Declaration of Policy
- 12-5-2: General
- 12-5-3: Contract Required
- 12-5-4: Connection Fee
- 12-5-5: Plant Investment Fee (PIFs)
- 12-5-6: Water User Fees
- 12-5-7: Bulk Water



- 12-5-8: Construction Water  
12-5-9: Noncontinuous Service; Temporary Vacations  
12-5-10: In-town Rates Authorized For Certain Out-of-Town Developments

12-5-1: DECLARATION OF POLICY: The Town Council may, by Resolution, establish, alter or amend from time to time a policy governing the provision of water to out-of-town water customers.

12-5-2: GENERAL: Except as otherwise expressly provided in this Chapter, all requirements and provisions which govern the operation of the water system within the corporate limits of the Town as enumerated in Chapters 1, 2 and 3 of this Title shall apply to out-of-town users of the water system.

12-5-3: CONTRACT REQUIRED: An owner desiring to obtain water service from the water system to serve any area outside the corporate limits of the Town shall enter into a water service contract with the Town. Such contract shall be consistent with the provisions of this Chapter. The Town Manager shall be authorized to execute such out-of-town water service contract.

12-5-4: INSPECTION FEE: An owner desiring to obtain water service from the water system to serve any building, structure or area outside the corporate limits of the Town shall pay the Town an inspection fee in the amount of one and one-half ( $1\frac{1}{2}$ ) times the inspection fee specified in Section 12-4-1.

12-5-5: PLANT INVESTMENT FEES (PIFs): An owner desiring to obtain water service from the water system to serve any area outside the corporate limits of the Town shall pay to the Town a plant investment fee (PIF) in an amount equal to twice the in-town PIF rate as specified in Section 12-4-3. PIFs for out-of-town water service shall be determined in the same manner as PIFs for in-town water service are calculated.

12-5-6: WATER USER FEES: The base user fee per SFE per billing cycle for residential, non-residential and mixed use water users located outside the corporate limits of the Town shall be one and one-half ( $1\frac{1}{2}$ ) times the in-Town base user rate as specified in Chapter 4 of this Title. The usage allowance per SFE per billing cycle for out-of-town users shall be the same as that allowed to in-town users, but the excess use charge shall be one and one-half ( $1\frac{1}{2}$ ) times the in-Town excess use charge as specified in Chapter 4 of this Title. All other conditions of Chapter 3 of this Title shall apply to base user fees and excess use charge for out-of-Town water users.

12-5-7: BULK WATER: The rate for bulk water sold by the Town to out-of-town water users shall be one and one-half ( $1\frac{1}{2}$ ) times the in-Town rate per one thousand (1,000) gallons, or fraction thereof, as provided in Section 12-4-14. A base charge of one and one-half ( $1\frac{1}{2}$ ) times the in-Town rate will be charged to each out-of-town bulk water user for meter setting, inspection and service turnon and turnoff by the Town.

12-5-8: CONSTRUCTION WATER: Construction water will be provided free of charge for any building or structure located outside the corporate limits of the Town which is in the process of being constructed and which will be served with Town water upon completion. The provisions of Section 12-4-15 shall apply to construction water provided to out-of-town water users.

12-5-9: NONCONTINUOUS SERVICE; TEMPORARY VACATIONS: The provisions for temporary discontinuance of service as provided in Section 12-4-16 shall apply to out-of-Town water users. The discontinuance charge shall be one and one-half ( $1\frac{1}{2}$ ) times the in-Town rate.

12-5-10: IN-TOWN RATES AUTHORIZED FOR CERTAIN OUT-OF-TOWN DEVELOPMENTS:

A. Notwithstanding anything contained in this Chapter to the contrary, the Town Council may, upon request, authorize the payment of connection fees, PIFs, base water user fees and/or excess use charges ("fees, charges and rates") at the in-Town rate for the following types of out-of-Town developments:

1. A development constructed by a governmental entity;
2. A development, the primary purpose of which is determined by the Town Council to provide low or moderately priced housing for residents of Summit County;
3. A development, other than those enumerated above, which the Town Council determines will provide a substantial public benefit; or
4. A development which is located on federally owned land if the owner of such development contractually obligates such owner to pay to the Town amounts equal to the taxes and fees which the Town would have collected had the subject property actually been annexed to the Town.

B. A request for in-Town fees, charges and rates shall be made prior to the physical connection of the development to the Town's water system.

C. Approval of in-Town fees, charges and rates shall be contained in an out-of-Town water service contract executed by the Town Manager pursuant to Section 12-5-3 of this Chapter.

## CHAPTER 6

### COLLECTION OF WATER CHARGES; PENALTIES

#### SECTION:

- 12-6-1: Water Charges--Due Date
- 12-6-2: Delinquent Payment Charges
- 12-6-3: Billing Disputes
- 12-6-4: Discontinuance of Service By Town
- 12-6-5: Lien
- 12-6-6: Certification to County Treasurer
- 12-6-7: Civil Actions
- 12-6-8: Injunctive Relief
- 12-6-9: Remedies Cumulative
- 12-6-10: Penalties

12-6-1: **WATER CHARGES--DUE DATE:** *Water charges shall be due and payable thirty (30) days after billing.*

12-6-2: **DELINQUENT PAYMENT CHARGES:** A delinquency charge of one and one-half percent (1½%) per month shall be assessed to all delinquent balances commencing on the due date.

#### 12-6-3: BILLING DISPUTES:

A. Prior to five (5) days before the date of termination of water service for nonpayment of the amount shown on a water bill or on a Notice of Termination issued under Section 12-6-4, a customer may dispute the correctness of all or part of the amount shown in accordance with the provisions of this Section. A customer shall not be entitled to dispute the correctness of all or part of the amount if all or part of the amount was the subject of a previous dispute under this Section.

B. The procedure for customer dispute shall be as follows:

(1) Prior to five (5) days before the date of termination, the customer shall notify the Finance Director, in writing, that the customer disputes all or part of the amount shown on the water bill or a Notice of Termination, stating as completely as possible the basis for the dispute.

(2) If the Finance Director determines that the present dispute is untimely or that the customer previously disputed the correctness of all or part of the amount shown, the Finance Director shall mail to the customer a Notice of Rejection stating that the present dispute is untimely or invalid. The Town shall then proceed as if the customer had not notified the Town of the present dispute.

(3) If the Town determines that the present dispute is not untimely or invalid under this Section, the Town, within five (5) business days after receipt of the customer's notice, shall arrange a formal hearing before the Town Manager or his designee (the Hearing Official).

(4) The formal hearing before the Hearing Official shall be held within ten (10) days of the Town's receipt of the customer's written request.

(5) At the hearing, the Town and the customer shall be entitled to present all evidence that is, in the Hearing Official's view, relevant and material to the dispute, and to examine and cross-examine witnesses. A tape-recorded or, at the option of the Town or the customer, a stenographic record of the hearing shall be maintained.

(6) Based on the record established at the hearing, the Hearing Official, within five (5) days of completion of the hearing, shall issue a written decision formally resolving the dispute. Such decision shall be final and binding upon the Town and the customer.

C. Utilization of the dispute procedure set forth in this Section shall not relieve a customer of the obligation to pay, timely and completely, all other water charges and the undisputed portion of the amount which is the subject of the present dispute. Notwithstanding subsection D of this Section, failure to pay, timely and completely, all such undisputed amounts shall subject the customer to termination of water service in accordance with the provisions of this Chapter.

D. Until the date of the Hearing Officer's decision, the Town shall not terminate the water service of the customer and shall not issue a Notice of Termination to the customer solely for nonpayment of the disputed amount. If it is determined that the customer must pay some or all of the disputed amount, the Town shall mail to the customer a Notice of Termination which contains the information required by Section 12-6-4(C).

#### 12-6-4: DISCONTINUANCE OF SERVICE BY TOWN:

A. Subject to the provisions of subsection 12-6-3(D), the provisions of this Section shall govern all terminations of water service for nonpayment of water charges.

B. If, by the payment due date shown on a bill for water charges, the Town has not received complete payment of the total amount shown on the water bill, the Town shall mail to the owner a Notice of Termination at least three (3) days after the payment due date shown on the water bill.

C. The Notice of Termination shall contain the following:

- (1) The name and address of the owner;
- (2) The address of the owner which the owner has designated as the billing address;
- (3) The names, addresses, apartment or unit numbers as furnished by the owner;
- (4) The amount to be paid;
- (5) The date of the notice of termination;
- (6) The date of termination, which shall be at least ten (10) calendar days from the date of the notice of termination;
- (7) Notice that, unless the Town receives complete payment of the amount shown prior to the date of termination, water service shall be terminated as provided for in this Section;
- (8) Notice that, in lieu of paying the entire amount shown, a customer, prior to the date of termination, may notify the Town that the customer disputes the correctness of all or part of the amount shown, if all or part of the amount shown was not the subject of a previous dispute under Section 12-6-3; and
- (9) Notice that the following information is available at the office of the Finance Director:
  - (a) the procedure to dispute a bill for water charges or a late charge;
  - (b) the procedure to avoid termination of water service due to nonpayment of water charges;
  - (c) the procedure for tenants to avoid termination of water service due to their landlord's nonpayment of water charges; and
  - (d) the procedure to obtain reinstatement of water services.

D. If, prior to the date of termination:

- (1) The Town has not received complete payment of the amount shown on the Notice of Termination; or
- (2) The customer has not notified the Town that the customer disputes the correctness of all or part of the amount shown on the Notice of Termination;

then the Town shall terminate water service provided to the customer on the date of termination.

E. The Town shall terminate utility service for nonpayment of water charges only during the hours of 9:00 a.m. to 3:00 p.m., Monday through Thursday. No terminations shall be permitted on a legal holiday or on the day before a legal holiday.

F. The Town shall not terminate water service for nonpayment of amounts less than twenty dollars (\$20.00).

G. If the Town receives payment of the entire amount shown on the Notice of Termination prior to the date of termination, such payment shall be considered a timely and complete payment for purposes of this Chapter.

H. The provisions of this Section shall apply to the discontinuance of water service by the Town for nonpayment of sanitary sewer service charges due to the Breckenridge Sanitation District when authorized by intergovernmental agreement between the Town and the Breckenridge Sanitation District.

#### 12-6-5: LIEN:

A. All unpaid water charges shall constitute a lien upon the real property benefited by the water service which was provided by the Town, which lien shall have priority over all other liens except the lien of the general property taxes.

B. A Notice of Lien may be prepared by the Finance Director and filed with the Summit County Clerk and Recorder no sooner than five (5) days following the day water charges were due and not paid. Such Notice of Lien shall include the following:

- (1) The name of the owner of the property;
- (2) A legal description of the property as tax assessed by the Summit County Assessor, and the number and street address of the property to which the notice of lien is applicable;
- (3) The nature of the lien; and
- (4) A statement that notice of lien is given pursuant to this Section.

The Town Clerk shall mail a copy of such Notice of Lien to the billing address of the owner at the time that it is filed for recording with the Summit County Clerk and Recorder.

C. Once a Notice of Lien has been filed with the Summit County Clerk and Recorder as provided in Paragraph B of this Section, there will be a one-hundred-dollar (\$100.00) service charge which will be required to be paid in addition to full payment of the bill, such service charge being for the purpose of filing expenses and labor incurred in the production of the paperwork required for such lien.

D. The lien provided in this Section may be foreclosed by the Town in the manner provided for the foreclosure of mortgages under Colorado law.

12-6-6: **CERTIFICATION TO COUNTY TREASURER:** If the water charges are not paid in full as billed when due, the Finance Director may certify the unpaid water charges to the Summit County Treasurer, to be placed upon the tax list for the current year and collected in the manner as taxes are collected, together with the cost of collection. All laws of the state for the assessment and collection of general taxes shall apply, including the laws for the sale of property for taxes and redemption of property.

12-6-7: **CIVIL ACTIONS:** All unpaid water charges shall constitute a personal debt due and owing to the Town by the owner of the water using property to which the water was delivered by the Town, and the Town shall have the right to recover on such debt by judgment and execution thereon in the civil action in any court of competent jurisdiction. If there was more than one owner of a water using property when the water service was provided by the Town, the liability of such owners for water charges is joint and several. In connection with any such action the Town shall have the right to recover its reasonable attorneys' fees incurred in connection with such action.

12-6-8: **INJUNCTIVE RELIEF:** In addition to other remedies available to the Town, the Town may commence an action pursuant to Section 1-8-10 of this Code to enjoin the alleged violation of any provision of this Title. In connection with any such action the Town shall have the right to recover its reasonable attorneys' fees incurred in connection with such action.

12-6-9: **CUMULATIVE REMEDIES:** Each of the remedies provided for in this Chapter may be exercised singly or in combination with the other remedies herein provided.

12-6-10: **PENALTIES:**

A. Every person convicted of a violation of any provision of this Title shall be punished as provided in Section 1-4-1 of this Code.

B. The sanctions, remedies or penalties available under this Chapter are deemed cumulative, and any or all may be pursued by the Town to enforce the provisions of this Title.

Section 3. Effect of Amendments. Except as specifically amended hereby, the Breckenridge Town Code, and the various secondary codes adopted by reference therein, shall continue in full force and effect.

Section 4. Authority. The Town Council hereby finds, determines and declares that it has the power to adopt this Ordinance pursuant to the provisions of §31-35-402, C.R.S., and other applicable statutory and case law authority, and the powers possessed by home rule municipalities in Colorado.

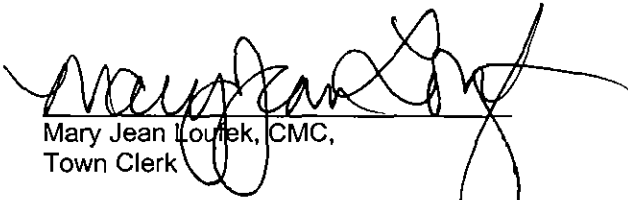
Section 5. Publication. This Ordinance shall be published as required by Section 5.10 of the Breckenridge Town Charter.

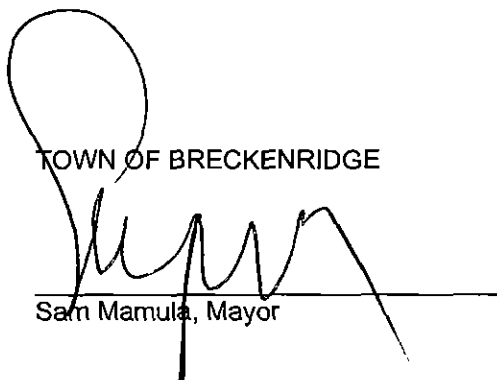
Section 6. Effective Date. This Ordinance shall become effective July 1, 2001; and shall apply to water sold by the Town on and after such date. Nothing in this Ordinance shall affect the obligation of a person to pay the Town for water sold and delivered by the Town to such person prior to the effective date of this Ordinance.

INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED PUBLISHED IN FULL this 13th day of March, 2001. A Public Hearing shall be held at the regular meeting of the Town Council of the Town of Breckenridge, Colorado on the 27th day of March, 2001, at 7:30 P.M., or as soon thereafter as possible in the Municipal Building of the Town.

ATTEST:

TOWN OF BRECKENRIDGE

  
Mary Jean Loufek, CMC,  
Town Clerk

  
Sam Mamula, Mayor

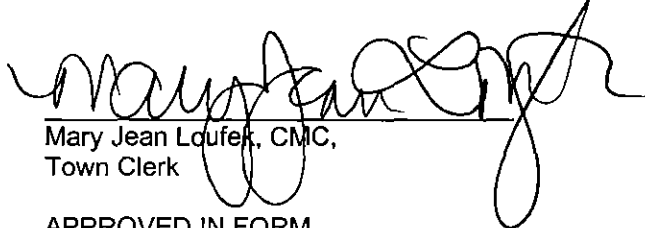
This ordinance was published in full in the Summit County Journal, a newspaper of general circulation within the Town of Breckenridge, on March 23, 2001.

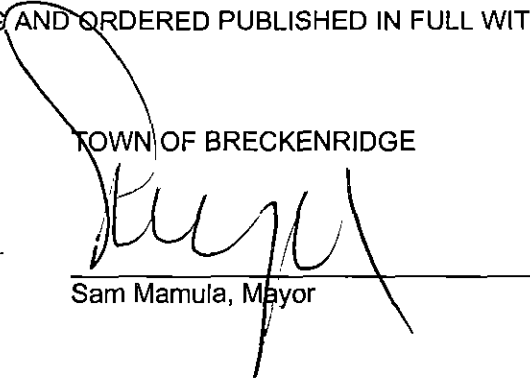
The public hearing on this ordinance was held on March 27, 2001.

READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED IN FULL WITH AMENDMENTS, this 27<sup>th</sup> day of March, 2001.

ATTEST:

TOWN OF BRECKENRIDGE

  
Mary Jean Loufek, CMC,  
Town Clerk

  
Sam Mamula, Mayor

APPROVED IN FORM

 3/27/01  
Town Attorney Date

This Ordinance was published in full with amendments in the Breckenridge/Summit County Journal, a newspaper of general circulation within the Town of Breckenridge, on April 6, 2001.