

CHAPTER 13

Municipal Utilities

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ARTICLE I

Sewer

Sec. 13-1. Definitions.

The defined words and phrases in this Section shall have the meanings ascribed to them for the purpose of this Article unless the context in which they appear clearly indicates otherwise:

(1) *Facility*, in the singular or plural, refers both to food service facilities and transportation service establishments unless a modifying word or words indicate that a different meaning is intended.

(2) *FOG* means fats, oil and grease, a term which generally refers to animal and vegetable glycerides discharged from food processing and service industries. These substances are detectable and can be measured using standard analytical techniques. They are generally referred to as *grease* or *greases*.

(3) *Food service facility* means a facility that prepares and/or packages food for sale or consumption. This includes but is not limited to restaurants, food processing facilities, food manufacturers, bakeries, lounges, hospitals, hotels, nursing homes, churches, schools, dairies, slaughter houses, meat packers, food courts, caterers and theme parks.

(4) *Gray water* means all of the liquid and particles suspended in the liquid in a trap after lighter-than-water materials have risen to the top and heavier-than-water materials have sunk to the bottom.

(5) *Grease* means animal and vegetable glycerides discharged from food processing and serving industries.

(6) *Grease trap* means a device to which grease and food wastes are directed from the food service facility operations. It functions to separate and retain waterborne greases and solid food particles prior to the wastewater exiting the trap and entering the sanitary sewer system. It also collects solids and grease from kitchen floor drains.

(7) *Owner* means the owner and, if the owner does not operate the facility, the operator of a food service facility or a transportation service establishment.

(8) *Sampling port* means an opening allowing access to a location where samples can be collected and analyzed. The sampling port shall be between the trap and the point of discharge to the Town sewer system.

(9) *Sand and oil trap* means a device to which sand and oil wastes are directed from the transportation service establishment operations. It functions to separate and retain waterborne sand and oil particles prior to the wastewater exiting the trap or interceptor and entering the sanitary sewer system.

(10) *Sanitary sewer overflow* means the backing up and overflowing of the sewer system as a result of clogging or the obstruction of flow in the Town's sewer system due to the discharge of wastewater with excessive fats, oil, grease and sand.

(11) *Sewage system* means the publicly owned wastewater treatment plants or sewer systems of the Town, including but not limited to all the collector system piping, lines, manholes, lift stations and treatment plants.

(12) *Town Manager* means the Town Manager of the Town or any other Town employee designated by the Town or designated by the Town Manager to enforce the provisions of this Chapter.

(13) *Transportation service establishments* means an automotive, truck or heavy machinery repair and/or maintenance shop, car or truck wash, truck terminal, commercial or industrial transportation equipment, or manufacturing or maintenance facility that has tanks, wash racks or any other sand and oily liquid waste. (Ord. 103 §2, 1972; Ord. 195 §1, 1993; Ord. 2006-O07 §1)

Sec. 13-2. Authority for sewer rates.

(a) The sewer rates for both inside and outside the Town shall be as set by resolution of the Board of Trustees. Such sewer rates may be changed by resolution of the Board of Trustees as it shall determine from time to time.

(b) The Board of Trustees is authorized to establish sewer system plant investment fees as are necessary for the extension, enlargement and modernization of the sewerage system.

(c) The Board of Trustees or the Director of Public Works is authorized to levy additional charges or surcharges on any wastewater treatment plant customer who violates the provisions of Section 13-6 through Section 13-8 of this Article. To the extent possible, such surcharges should reflect the additional cost of treating wastewater which does not comply with the requirements of such Sections. (Ord. 87 §4, 1971; Ord. 2006-O07 §1; Ord. 2012-O01 §1)

Sec. 13-3. Method of collection.

All sewer use charges shall be billed monthly along with monthly water charges and shall be paid in the same manner as monthly water charges are now paid. The fee for connection charges to the Town sewerage system shall be paid to the Town prior to connection to said sewerage system. Any unpaid charges shall constitute a lien upon said property so served and, in the event said charges shall not be paid when due, the Town may shut off the water for any premises on which the sewer use or connection charges are past due.

(1) If any sewer bill has been sent to the owner or resident of a property served by sewer service, and the charges set forth in the bill are more than thirty (30) days delinquent, the Town Manager is authorized to cause a shut-off notice to be delivered to the property advising the property owner or resident that service will be terminated three (3) days after delivery of the notice. The notice shall set forth the date of delivery.

(2) If service is disconnected, service shall not be restored until a deposit in the amount set forth in the Town's fee schedule has been paid in addition to the payment of the full delinquent amount.

(3) Owners or residents who are delinquent on their sewer charges may request an extension of time in which to pay the charge by making an application to the Town Manager or the Board of Trustees. (Ord. 87 §5, 1971; Ord. 2006-007 §1)

Sec. 13-4. Sewer fund.

The funds received from the sewerage use charges or sewerage connection charges authorized by this Article shall be deposited, kept, paid out, used and applied only in the manner and form provided by state statutes, and for the purpose of collecting and treating wastewater. The fund herein established is an enterprise as defined in Article X, Section 20 of the Colorado Constitution and shall be known as the "Kersey Wastewater Enterprise." Funds collected by the Kersey Wastewater Enterprise shall be available for the payment of costs and expenses of the management, maintenance, repair, renewing, improving and extending of the sewerage system of the Town and for no other purpose. The Board of Trustees hereby designates itself as the governing body of the Enterprise and shall exercise all legal authority over the Enterprise. (Ord. 87 §6, 1971; Ord. 2006-007 §1)

Sec. 13-5. Use of public sewers required.

Except as otherwise provided in Section 13-14 of this Article, all structures, including residential and commercial buildings used for human occupancy, employment and recreation, are required to be connected to the public sewer system.

(1) There shall be two (2) classes of sewer permits:

a. One (1) for residential and commercial service which discharge only normal human waste and discharge less than one hundred twenty thousand (120,000) gallons of wastewater into the system per year.

b. One (1) for service to establishments producing industrial waste, or required to have a grease trap pursuant to this Article, or discharging more than one hundred twenty thousand (120,000) gallons of wastewater into the system per year.

Charges for receiving and treating the wastewater for each class of sewer user shall be as determined by the Board of Trustees.

(2) There shall be no compound taps allowed. A compound tap is a tap or service line on which more than one (1) building or structure is connected to a single sewer service line. (Ord. 146 §1, 1980; Ord. 2006-007 §1)

Sec. 13-6. Prohibited waters.

It shall be unlawful to discharge into the sanitary sewer system of the Town any water or wastewater as hereinafter described:

(1) Waters specifically prohibited are stormwater drainage from ground, surface, roof leaders, catch basins, subsurface drainage and unpolluted industrial process waters, or any drainage associated with construction.

(2) Water which has been used for cooling or heat transfer purposes without recirculation, discharged from any system of condensation, air conditioning, refrigeration or similar use.

(3) Any liquid or vapor having a temperature higher than one hundred fifty (150) degrees Fahrenheit.

(4) Any waters or wastes having a pH lower than five point five (5.5) or greater than nine point zero (9.0).

(5) Any waters which may contain more than one hundred (100) parts per million by weight of fat, oil or grease.

(6) Any waters containing sand or any other inorganic particulate matter which will result in a settleable solids concentration greater than twenty-five (25.0) milliliters per liter in the discharge.

(7) Turbid water waste which will have a turbidity level in excess of sixty (60) Jackson turbidity units.

(8) Any gasoline, benzine, naphtha, fuel oil, lubricating oil or any other explosive or flammable liquid, solid or gas.

(9) Any wastes from septic tank pumpage or vaults unless pretreated at an approved facility or delivered to an approved discharge site and after payment of applicable fees.

(10) Any ashes, cinders, sand, mud, straw, shaving, metal, glass, rags, bones, feathers, tar, plastics, wood, manure, paunch manure, hair, blood, intestinal contents from horses, cattle, sheep, swine or poultry, animal hoofs or toenails, animal intestines or stomach casings, animal fat or flesh in particles larger than will pass through a quarter-inch screen, wax, paraffin, chemical residues, alkali residues, plating solution residues, food processing bulk solids and the concentrated contents of chemical tanks containing acids, alkalies or heavy metals.

(11) Any water or wastes containing grease, oil, fats or any other substances that will solidify or become discernibly viscous at temperatures between thirty-two (32) degrees Fahrenheit and one hundred fifty (150) degrees Fahrenheit.

(12) Any water or wastes containing emulsified oils, fats or grease exceeding seventy-five (75) parts per million of hexane soluble matter.

(13) Any wastes containing concentrated dye wastes or other wastes that are either highly colored or could become highly colored by reacting with any other wastes. (Ord. 146 §2, 1980; Ord. 2006-007 §1)

Sec. 13-7. Traps required.

(a) General requirements.

(1) Grease traps are required at all commercial food service facilities directly or indirectly connected to the Town's sewage system. All fixtures within such a food service facility, including but not limited to kitchen sinks, dishwashers, automatic hood wash units, floor drains in food preparation and storage areas or any other source deemed by the Town Manager to be a source of FOG or which may introduce FOG into the sewer system must be connected to a grease trap. In no case shall FOG be directly introduced into the sewage system. A grease trap shall function to provide a quiescent, broad surface area that provides sufficient retention time for natural buoyancy of the FOG particles to separate from effluent and to retain FOG particles within the structure. Grease traps may be located underground and outside of a food service facility and shall have at least one (1) inspection hatch on the top surface to facilitate inspection, cleaning and maintenance. Grease traps shall be designed to collect, contain or remove food wastes and grease from the waste stream while allowing the balance of the liquid waste to discharge to the sewage system. All grease traps shall be designed and installed in accordance with sound engineering principles and according to the Town specifications and shall fulfill all requirements of the Town's codes.

(2) Sand and oil traps are required at all transportation service establishments directly or indirectly connected to the Town's sewage system. All fixtures within such a transportation service establishment deemed by the Town Manager to be a source of sand and/or oil that may be introduced into the sewer system shall be connected to a sand and oil trap. In no case shall sand or oil be directly introduced into the sewage system. The sand and oil trap shall function to provide a quiescent, broad surface area that provides sufficient retention time for natural settling of the sand particles to separate from effluent and to retain sand and oil particles within the structure. Sand and oil traps may be located underground and outside of a transportation service establishment and shall have at least one (1) inspection hatch on the top surface to facilitate inspection, cleaning and maintenance. Sand and oil traps shall be designed to collect, contain or remove sand and oil from the waste stream while allowing the balance of the liquid waste to discharge to the sewage system. All sand and oil traps shall be designed and installed in accordance with sound engineering principles and according to the Town specifications and must fulfill all requirements of the Town's codes.

(3) Facilities which have traps on January 1, 2006, shall be immediately subject to the provisions of this Chapter.

(4) Facilities coming into existence after the effective date of the ordinance codified in of this Article or renovated after said effective date shall be immediately subject to the provisions of this Chapter.

(5) Any modifications of an existing facility requiring a building permit from the Town shall be immediately subject to the provisions of this Chapter.

(6) Existing facilities which do not have traps shall install the required traps on or before June 1, 2007. Any facility described in this Chapter which is required to have a trap, but does not have a trap installed and operating on or before June 1, 2007, shall be subject to a sewer user fee surcharge in an amount as set forth in the Town's fee schedule. The Board of Trustees may grant a

waiver of such surcharge only upon the showing of a hardship beyond the owner's control or the inability to install a trap due to lot size or a physical condition on the lot which prohibits the installation of a trap.

(b) Requirements for traps.

(1) All traps shall be located as to be readily and easily accessible for cleaning by the user and for inspection by the Town Manager.

(2) All traps shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight and equipped with easily removable covers which, when bolted in place, shall be gastight and watertight.

(3) The owner shall ensure that all traps work properly and effectively.

(4) All traps shall fully comply with all applicable provisions of this Code and any other applicable Town regulations or state requirements.

(5) The owner shall be solely responsible for the cost of construction and installation of the trap and shall be responsible for cleaning, inspection, maintenance and repairs of any trap installed on the owner's property or for the benefit of the owner's business.

(6) All traps shall be pumped, emptied and cleaned as necessary and, in the case of a grease trap, when the total volume of captured FOG and food sludge displaces twenty percent (20%) or more of the volume of the trap or, in the case of a sand and oil trap, when the total volume of captured sand and oil displaces twenty percent (20%) of the volume of the trap. In any event, each trap shall be pumped and cleaned no less frequently than every thirty (30) days. *Pumping and cleaning the traps* means emptying the trap and cleaning the sidewalls, cross pipes and inlet and outlet pipes.

(7) All traps shall be opened, inspected and maintained at a minimum of once per month.

(8) The Town Manager may inspect each trap in the Town as often as deemed necessary to assure compliance with this Article. Such inspections may be without notice. The Town Manager may review the facility's records of pumping, cleaning, maintenance and disposal activities, and may order the owner of the facility to make such changes or repairs as necessary to comply with the provisions of this Article.

(9) When inspection of a trap by the Town reveals that repairs are required, the Town shall give the owner notice of such required repairs or maintenance. Required repairs or maintenance shall be performed within twenty-one (21) calendar days of receipt or delivery of written notice to the owner at the address where the trap is located. If the owner fails to make such repairs or perform the required maintenance as required and within twenty-one (21) days, the Town may make the repairs and charge the cost of such repairs plus fifteen percent (15%) to the owner.

(10) The owner shall be responsible for the lawful disposition of all grease, sand, oil and materials removed from traps.

(11) The owner shall maintain records of all trap cleaning, maintenance, disposal and repair and shall make all records available to the Town Manager on request. Such records shall include the date and time of the event recorded, as well as the date the record was created, and shall include the amount of material pumped, the repair conducted or a description of the repair, maintenance, pumping or cleaning conducted. All records shall be signed by the authorized owner or operator of the trap or by the authorized contractor conducting the repair, maintenance, pumping or cleaning. If cleaning and maintenance are done by facility owners, written maintenance and cleaning procedures as well as the above records are required and shall be made available to the Town Manager upon request. All required written records shall be maintained for three (3) years from the date the record was created and shall be maintained on the premises upon which the trap is located.

(12) No chemicals, enzymes, emulsions, grease-cutters, additives or live bacteria shall be used without first obtaining approval from the Town. If any owner desires to obtain approval for use of any above-described matter, a material safety data sheet shall be supplied for the substance to be used, together with any other information necessary for the Town to evaluate the use of such material. The Town shall not permit the use of any foreign material described in this Paragraph unless use of such material will not interfere with the collection system, any collection or plant facilities or the maintenance and operation of the treatment plant.

(13) No FOG, sand or oil sources shall be connected directly to any sewer line or be allowed in any manner to bypass the trap on a lot or parcel of property located within the Town after the owner of such lot or parcel has been notified that a trap is required.

(14) In no event shall sewage be allowed to pass through a trap.

(15) Access covers or manhole covers shall be clearly identifiable and provided for each trap. The access shall be accessible during normal business hours and shall be kept clear of debris or materials blocking the access. If access to the trap is locked, the key shall at all times be available and accessible upon one (1) hour's notice. The owner of any facility required to have a trap shall, upon request by the Town, provide access to the trap as soon as practical and within one (1) hour.

(16) All traps shall be designed and maintained so as to prevent surface water, groundwater or tap water from entering the trap.

(17) In those instances where under-the-sink grease traps are allowed, such traps shall be cleaned each week to prevent pass-through of grease and other solids into the sewage system. Facilities with under-the-sink grease traps are subject to the same recordkeeping requirements as indicated above.

(18) A sampling port shall be installed between the trap and the discharge point into the Town sewer system and shall be easily accessible for hand sampling or installation of a twenty-four-hour sampling device. (Ord. 146 §3, 1980; Ord. 164 §1, 1983; Ord. 2006-007 §1; Ord. 2006-008 §1)

Sec. 13-8. Preliminary treatment.

(a) The Town or its administrative authority may require pretreatment of any waste or wastewater which may be hazardous to the sewage treatment facilities, or which may contain

corrosive, noxious or malodorous material or substance which, either singly or by reaction with other wastes, is capable of causing damage to the system or any part thereof, creating a public nuisance or hazard or preventing entry into the sewers for maintenance and repair of substance which may control the quantities and rates of discharge of water or wastes into the treatment facilities.

(b) Specifically, the admission into the public sewers of any waters or wastes:

(1) Having a five-day biochemical oxygen demand greater than three hundred (300) parts per million by weight;

(2) Containing more than three hundred fifty (350) parts per million by weight of suspended solids;

(3) Containing any quantity of substances having the characteristics described in Section 13-6 above; or

(4) Having an average daily flow greater than two percent (2%) of the average daily sewer flow of the Town;

Shall be subject to review and approval by the administrative authority of the Town. Where necessary, in the opinion of the administrative authority of the Town, the owner shall provide, at his or her expense, such preliminary treatment as may be necessary to bring the wastewater into compliance with the standards set forth in Paragraphs (1) through (4) above.

(c) Plans, specifications and other pertinent information relating to the proposed preliminary treatment facility shall be submitted for the approval of the administrative authority of the Town, and no construction of such facilities shall be commenced until approval of the submitted plans is obtained in writing.

(d) It shall be unlawful for any person to discharge into the Town sewage system any material, water or wastewater having a five-day biochemical oxygen demand greater than three hundred (300) parts per million or containing more than three hundred (300) parts per million by weight of suspended solids.

(e) It shall be unlawful for any person to discharge any quantity or volume of effluent to the sewage system by means of a pump or release from a holding tank or any other device with a capacity greater than fifty (50) gallons, which causes or may cause a sudden inflow or surge into the sewage system. This Section shall not apply to the Town Maintenance Department while flushing or cleaning sewage collection lines. (Ord. 146 §4, 1980; Ord. 164 §2, 1983; Ord. 2006-O07 §1)

Sec. 13-9. Additional requirements.

Whenever the Town or the appropriate administrative authority requires testing of the effluent for the purpose of determining the contents of the effluent, the amount of effluent or the strength or volume of any prohibited substance within the effluent, for the purpose of determining whether any Section of this Article has been violated or for any other purpose deemed necessary by the appropriate authority, the cost of such tests shall be paid by the person causing the effluent to be discharged into the sewage system. Failure to pay such costs shall be cause for the discontinuance of

water service to such person or any other action the Town may deem appropriate to enforce collection of such costs. (Ord. 146 §5, 1980; Ord. 2006-O07 §1)

Sec. 13-10. Control manholes.

When required by the administrative authority of the Town, the owner of any property served by the Town sewer system carrying industrial wastes shall install a suitable control manhole in the building sewer to facilitate the observation, sampling and measurement of wastes. Such manhole, when required, shall be installed and maintained by the owner at his or her expense. (Ord. 2006-O07 §1)

Sec. 13-11. Inspectors; right of entry.

The administrative authority and the duly authorized employees of the Town shall be permitted to enter upon all properties for the purpose of inspection, observation, measurement, sampling and treating in accordance with the provisions of this Article. (Ord. 146 §6, 1980; Ord. 2006-O07 §1)

Sec. 13-12. Violations and penalties.

Any person who is found guilty of violating any of the provisions of this Article shall be punished by a fine in accordance with Section 1-72 of this Code, by a ninety-day jail sentence or by both such fine and jail sentence. (Ord. 146 §7, 1980; Ord. 164 §3, 1983; Ord. 195 §1, 1993; Ord. 2006-O07 §1)

Sec. 13-13. Reimbursement for damage.

The Town shall not reimburse any person, entity or user of the sanitary sewer system for any damage caused to such person's, entity's or user's real or personal property, unless it is established by a preponderance of the evidence that the damage was caused by the negligence of the Town or the improper construction or design of a main sewer line located in a street or alley. (Ord. 96-6 §1, 1996; Ord. 2006-O07 §1)

Sec. 13-14. Private sewage system.

Where the public sewer is not within four hundred (400) feet of a structure, or where terrain is such that it is impractical to connect to the public sewer system, the property owner may apply for a permit to install a private sewage system. Such private sewage system shall only be granted by the Board of Trustees and only if the Board of Trustees finds that it is impractical or impossible to connect to the public sewer system, if the property is eligible to receive a private sewage disposal permit from the Weld County Department of Health, the property is large enough to accommodate the primary structure and necessary private sewage disposal facilities, and the plans and specifications for construction of the private sewage system will be reviewed by the appropriate Town official prior to construction. (Ord. 2006-O07 §1)

Sec. 13-15. Existing sewer service line.

No existing or previously used sewer service line may be used in connection with any new building unless the existing sewer service line has been subject to examination as required by the

Director of Public Works, and has been found to be adequate for the transmission of sewage by the Director of Public Works. (Ord. 2006-007 §1)

Sec. 13-16. Unlawful interference.

It shall be unlawful to interfere with, break, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is part of the sewer system. (Ord. 2006-007 §1)

Sec. 13-17. Billing formula.

The Board of Trustees is authorized to implement a method of calculating average monthly sewer volumes and establishing the sewer user charge based upon average monthly water consumption for each customer during the months of January, February and December of the previous year, as shown by the water meter, which average volume is established for each service and may be used to calculate user charges subsequent to March 1 of each calendar year.

(1) The volume charge shall be billed and is due and payable each month, along with any flat monthly service charge provided in this Chapter or in the fee schedule.

(2) Notwithstanding the foregoing, if the winter water use at any particular premises is materially different from the actual annual use of the Town sewer system at such premises, the Town shall have the authority, after notice to the property owner and an opportunity for hearing, to order the annual use charge for such premises to be based upon the actual use, as reasonably determined by the Town. In such event, the volume charge provided herein shall be determined by applying the established volume rate to the actual use for such premises. (Ord. 2006-07 §1)

Sec. 13-18. Removal and assessment.

(a) If any person fails to comply with the provisions of this Chapter, in addition to the penalty provided therefor, a written notice may be served upon the owner or agent in charge of such property, such notice to be served personally or by mail, requiring the cleaning or maintenance of any grease trap or sand and oil trap. Such notice shall require cleaning or maintenance of the trap within seven (7) days after mailing or delivery of such notice. If such cleaning or maintenance is not performed within the stated time and maintained in a proper manner, the Town may cause such cleaning and/or maintenance to be done and assess the whole cost thereof, including fifteen percent (15%) of the cost for inspection and other incidental costs in connection therewith. The costs and any charges assessed by the Town pursuant to the this Chapter associated with the cleaning and maintenance of a trap shall be paid by the owner of the property or agent for such owner within thirty (30) days after mailing of the bill or assessment of such cost by the Town to said owner or agent. The Town shall have the right to proceed for the collection of any unpaid charges for cleaning and/or maintenance of a trap in the manner provided by law for collection of debts and claims on behalf of the Town, including without limitation collection and lien procedures provided in this Section and as provided by law.

(b) In addition to any other means provided by law for collection, if any such assessment is not paid within thirty (30) days after it is made and notice thereof is mailed, the same may be certified by the Town Clerk to the proper county authority and placed upon the tax list for the current year, and thereby collected in the same manner as other taxes are collected, with a fifteen-percent penalty thereon to defray the cost of collection, as provided by the laws of the State.

(c) Failure to pay, within ten (10) days after mailing or delivery to the owner of the property, the amount assessed for cleaning or maintenance of the trap as described in this Article shall cause such assessment to become a lien against such lot, block or parcel of land associated with and benefiting from said services, and said lien shall have priority over all liens, except general taxes and prior special assessments, and the same may be effected at any time after such failure to so pay by recordation with county land records of a certification by the Town, setting forth the costs to be charged against the property, the dates of service and descriptions of services giving rise to such charges. This lien and collection procedure are supplementary and additional to any collection procedures described elsewhere within this Section or this Code. (Ord. 2006-007 §1)

Sec. 13-19. Appeal of assessment.

(a) Any owner or occupant who disputes the amount of such assessment made against the property may, within thirty (30) days of receipt of the notice of assessment, appeal the assessment and request a revision or modification of the assessment.

(b) The appeal shall be made in writing and delivered to the Town Clerk and shall set forth such information as the applicant believes appropriate. Such appeal shall be heard by the Board of Adjustment within thirty (30) days after the appeal is filed with the Town Clerk. Notice of such hearing and proceedings shall be given to the applicant at least ten (10) days prior to the hearing date. The petitioner shall have the burden of proof that revision or modification is necessary to preserve substantial justice.

(c) Within ten (10) days after the hearing, the Board of Adjustment shall make findings of fact based upon information presented, shall make a decision based upon such findings and may revise or modify such assessment, confirm the assessment or reject the assessment to promote substantial justice. The decision of the Board of Adjustment shall be in writing, shall be final and shall be served upon the applicant within ten (10) days after the date of such decision, personally or by certified mail, return receipt requested. (Ord. 2006-007 §1)

Sec. 13-20. Penalties.

Any person, firm, corporation or other entity violating any of the provisions of this Article shall be deemed guilty of a misdemeanor and, each such person, firm, corporation or entity, upon conviction of any violation of this Article, shall be punished by a fine of not more than one thousand dollars (\$1,000.00), imprisonment for not more than ninety (90) days or both such fine and imprisonment for each offense. The court may impose such other penalty as may be authorized by Sections 13-10-113 and 25-8-103(8), C.R.S., and the Federal Water Pollution Control Act, which includes civil penalties of up to ten thousand dollars (\$10,000.00) per day, and for criminal pollution, a fine of up to twenty-five thousand dollars (\$25,000.00), as described in Sections 25-8-608 and 25-8-609, C.R.S. Each day that a violation of this Article exists or continues to exist shall constitute a separate violation. The penalties herein set forth may be in addition to any administrative charge imposed. (Ord. 2006-007 §1)

Secs. 13-21—13-30. Reserved.

ARTICLE II

Water System

Sec. 13-31. Title.

This Article shall be known and may be cited and referred to as the Kersey Water Ordinance. (Ord. 74 §1, 1967)

Sec. 13-32. Director of Waterworks.

The Board of Trustees shall appoint some person as Director of Waterworks. (Ord. 74 §2, 1967)

Sec. 13-33. Authorization.

The Board of Trustees is authorized to acquire, construct, maintain and operate a system for the diversion, supply, storage and distribution of water to the Town, including the authority to enter into a contract or contracts with other towns and cities or with water districts, for the purpose of acquiring water and a water system, which water system shall be known as the Kersey Water Enterprise, and all funds collected from the sale or distribution of water, water taps or otherwise collected pursuant to this Article shall be paid into the Kersey Water Enterprise Fund. (Ord. 74 §3, 1967; Ord. 2012-001 §2)

Sec. 13-34. Unlawful connections.

(a) It shall be unlawful for the Town Clerk to issue any permit for the connection with the waterworks, or any other purpose, or in any manner other than by this Article provided, or for the Director of Waterworks to permit any tap or connection to be installed or made contrary to this Article and ordinances of the Town, or until a permit has been issued and delivered to him or her, or contrary to or in excess of the provisions thereof.

(b) It shall be unlawful for any person not authorized by this Article to make any connection with any water pipe or main of the waterworks, or for any authorized person to put in any tap contrary to the provisions of this Article.

(c) It shall be unlawful for any water consumer to use water through any tap of service connected with such water mains contrary to the provisions of this Article or to turn on water to his or her premises, lot, buildings or house when the water has been turned off.

(d) Any person convicted of violating this Section or any provision of this Article in regard to tapping water mains, laying service pipes and stopcocks, or taking and using water through the same shall be punished as set forth in Section 1-72 of this Code or by a ninety-day jail sentence, or by both such fine and jail sentence. (Ord. 74 §4, 1967)

Sec. 13-35. Permit required.

It shall be unlawful for any owner, lessee or user of water to turn or cause to be turned on water for his or her premises or to take and use water on his or her premises without having obtained a

permit therefor. Such persons shall make application in writing to the Town Clerk for such permit, furnishing the necessary information for the determination of the proper water rate, and upon receipt of such information and payment of the required fees, the permit shall be issued by the Town Clerk, except as otherwise provided for herein. (Ord. 74 §5, 1967)

Sec. 13-36. Permit issuance.

All permits shall be signed by the Town Clerk and shall set forth the name of the person for whose benefit it shall be granted, the date thereof, the point of the water main at which tapping is to be done, the size of the tap and stopcock, the premises to which water is to be conducted, the use to be made of water, and the number and character of appliances through which the same is to be used. The Town Clerk shall issue the permit in triplicate; the duplicate copy shall be delivered with directions to the Director of Waterworks, who shall make or cause to be made the connections therein provided; and the triplicate copy shall be delivered to the permittee. (Ord. 74 §6, 1967)

Sec. 13-37. Permit fee schedule.

(a) Any person desiring a five-eighths-inch water tap within the boundaries of the Town shall provide to the Town one (1) acre-foot of raw water deliverable and usable to the Town by the Central Weld County Water District. Generally, the Town will require that such water consist of one (1) unit of Colorado-Big Thompson Project water.

(1) Any person desiring a three-quarter-inch water tap shall be required to convey to the Town one and one-half (1½) acre-feet of raw water or the equivalent of one and one-half (1½) units of Colorado-Big Thompson Project water.

(2) Any person desiring a one-inch water tap shall be required to convey to the Town three (3) acre-feet of raw water or three (3) units of Colorado-Big Thompson Project water.

(3) Any person desiring a water tap larger than a one-inch tap shall provide such water as may be determined to be appropriate by the Town to ensure that adequate raw water will be available to meet the needs of the customer.

(b) In addition to the raw water requirement, a person desiring a water tap within the Town shall pay a tap fee, a plant investment fee, appropriate sewer fees and such other fees as may be set forth on the Town's Consolidated Fee Schedule.

(c) Any person desiring a water tap from the Town, which tap will not be located within the boundaries of the Town, shall be required to comply with the raw water requirements of this Section and, in addition thereto, shall pay a tap fee and plant investment fee in the amount of twice the amount of the fees set forth on the Fee Schedule or the fee set forth on the Town Fee Schedule, or as otherwise negotiated between the Town and the perspective customer.

(d) In addition to paying the fees in Subsections (a), (b) and (c) above, each owner, lessee or user of water shall pay for the labor, meters, meter pit and other materials required in tapping the water main, installing the service pipes, trenching and repair of streets, pavement, curb and gutter, and all other related expenses, all as determined by the Director of Public Works. All such costs shall be

paid in advance. The Town may require a cash deposit for the amount due to the Town under this Subsection prior to construction. No water meter shall be installed in any residence or structure.

(e) If any owner, lessee or other user of water shall apply to the Town for permission to increase the size of his or her tap, he or she shall be obligated to pay the costs referred to in Subsection (d) above and, in addition, shall be obligated to pay a new tap fee and raw water fee calculated in accordance with either Subsection (a), (b) or (c) of this Section. However, the applicant may be entitled to a credit for any plant investment fee or tap paid by him or her, or by his or her predecessor in interest or title, on account of the tap which the applicant desires to increase.

(f) A water tap owner shall have sixty (60) days to put the tap into use. On the sixty-first day after the tap is issued and tap fee paid, the minimum monthly water service charge will begin to accrue and shall be due and payable on the next regular water billing date, regardless of whether or not the water tap is actually in use.

(g) Every person owning property within the Town who desires to purchase a water tap shall also be required to purchase a sewer tap. Every person owning property within the Town who desires to secure a sewer tap shall also be required to purchase a water tap. Such person shall after, sixty (60) days after purchase and pursuant to this Article, pay all required water and sewer usage fees. (Ord. 74 §7, 1967; Ord. 152 §2, 1982; Ord. 168 §1, 1985; Ord. 2012-001 §2)

Sec. 13-38. Water rates.

The water rates and fees for both inside and outside the Town shall be as set by resolution by the Board of Trustees. Such water rates may be changed by resolution by the Board of Trustees as they shall determine from time to time. (Ord. 74 §8, 1967)

Sec. 13-39. Charge for nonregistering meter.

(a) If any meter should fail to register in any month, the consumer shall be charged with the average monthly consumption during the two (2) preceding months as shown by the meter when in order.

(b) There shall be no rebates to the owner on account of the owner or tenant ceasing to use water before the expiration of the time for which rental has been paid. (Ord. 74 §9, 1967)

Sec. 13-40. Failure to pay.

(a) All rates for the use of water as herein provided shall be due and payable monthly to the Town Clerk at his or her office in the Town Hall; and in case any water user shall fail to pay all charges hereunder within thirty (30) days after the same shall become due, the same shall be deemed delinquent and the Director of Waterworks shall turn off the water from every premises, building, house or lot in default, and water shall not be turned on again until all rates are paid together with the reconnection charge.

(b) The Town Clerk may, but shall not be required to, give notice to users of water of the amount of their water rates and when due. (Ord. 74 §10, 1967)

Sec. 13-41. Water meters.

(a) It shall be unlawful for any person to take, receive and use any water from the Town waterworks or mains in any buildings or any lot for any purpose whatsoever, except water used and measured through a meter.

(b) If any person shall fail to install such meter as herein provided before the water is used, such consumer's water shall be turned off until the meter is installed.

(c) All meters shall be of the type, size and design approved by the Board of Trustees.

(d) All water meters shall be installed as close as practical to the curb in an approved meter pit with appropriate cover and, when required, equipped with automated read-out technology.

(e) Each meter shall be tested by the Waterworks Department and properly adjusted before being installed. The Director of Waterworks shall make periodic tests of water meters and replace the meters or repair them as needed. The Water Department shall pay the cost of maintenance of five-eighths-inch and three-quarter-inch meters for those consumers being served and billed directly by the Town. The cost of maintenance of all other meters shall be borne by the consumer and the consumer's water service shall be turned off if the repair bill is not paid within sixty (60) days.

(f) The Director of Waterworks shall have authority to attach remote reading devices to water meters now or hereafter installed, for any or all classes of water users. The owner of the premises where such remote reading device is placed shall be obligated to pay the full cost to the Town for the acquisition of such device, such payment to be due within thirty (30) days after notification. The Director of Waterworks or any person designated by him or her shall have authority to enter any house or building for the purpose of installing any such remote reading device. The cost of installing and maintaining the device shall be the obligation of the Town.

(g) It shall be unlawful for any person to damage any such remote reading device or water meter, or to in any way interfere with their proper operation, and a violation of this Subsection shall be punished by a fine as set forth in Section 1-72 of this Code or by a ninety-day jail sentence, or by both such fine and jail sentence.

(h) If the cost of any such remote reading device is not paid within thirty (30) days after notification, the Director of Waterworks shall turn off the water from every premises, building, house or lot with respect to which a default exists, and the water shall not be turned on again until such charges are paid together with the reconnection fee. (Ord. 74 §11, 1967; Ord. 90 §1, 1971; Ord. 2012-001 §3)

Sec. 13-42. No reduction made for wells.

There shall be no reduction made from the rates fixed as provided in this Article by reason of there being a water well or other source of water upon the premises where the Town water is used for any purpose on the premises. (Ord. 74 §12, 1967)

Sec. 13-43. Payment of minimum water rate required.

Every person owning property, either within or without the Town limits who has a sewer connection, shall pay the minimum water rate as established by the Board of Trustees. (Ord. 74 §13, 1967)

Sec. 13-44. Installation requirements.

(a) The Director of Waterworks shall make all water taps, connecting service pipes, install corporation cocks, curb stops, curb stop boxes, and determine the proper size of such, or such connection and taps shall be made under his or her direction.

(b) All service lines shall be laid at right angles and below frost line, and shall extend from the water main to within twelve (12) inches of the property line.

(c) No paving on any street or alley shall be disturbed or broken for the laying of water services without approval of the Director of Waterworks. Backfilling of service cuts shall be under the supervision of the Director of Waterworks.

(d) Before a street is paved, the owner of every lot or part of lot constituting a separate premises abutting upon the street where a water main is laid shall pay the proper connection charges and the Director of Waterworks shall install the service pipes prior to the street paving.

(e) All excavations in streets and alleys for water installation shall be protected with suitable barricades, guards and flares.

(f) Except as herein provided, the use of compound water taps or more than one (1) service line for each tap is prohibited. Compound water taps and taps containing more than one (1) service line which are in use on the effective date of the ordinance codified herein shall be allowed to continue; however, each separate service shall contain its own meter.

(g) No connection with the waterworks or use of water therefrom shall, after the effective date of the ordinance codified herein, be made through any extension of the service pipes of any other premises. (Ord. 74 §14, 1967)

Sec. 13-45. Use restriction.

The Director of Waterworks may, when he or she deems it necessary because of repair of any portion of the transmission or distribution system, restrict the use of water, and, if need be, prohibit the use of water for sprinkling until the water system has been repaired. (Ord. 74 §15, 1967)

Sec. 13-46. Inspection of facilities.

It shall be the duty of the Director of Waterworks or his or her assistant to enter in and upon all premises and buildings using water at least once in each year, and more often if need be, and carefully examine and inspect all such premises and buildings and all water pipes, fixtures and appliances therein in order to ascertain the nature, character and extent of such water fixtures and plumbing and the use to which the water is being put, and whether the water pipes, fixtures and appliances therein

are in tight and perfect condition, and whether the use of water is wasting the same. (Ord. 74 §16, 1967)

Sec. 13-47. Wasting water prohibited.

It shall be unlawful for any person having a permit to use water, to permit, suffer or allow water to run to waste upon his or her premises, buildings, houses or lots, in, through or out of any water closet, lavatory, urinal, bathtub, hose, hydrant, faucet or other fixtures, appliances or apparatus whatsoever, or in any manner through neglect, or by reason of faulty or imperfect plumbing or fixtures. (Ord. 74 §17, 1967)

Sec. 13-48. User responsibilities.

(a) The owner of any premises for which a connection is made and stopcock with box and cover placed as aforesaid shall keep such stopcock with box and cover placed as aforesaid in good condition at his or her expense and so that the Director of Waterworks shall be able to turn off water from his or her service pipe at any time. From such stopcock to, in and upon his or her premises, the owner shall provide his or her own pipe and plumbing, which shall be constructed and placed so as to comply with all ordinances upon plumbing, and shall, at his or her expense, at all times keep all pipes, fixtures and appliances on his or her premises tight and in good working order and so as to prevent waste of water. In case any pipe or fixture shall break or become imperfect, or so as to waste water, he or she shall forthwith repair the same and keep the same in repair.

(b) It shall be unlawful for any owner or user of water to fail to comply with the provisions of this Section, and, until his or her pipes and fixtures are placed in good repair, the Director of Waterworks shall turn off all water from such premises. In case the Director of Waterworks shall, on inspection, ascertain that any plumbing or fixtures of any premises are so defective as to waste any water, he or she shall notify the owner or user of water to repair the same immediately, and, if not repaired within twenty-four (24) hours, he or she shall turn off the water from such premises and the same shall remain turned off until such plumbing and fixtures are repaired.

(c) The user or property owner shall be responsible for all service and maintenance, including the thawing of frozen water lines from the curb stop (shut-off valve) to the residence. The Town shall have responsibility for all service and maintenance on all main lines lying within the streets and alleys and shall further have responsibility for service and maintenance, including thawing of frozen lines from the main water line to the curb stop (shut-off valve).

(d) The user shall pay for the cost of the initial meter and its installation. The Town shall thereafter be responsible for all meter repair and replacement. (Ord. 74 §18, 1967; Ord. 94-1 §1, 1994)

Sec. 13-49. Fire hydrants.

(a) All fire hydrants shall be under the control of and shall be kept in repair by the Director of Waterworks. In case of fire, the member of the Fire Department and such other persons as the Director of Waterworks shall authorize shall have free access to such fire hydrants. No other person shall open or operate any fire hydrant without permission of the Director of Waterworks or draw therefrom or obstruct the approach thereto.

(b) The Director of Waterworks shall, with the appropriate official of the Fire Department, make periodic tests of all fire hydrants and keep such records of testing and flushings as are required by the National Board of Fire Underwriters. (Ord. 74 §19, 1967)

Sec. 13-50. Unlawful to injure or damage waterworks; trespass unlawful; contaminating water unlawful.

(a) It shall be unlawful for any person to injure or in anywise damage any property or appliances constituting or being a part of the waterworks, or any fence, guard rails, boxes, covers or buildings constructed and used to protect the waterworks or any part thereof.

(b) It shall be unlawful for any unauthorized person to trespass upon the waterworks or the grounds upon which the same is constructed or in any manner to interfere with the waterworks or any part thereof, or to meddle or interfere with any pipe, valve or appliance used to regulate the flow of water in the waterworks or any part thereof, or to change or alter the position of any valve or appliance regulating the flow of water in such pipe line or waterworks.

(c) It shall be unlawful for any person to cast, place, dump or deposit in the waterworks any substance or material which will contaminate or pollute the water in the waterworks, or in any pipe, reservoir, filter, sedimentation basin, or any appliance forming a part of the waterworks, or in any manner to obstruct the waterworks or pollute the water therein. (Ord. 74 §20, 1967)

Sec. 13-51. One service multiple users

Owners of any business block or other building occupied by more than one (1) tenant using or taking water from the same service pipe shall be required to pay the water rent for the whole of such block, building or premises before a permit shall be granted for the use of water therein. (Ord. 74 §22, 1967)

Sec. 13-52. Unpaid water rates a lien.

All water rates shall be a charge and lien upon the premises to which water is delivered or from which water rent is due from the date the same becomes due and until paid, and the owner of every building, premises, lot or house shall be liable for all water delivered to or taken and used upon his or her premises, which lien and liability may be enforced by the Town by action at law or suit to enforce such lien. In case the tenant in possession of such premises or buildings shall pay the water rent or rate, it shall relieve his or her landlord from such obligations and lien, but the Town shall not be required to look to any person whatsoever other than the owner for the payment of water rents and rates herein provided. (Ord. 74 §23, 1967)

Sec. 13-53. Charge for turning water on.

When water is once turned on to any premises and thereafter turned off for any reason, it shall not be turned on again until the charge as set forth in the Town's fee schedule has been paid for so doing. (Ord. 74 §24, 1967)

Sec. 13-54. Approval of construction of mains.

(a) For the purpose of establishing uniformity in the construction of mains, it shall be the duty of the Board of Trustees to approve all plans, specifications and material for water mains prior to construction. All such plans and specifications shall be made a matter of record and shall be kept on file in the Town Hall for the use of the Town and public in the construction, alteration and repair of water mains within the Town prior to construction.

(b) For the purpose of establishing uniformity in the construction of water mains outside the Town in subdivisions or areas where the property is subject to the conditions of the water contracts of the Town, it shall be the duty of the Board of Trustees to approve all plans, specifications and material for water mains prior to construction. All such plans and specifications shall be made a matter of record and shall be kept on file in the Town Hall for the use of the Town and the public in the construction, alteration and repair of water mains prior to construction.

(c) Upon presentation of proper credentials, the Director of Waterworks may enter at reasonable times any subdivision or area within or without the Town to perform any duty imposed upon him or her by this Article.

(d) Whenever any work is being done contrary to the provisions of this Article, the Director of Waterworks may order the work stopped by notice in writing served on any person engaged in the doing or causing such work to be done, and any such person shall forthwith stop such work until authorized by the Director of Waterworks to proceed with the work. (Ord. 74 §25, 1967)

Secs. 13-55—13-70. Reserved.

ARTICLE III

Water Usage

Sec. 13-71. Mandatory water use restrictions.

(a) The following restrictions shall apply to all persons or properties in or out of the Town using water supplied by the Town through a water tap:

(1) Between March 1 and October 31 of each year, watering or irrigation of landscaped areas, vegetable gardens, perennial flower gardens, trees and shrubs with hose end sprinklers or automatic irrigation systems shall be prohibited between the hours of 10:00 a.m. and 5:00 p.m. each day.

(2) There shall be no water use restrictions between November 1 of each year and the last day of February the following year.

(b) Other sections unaffected. All other water restrictions or limitations as imposed by prior ordinances shall remain unaffected by this Section.

(c) Penalties. The minimum penalty for violation of this Article shall be as follows:

- (1) The first offense shall be a minimum fine of one hundred dollars (\$100.00).
- (2) The second offense shall be a minimum fine of two hundred dollars (\$200.00).
- (3) In addition to any penalty imposed by the court pursuant to this Section, a flow restrictor may be placed upon the property or water service may be terminated as may be determined by the Board of Trustees.
- (4) Any person, firm, corporation or other entity violating any of the provisions of this Section shall be deemed guilty of a misdemeanor and each such person, firm, corporation or entity, upon conviction of any violation of this Section, shall be punished by a fine of not more than one thousand dollars (\$1,000.00), imprisonment for not more than ninety (90) days or both such fine and imprisonment for each offense. Each day that a violation of this Section exists or continues to exist shall constitute a separate violation. (Ord. 172 §1, 1986; Ord. 2003-001 §1; Ord. 2003-005 §1; Ord. 2005-006 §1; Ord. 2005-013 §§1—3; Ord. 2010-002 §1)

Sec. 13-72. Mobile home park usage.

The Kersey Mobile Home Park shall be subject to the regulations imposed upon the mobile home park by the Central Weld County Water District and is not subject to the requirements of this Article. (Ord. 172 §2, 1986; Ord. 2003-001 §1, 2003; Ord. 2003.005 §1, 2003)

Sec. 13-73. Well water usage.

Owners of property who use well water for sprinkling and who are sprinkling on days inconsistent with this Article shall place a sign in a conspicuous place on their property advising authorities that well water is being used. Placing a sign in accordance with this Section fraudulently and when municipal water is in fact being used for the sprinkling of lawns, gardens or trees shall be a violation of this Article. (Ord. 172 §3, 1986; Ord. 2003-001 §1, 2003; Ord. 2003-005 §1)

Sec. 13-74. Sale of water by Town.

The sale of water to nontapholders shall only occur when such nontapholder has obtained a permit to purchase water from the Town Manager. The Town Manager shall issue such a permit only when the Town Manager is satisfied that the sale of water will be properly metered or that some other method of measuring the water taken is established. Water sold to a nontapholder shall be sold at the rate as may be set forth in the Town fee schedule. (Ord. 2003-001 §1; Ord. 2003.005 §1)

Sec. 13-75. Exceptions; permit.

The Town Clerk or other person designated by the Board of Trustees may grant an exception to alter the restrictions set forth in this Article for individuals or businesses who may own lots, common areas or grounds with both odd- and even-numbered addresses and which are served by a single sprinkler system. The Town Clerk or other authority designated by the Board of Trustees may also grant a permit excepting such applicant from the requirements of this Article for persons who have newly seeded or sodded lawns. Such permits shall last for a period of two (2) months or less and sprinkling pursuant to such permit shall be allowed on each day of the month and at any time during the twenty-four-hour period. Any person obtaining such a permit shall display the permit in a door

window or window closest to the door wherein the address of the premises is located. (Ord. 172 §4, 1986; Ord. 2003-001 §1; Ord. 2003.005 §1)

Sec. 13-76. Further limitations authorized.

The Board of Trustees may, by resolution, further limit the hours or days of sprinkling or irrigation, or may entirely prohibit the use of water for lawn or landscape irrigation purposes in case of failure of the water system or any portion thereof or for reason of other shortage of water supply and, in the event such a resolution is adopted by the Board of Trustees, any watering in violation of such a resolution shall be a violation of this Article. (Ord. 172 §5, 1986; Ord. 2003-001 §1; Ord. 2003-005 §1)

Sec. 13-77. Sprinkling unlawful during fire.

It is unlawful for any person to use municipal water for sprinkling during any fire within the Town or while the Fire Department is using municipal water for firefighting purposes. (Ord. 172 §7, 1986; Ord. 2003-001 §1; Ord. 2003-005 §1)

Sec. 13-78. Additional restrictions.

(a) Use of water to wash a motor vehicle, motor bike, boat, trailer, airplane or other vehicle is prohibited except on designated watering days and designated watering times established in Section 13-71 of this Article. Such washing shall be done only with a handheld bucket or handheld hose equipped with a positive shut-off nozzle for quick rinses. (When hand washing of vehicles is performed, residents are encouraged when appropriate to wash their vehicles on landscaped areas.) Vehicle washing may be done at any time on the immediate premises of a commercial carwash or commercial service station. Washing of vehicles is exempt from this Article when washing is necessary for the health, safety and welfare of the public as in the washing of garbage trucks and vehicles used to transport food and perishables.

(b) Use of water to fill, refill or add to any indoor or outdoor swimming pools, wading pools, jacuzzi-type pools or hot tubs is prohibited, except on designated watering days and designated watering times established in Section 13-71.

(c) Use of water to wash the exterior of residential and commercial structures is prohibited, except on designated watering days and designated watering times established in Section 13-71. (Ord. 2002-07 §1; Ord. 2002-10 §§1, 5; Ord. 2003-001 §1; Ord. 2003-005 §1)

Sec. 13-79. Prohibited uses.

The following uses of water are defined as nonessential and are prohibited:

(1) Washing down any sidewalks, walkways, driveways, parking lots or other hard-surfaced areas, except for commercial areas, when necessary to maintain public health, safety and welfare.

(2) Flushing street gutters or permitting water to run or accumulate in any gutter or street. This Paragraph shall not apply to the use of water for cleaning of roof gutters and downspouts, when such cleaning is done with a positive shut-off nozzle.

(3) Failure to control leaks within a reasonable time after having been given notice directing repair of such leaks. (Ord. 2003-001 §1; Ord. 2003-005 §1)

Sec. 13-80. Penalties.

(a) It shall be unlawful for any person to violate any provisions of this Article.

(b) The penalty for violation of this Article shall be as follows: It shall be unlawful for any person to violate any of the provisions of this Article. Any person convicted of violating any provision of this Article or who shall fail to comply with any of the provisions of this Article shall, upon conviction thereof, be punished by a fine of not exceeding one thousand dollars (\$1,000.00), imprisonment for a period not to exceed ninety (90) days or both such fine and imprisonment. Each day a violation of this Article continues shall be considered a separate offense. (Ord. 2003-001 §1; Ord. 2003-005 §4)

Secs. 13-81—13-90. Reserved.

ARTICLE IV

Mosquito Control

Sec. 13-101. Creation of program.

There is hereby created the mosquito control program of the Town. Funds raised by the mosquito control program shall be used only for the purpose of mosquito control, including the application of larvicide, herbicide, spraying and other technologically appropriate mosquito control methods. (Ord. 2010-003 §1)

Sec. 13-102. Utility charge.

The utility charge to each water customer and each water and sewer customer shall be increased by one dollar (\$1.00) per month as the mosquito control fee.

(1) The fee set forth above shall apply to each existing and to each new utility customer of the water utility and the sewer utility.

(2) The funds collected pursuant to this Article shall be accounted for separately and shall be used solely for the purpose of mosquito control in the Town. (Ord. 2010-003 §1)

Secs. 13-103—13-110. Reserved.