

**TOWN OF LOCHBUIE
COUNTIES OF WELD AND ADAMS, COLORADO**

ORDINANCE NO. 2021-671

**AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF
LOCHBUIE, COLORADO, REPEALING AND REENACTING ARTICLE
VI OF CHAPTER 13 GOVERNING THE TOWN'S WATER UTILITY**

WHEREAS, the Town of Lochbuie (the "Town") is a statutory municipality, governed by its elected Mayor and Board of Trustees; and

WHEREAS, in accordance with the authority set forth in Section 31-35-402, C.R.S., the Town has the authority to operate and maintain water and sewerage facilities for its use and the use of the public, and to prescribe and collect rates, fees, tolls and chares for the services furnished; and

WHEREAS, Article 6 of Chapter 13 of the Lochbuie Municipal Code ("Code") governs the Town's water utility; and

WHEREAS, the Town Board of Trustees desires to amend the Code to repeal and readopt Article 6 of Chapter 13 to clarify the language and the processes for connecting to the Town water system and for the imposition and collections of fees, rates and charges.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF LOCHBUIE, WELD AND ADAMS COUNTIES, COLORADO, AS FOLLOWS:

Section 1. Incorporation of Recitals. The foregoing recitals are hereby affirmed and incorporated herein by this reference as findings of the Town Board of Trustees.

Section 2. Repeal and readoption of Article 6 of Chapter 13 of the Lochbuie Municipal Code. Article 6 of Chapter 13 of the Lochbuie Municipal Code ("Code") is hereby repealed and readopted to read as follows in its entirety:

Sec. 13-6-10. – Utilization of Town services required.

All premises in the Town shall be connected to and receive municipal water from the Town's municipal water system. No individual residence, business or other property development shall be permitted to create a separate water system. Pre-existing water systems may continue to exist but may not be expanded.

Sec. 13-6-20. – Water dedication required as a condition of annexation.

The owner of any real property desiring such property to be annexed into the Town, shall, as a condition of annexation, provide written agreement to or evidence of dedication to the Town of all water rights, delivery and storage structures and easements as may be necessary to provide water service to the contemplated development. Cash in lieu of dedication is authorized only by resolution of the Board of Trustees.

Sec. 13-6-30. - Water tap permit required.

- A. It shall be unlawful for any person to tap or make any connection with the water mains owned or otherwise controlled by the Town, or to take or use any water from said water mains without having first obtained a water tap permit from the Town. Any person desiring to tap the mains of said water system, make any connection therewith or use water therefrom shall make application in writing for a permit to the Town Administrator or Town Administrator designee. The application shall state the size of the tap or connection to be made with the water works, the location thereof, the premises for which water is sought to be used and the purpose for which it is to be used.
- B. Whenever any person makes application for a permit to use Town water for property located within the geographical boundaries of the Town, the Town shall impose plant investment fees and water resource development fees in accordance with the fee schedule as set by resolution of the Board of Trustees. All plant investment fees and other charges assessed by the Town shall be submitted with the application.
- C. If the water tap permit application and the proposed use of water comply with the provisions of this Article, the Town Administrator or Town Administrator designee shall issue a permit. If the application shall be for a tap size or a use of water not specified by this Article, the head of the Town's Public Works Department shall, in consultation with the Town's designated engineering consultant, determine the appropriate water tap size and the Town Administrator or Town Administrator designee shall thereupon issue such water tap permit at the costs as set forth by the Board of Trustees by resolution. If the applicant disagrees with the determination of water tap size, the applicant shall notify the Town Administrator in writing, who shall, at the next available meeting of the Board of Trustees, refer the application to the Board of Trustees for its action thereon. The decision of the Board of Trustees shall be final. If granted, the permits shall be signed by the Town Administrator or Town Administrator designee and shall set forth the address of the property to which water is to be provided, the date issued, the size of the tap, and may include the name of the applicant, and the use to be made of the water. The Town Administrator or Town Administrator designee shall keep a duplicate or record of permits issued.

Sec. 13-6-40. - Time limitation for tapping.

- A. Each water tap permit issued by the Town pursuant to this Article shall expire one hundred eighty (180) days after the issuance of the permit unless the tap applied for has

been physically made during the one-hundred-eighty-day time period and unless the construction of the premises for which the tap has been issued has been commenced.

- B. The holder of any water tap permit may apply for an extension of the one-hundred-eighty-day time period. Extensions may be granted only by the Board of Trustees for good cause established by the permit holder. Any extension shall be limited in time to an additional period of one hundred eighty (180) days, and only one (1) extension shall be granted for any particular tap.
- C. If there is an intervening increase in the cost of a water tap and/or plant investment fees and/or other related charges between the time that a water tap is purchased and the property is actually connected to the Town's water system, the increased cost must be paid at the time of connection.
- D. If a water tap permit expires, all fees, including plant investment fees or any other water resource or similar fees paid to the Town to provide service to the premises of the applicant shall be forfeited and are nonrefundable.
- E. The Town may, by contract approved by the Board of Trustees, waive the provisions of this Section to allow for the prepurchase of water taps by a developer.

Sec. 13-6-50. - Tapping requirements.

- A. Tapping by licensed plumber. All connections or taps shall be made by a plumber licensed by the State and shall be at the sole expense of the applicant. The applicant shall furnish at its sole expense all materials and labor necessary for the excavation to the Town water main tap or connection, including but not limited to the necessary water meter pit, water meter, meter yoke, remote readout and cable according to Town specifications.
- B. If a meter vault is required, the property owner will install the vault according to Town specifications and shall be made under the supervision of authorized personnel of the Town. All meter installations will include remote read-outs.
- C. Water tap fees, new development. The developer will make all taps in new developments; however, an inspection fee as set by resolution of the Board of Trustees will be charged.

Sec. 13-6-60. – Tapping installation requirements.

- A. Tap size, service pipe, stopcock. Except as provided by this Article, all residential taps shall be three-fourths ($\frac{3}{4}$) of an inch and shall be of stainless steel. Commercial and industrial use tap sizes shall be determined by the head of the Town's Public Works Department.

- B. Service pipe requirements. Service pipe connected to any such tap shall extend from the main to such point on the property line as the Town shall direct. Service pipe required by this Article shall be copper or other suitable material to be determined by the Town Public Works Department.
- C. Curb stop requirements. A curb stop shall be placed on the service line at the property line so that it is accessible to the Town for the purposes of turning on or shutting off the water.
- D. Meter requirements. All water taps installed shall be metered with Town-approved and Town-installed water meters. The meter shall be of a size appropriate for the use and quantity of water that is anticipated to be used on the premises. The Town shall have the authority to access any water meter on any property at any time.
- E. Remote transponders. Remote transponders shall be installed by the Town and must be purchased with the building permit and are required on all water taps.
- F. Fees for meters and transponders. Water meter and remote transponder fees are as set by resolution of the Board of Trustees. A charge as set by resolution of the Board of Trustees shall be assessed for exchanging another meter or transponder at the property owner's request.

Sec. 13-6-70. – Suspension of service and/or abandonment of water taps.

- A. An owner may petition the Town Administrator or Town Administrator's designee for suspension of water service at an existing water tap. The petition shall state the size of the tap or connection, the location thereof, the premises which the tap services, the purpose for which it is used, the reason for the suspension and length of the proposed period of suspension. Upon approval, the Town shall turn off water service at the stopcock. The monthly water base rate user fees shall continue to accrue and be due in normal course during any period of suspension. The Town may charge a fee for turning off for a period of suspension and for turning water back on at the conclusion of such period of suspension in an amount as set by the Board of Trustees by resolution
- B. An owner may petition the Town Administrator for the abandonment of an existing water tap. The petition shall state the size of the tap or connection, the location thereof, the premises which the tap serviced, and the purpose for which it was used. The Town Administrator shall take action on the petition within thirty (30) days of its receipt. If the petition to abandon a tap is granted, it shall be irrevocable and no plant investment fees or water resource fees paid, if any, shall be refunded to the owner. The abandoned tap shall be taken out of service, no water shall be taken from it and no minimum monthly water base rate user fees shall thereafter be made against the owner of the premises it served. Any reconnection to the Town's water system, as is required by Section 13-6-10 shall be treated as a new application and require the

payment of all plant investment fees or water resource fees as with any new tap, regardless of the fact that such fees were paid prior to abandonment.

Sec. 13-6-80. - Charges for extra inspections.

Where the installation of water services under paving or where other exceptional conditions occur, the Town shall make an additional charge, sufficient to cover the cost of additional inspections.

Sec. 13-6-90. - Meter size.

A single family residential unit shall require a meter size of 5/8 inch. All other uses of property shall require a meter size determined by the head of the Town's Public Works Department.

Sec. 13-6-100. - Separate taps and meters for individual owners.

The Town may require separate taps and/or meters for premises with multiple occupancies under individual ownerships. The requirement for separate taps and/or meters may be imposed by the Town during the review of a plat, site plan, building permit or tap permit.

Sec. 13-6-110. – Property owner obligation to maintain equipment and service lines.

- A. The owner of any premises or property receiving services from the Town water system shall be responsible for, and shall at such owner's cost, keep and maintain in good repair and condition, all components of the water delivery system from the point of connection to the Town water main to point of delivery except the water meter (not to include the yoke) and remote transponder.
- B. If the Town determines that the line or any component for which the owner is responsible is in need of repair, maintenance or replacement, the owner shall cause such repairs, maintenance or replacement to be made within ten (10) days of notification by the Town that such work must be done. All work shall be performed in accordance with a plumbing permit issued by the Town. Should the owner fail to perform the work as directed by the Town, the Town may perform the work itself and charge its costs to do so to the responsible property owner.
- C. Broken water service lines.
 - (1) The owner of the property is responsible for the full cost of water attributable to a leak, malfunction or break, from or within any and all components of the water delivery system from the point of connection to the Town water main to point of delivery except the water meter (not to include the yoke) and remote transponder.

- (2) Notwithstanding subsection (1), when the owner of a property provides information and repair data and receipts reasonably requested by the Town Administrator or Town Administrator designee, of a leak, malfunction or break, from or within any and all components of the water delivery system from the point of connection to the Town water main to point of delivery except the water meter (not to include the yoke) and remote transponder, evidencing timely repair (within ten business days of the date of the leak), the Town Administrator or Town Administrator designee may reduce the volumetric water charges incurred during such period due to leak, malfunction or break to all Tier One rates (as set forth in Section 13-6-120(B) regardless of gallons of water actually billed. The reduction available under this subsection shall not be provided more often than once in any 12 look-back month period.

Sec. 13-6-120. –Recurring monthly water fees.

The Town charges users of its water system monthly fees comprised of the following two components:

A. Monthly water base rate user fee.

- (1) There shall be assessed and charged from the owner or occupant of any real property within the Town, for the use of water from the water system of the Town, a monthly water base rate user fee at the rates set forth in the table below based on meter size.
- (2) The monthly water base rate user fee is the minimum monthly user fee and shall be charged whether the premises are occupied or not and regardless of volume of water used. On an as-needed basis, the Town shall determine the monthly water base rate user fee necessary to pay (a) the ongoing costs of operation and maintenance of the water treatment and delivery system based on the size of the water meter serving the property and (b) an amount to ensure the sustainability and funding of future capital needs.

<i>Meter size</i>	<i>Monthly Water Base Rate User Fee</i>
5/8 " Meter	\$30.00
¾" Meter	\$44.18
1" Meter	\$74.18
1½" Meter	\$143.34
2" Meter	\$228.35

<i>Meter size</i>	<i>Monthly Water Base Rate User Fee</i>
2½" Meter	\$360.13
3" Meter	\$441.53
4" Meter	\$866.73
6" Meter	\$1,772.65

B. Volumetric water usage fee.

- (1) There shall be assessed and charged from the owner or occupant of any real property within the Town, for the use of water from the water system of the Town, a monthly volumetric water usage fee which escalates as water usage volume increases.
- (2) The monthly volumetric water usage charge shall be made on an inclining basis with increased use incurring greater cost as set forth in the table below and usage shall be rounded down with each billing cycle to the lower one thousand (1,000) gallons, until any final billing, which may be based on actual use.
- (3) On an as-needed basis, the Town shall determine the volumetric water usage charge rates necessary to pay (a) the ongoing costs of operation and maintenance of the water treatment and delivery system and (b) an amount to ensure the sustainability and funding of future capital needs based the amount of water used.

<i>Classification of Volumetric Water Usage Fees</i>	<i>Gallons of Water Per Monthly Billing Cycle</i>	<i>Per 1,000 Gallon Cost</i>
Tier 1	0-10,000	\$4.99
Tier 2	10,001-20,000	\$6.74
Tier 3	20,001 and over	\$8.49

- C. The above monthly fees are the minimum monthly fees and shall be charged whether the premises is occupied or not.

Sec. 13-6-130. - Owner responsible for payment of water fees and any associated charges.

- A. The owner of any building or premises connected to the Town water system shall be held and deemed liable for the payment of all water fees and any associated charges charged against such building or premises.
- B. Upon becoming delinquent, all such fees and any associated charges shall become and remain a lien upon any such property until such amounts shall be paid in full.
- C. The Town Attorney has the authority, on behalf of the Town, to bring any legally available action at law personally against such owner, including a suit in equity for the enforcement of such lien.
- D. Any such lien attachable to any property or building shall extend to the whole of such property or building and shall remain in effect until all water fees and any associated charges charged against any building or premises are paid and discharged.
- E. Until all water fees and any associated charges authorized by this Article and charged against any building or premises are paid and discharged, the Town may shut off the supply of water to such premises or property.
- F. During any water shut-off periods, the monthly water base rate user fee as set forth in Section 13-6-120(A) and any applicable late fees as set forth in Section 13-6-160 shall continue to accrue.

Sec. 13-6-140. - Monthly reading of meters.

Insofar as practicable, water meters at each premises served by the Town's water system shall be read by the Town on a monthly basis. The meters shall be read at approximately the same time each month.

Sec. 13-6-150. - Inaccessible meters.

- A. In the event that a meter is inaccessible to the water meter reader, the meter reader shall post a notice on the premises advising the user that he or she was unable to read the meter due to its inaccessibility.
- B. The user is required to contact the Town designee as identified on such notice to make arrangements for a specific time within 2 business days of notice being posted when the user will be on the premises to allow the meter to be read.
- C. In the event that the meter is inaccessible for three (3) consecutive months, the Town shall have the right to relocate the meter to a point on the property or the public right-of-way that will be accessible to the meter reader.

- D. There shall be an estimation of water usage against a user who has failed to make arrangements to have the meter read within 2 business days of notice being posted, or who fails to keep the appointment with the meter reader, or if the Town cannot successfully read the meter due to inclement weather or other factors.
- E. In addition, an administrative fee to cover the cost of estimating the usage and making adjustments to the account shall be charged against a user who has failed to make arrangements to have the meter read within 2 business days of notice being posted, or who fails to keep the appointment with the meter reader, such fee to be nonrefundable and shall be in addition to the water utility usage estimation charge otherwise levied against the user.
- F. Any estimation of water usage authorized hereunder shall be based upon previous usage by the customer, the average usage of similar customers during the same time period or any other reasonable method as determined by the Town.

Sec. 13-6-160. - Water fees due and payable; late fees

- A. Common invoice. The water fees shall be charged on a common invoice with other utilities provided by the Town.
- B. Due date. Water fees shall be due upon the due date set forth in the invoice.
- C. Error. The Town Administrator or Town Administrator designee is authorized to adjust any utility bill that is found to be in error.
- D. Delinquency. The invoice shall be deemed delinquent if not paid in full (actually received by the Town) on or before the due date set forth in the invoice.
- E. Late fee. Utility charges that are not timely paid in full shall be subject to late fees as set by resolution of the Board of Trustees. Applicable late fees shall be imposed for each and every month that an account is delinquent.

Sec. 13-6-170. - Disconnection of utility service.

- A. Disconnection. Water service to a customer with a delinquent account may be disconnected until the utility user charges are paid in full. Account delinquency may be due to failure of a customer to pay the amount due on the utility bill on or before the due date as set forth on the invoice, for the payment of a utility bill with an insufficient fund or no account instrument, or for failure to comply with the conditions of an installment payment plan.
- B. Accounts for which a late fee is charged shall be provided notice of the disconnection date and must bring the account current (paid in full) before such date of disconnection in order to avoid disconnection of water and imposition of an additional disconnection fee, in an amount as set by the Board of Trustees by resolution.

C. For any account delinquency other than delinquency due to payment of a utility bill with an insufficient fund or no account instrument, the Town shall provide advance notice of the pending disconnection as follows:

- (1) Notice of pending disconnection of utility service. Notice of the pending disconnection shall be served upon the customer and/or owner of the property owing a delinquent (past due) account at least seven (7) days prior to the date the service is to be disconnected. Seven (7) days shall be determined as starting on the date such notice is placed in U.S. mail, first-class, postage paid, addressed to the account holder and/or property owner and such mailing shall constitute sufficient service.
- (2) The notice shall contain the following information:
 - (a) The account number and address.
 - (2) The total amount of the delinquency and the original billing date, including all late fees.
 - (3) The date on which the utility service will be disconnected if the unpaid bill is not paid in full.
 - (4) The name of the employee of the Town to be contacted to inquire about the notice, and the telephone number and normal office hours during which such employee can be reached.
 - (5) That an additional disconnection service fee in an amount as set by resolution of the Board of Trustees will be added to the bill if the past due balance is not paid in full on the day before the date the water is scheduled to be disconnected as set forth on the notice.

D. For any account delinquency due to payment of a utility bill with an insufficient fund or no account instrument, the Town may immediately authorize disconnection.

E. Method for disconnection. Utility service to a customer shall be disconnected by turning off the water at the stopcock or the meter.

F. Unlawful interference. It shall be unlawful to block or render inaccessible the stopcock or the meter such that the Town cannot disconnect or restore water service.

- (1) In the event that a meter or stopcock is inaccessible to the Town staff for purposes of service disconnection or restoration, the Town staff member shall post a notice on the premises advising the user that he or she was unable to access the meter due to its inaccessibility.

(2) The user is required to contact the Town designee as identified on such notice to make arrangements for a specific time within 2 business days of notice being posted when the user will restore access or otherwise be on the premises to allow the meter or stopcock to be accessed.

G. Restoration of service. Service to a customer shall not be restored until the customer pays in full the amount due, including any late or disconnection service fees or other fees.

Sec. 13-6-180. - Installment payment plan.

A. Town staff may administratively provide for an installment payment plan for delinquent accounts prior to disconnection of service if and only if the account has not been granted more than two (2) prior installment payment plans within the prior twelve-month period.

B. An administrative installment plan shall consist of equal payments over a period of no longer than six (6) months for the full amount of the delinquent account plus a security deposit, if required in the discretion of the Town Administrator or Town Administrator designee.

C. All other installment plans must be approved by the Board of Trustees on a case-by-case basis.

D. The account holder shall execute an agreement outlining the terms of any installment payment plan.

E. If the account holder on an installment payment plan fails to make timely payment on such installment payment plan or fails to pay any current billing when due, the Town may disconnect service immediately and without further notice.

Sec. 13-6-190. - Insufficient funds or no account instruments.

A. Payment of water fees or other utility user charges with an insufficient funds instrument or a no account instrument shall cause the account to become delinquent, and late fees and disconnection service fees may be imposed, and service may be disconnected until the utility user charges are paid in full.

B. In addition to all other remedies available to the Town, the Town shall charge the utility customer an amount as set by resolution of the Board of Trustees for any insufficient funds or no account instruments returned to the Town by any bank, depository, person, firm or corporation.

C. It is unlawful for any person to pay utility user charges with an insufficient funds or no account instrument, and upon conviction therefor such person may be punished in accordance with Section 1-4-20(a). Each day that such violation continues to exist

shall be considered a separate offense. This is in addition to all other remedies available to the Town.

- D. The Town Administrator or Town Administrator designee may require any customer who has previously provided the town with an insufficient funds instrument or a no account instrument for payment of a utility bill to pay such bills in cash or other verifiable method of good funds payment.

Sec. 13-6-200. - Application for service transfer.

Application to have water billing transferred from one (1) party to another shall be made in writing to the Town Administrator or Town Administrator designee. A nonrefundable transfer fee in an amount as set by resolution of the Board of Trustees shall be paid. All delinquent water service charges and fees shall be paid prior to the transfer of service by the Town, regardless of who owes said charges or fees.

Sec. 13-6-210. - Delinquent charges as lien.

- A. Upon becoming delinquent, all utility user charges shall become and remain a lien upon any such building, premises, land or lot, until such user charges shall be paid in full.
- B. Such delinquent charges shall be certified to the County Treasurer to be placed upon the tax list for the current year to be collected in the manner other taxes are collected, with 10 percent added to defray the cost of collection and the value of attorney's fees and court costs plus interest at one percent per month, and all laws of the State for the assessment and collection of general taxes, including the laws for the sale of property for taxes and redemption of the same, shall apply.
- C. Until all usage charges and penalties due by reason of the use of the Town's water and sewer facilities are paid and discharged, no water shall be supplied for use upon the premises against which the lien shall exist.
- D. If a delinquent account owner declares bankruptcy and the Town is provided notice of such bankruptcy, Town staff will work with the Town attorney in responding and determining the manner in which the Town will address the delinquency.

Sec. 13-6-220. - Water use restrictions.

- A. The Town Administrator is hereby authorized to review the Town's water supply and, in the event of scarcity or shortage of water, to determine the appropriate level of water conservation restrictions as set forth in subsection (B) below and direct the Town Clerk to publicize on the Town's web site and to post in the same manner as the Town posts notice of its meetings, notice of the then-applicable level of water restrictions.
- B. Water restriction levels.

- (1) Level I Mandatory
 - a. No outdoor sprinkling or watering between 7:00 a.m., and 9:00 p.m. (parks and residences).
 - b. Parks: Outdoor sprinkling or watering every third day (for example, if park watering occurs on Wednesday, the next watering day would be Saturday).
 - c. Outdoor washing of personal vehicles permitted on only allowed watering days by address.
 - d. When permitted, outdoor sprinkling or watering is limited to 15 minutes per zone.

- (2) Level II Mandatory
 - a. Outdoor sprinkling or watering for even numbered addresses, Town Facilities and Parks, Schools only on Sunday and Thursday.
 - b. Outdoor sprinkling or watering for homeowners' associations' owned and maintained property only on Tuesday, and Friday.
 - c. Outdoor sprinkling or watering for odd numbered addresses, Town Facilities and Parks only on Wednesday and Saturday.
 - d. Monday: No outdoor sprinkling or watering.
 - e. If otherwise permitted, outdoor sprinkling or watering may occur during the 24 hour period, except between the hours of 7:00 a.m., and 9:00 p.m.
 - f. Outdoor washing of personal vehicles permitted on only allowed watering days by address.
 - g. When permitted, outdoor sprinkling or watering is limited to 15 minutes per zone.

- (3) Level III Mandatory
 - a. Sunday: Even numbered addresses may engage in outdoor sprinkling or watering during the 24 hour period, except between the hours of 7:00 a.m. and 9:00 p.m.
 - b. Saturday: Odd numbered addresses may engage in outdoor sprinkling or watering during the 24 hour period, except between the hours of 7:00 a.m. and 9:00 p.m.
 - c. Monday, Tuesday, Wednesday, Thursday, Friday: No outdoor watering or sprinkling.
 - d. Outdoor washing of personal vehicles permitted on only allowed watering days.
 - e. When permitted, outdoor sprinkling or watering is limited to 15 minutes per zone.

C. Residents installing new lawns requiring daily watering during the period of imposed restrictions may obtain a new lawn permit from the Town authorizing such resident to water more frequently than allowed under the then-effective water restriction level. The fee for this permit shall be in an amount as set by the Town Administrator, and in no event less than \$20 and shall be valid for 21 days for newly-seeded lawns and 15 days for sod. In no case shall outdoor sprinkling or watering shall be permitted

between the hours of 7:00 a.m. and 9:00 p.m. When permitted, outdoor sprinkling or watering is limited to 15 minutes per zone one time per day.

- D. Except in conformity with subsection (C), it shall be unlawful to use water for outdoor use or sprinkling contrary to the provisions of any notice posted in conformity with this Section.
- E. Any owner or occupant of property, upon conviction of violation of the provisions of this Section or any duly posted notices may be subject to a fine not to exceed five hundred dollars (\$500.00). Each day that such violation continues to exist shall be considered a separate offense.

Sec. 13-6-230. - Unlawful acts.

- A. Unlawful waste of water. It is unlawful to waste water within the Town regardless of the source from which same is derived or the ownership thereof by any act, to include without limitation the following:
 - 1. Failing to repair broken water lines within a reasonable time after the same are known to be broken or leaking;
 - 2. Excessive irrigation of grass, flowers, bushes and other flora in the Town, either by allowing the water to run off into the street or other public rights-of-way, or by failure to more or turn off the water in a particular location for more than two (2) hours;
 - 3. The operation of fire hydrants by persons other than persons authorized by the Town or the relevant fire protection agency.
- B. Unlawful installation of bypass. It is unlawful for any person to install a bypass around a water meter or render it inoperable or inaccurate in any other manner.
- C. Unlawful tampering or obstruction.
 - 1. It is unlawful for any person to move, exchange, reset, obstruct or tamper in any manner with a water meter, its appurtenances, stopcocks or valves without expressed authorization of the Town. Obstruction shall include, without limitation, the placement of any hard surface materials within three feet of the location of any meter and/or stopcock or the placement of equipment, vehicles or other materials on top of the access points.
 - 2. It is unlawful for any person except those authorized by the Town to in any way tamper with or effect the operation of the Town's water utility, including the turning on of water for service to any premises.

- D. Unlawful cross-connections. It is unlawful for any person to install or permit the installation or existence of a cross-connection between the Town's water system and a private individual water system.
- E. Unlawful connections between main and meter. It is unlawful for any person to install or permit the installation or maintenance of a connection to the service line for any purpose between the Town's distribution main and the water meter, if one (1) is present, or the stopcock if a meter is not present.

Sec. 13-6-240. – Enforcement; penalty.

- A. Enforcement of this Article shall be by summons and complaint or penalty assessment brought by the Town against the violator issued by any Town Police Officer or other employee or agent of the Town with the authority to enforce this Article as delegated and designated by the Town Police Chief.
- B. Any person convicted of violation of any of the provisions of this Article may be punished in accordance with the provisions of Section 1-4-20(a) unless another penalty is specifically set forth herein.
- C. Each day that such violation continues to exist shall be considered a separate offense.

Section 3. Severability. If any provision of this Ordinance, or the application of such provision to any person or circumstance, is for any reason held to be invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable. The Board of Trustees hereby declares that it would have passed this Ordinance and each provision thereof, even though any one of the provisions might be declared unconstitutional or invalid. As used in this Section, the term “provision” means and includes any part, division, subdivision, section, subsection, sentence, clause or phrase; the term “application” means and includes an application of an ordinance or any part thereof, whether considered or construed alone or together with another ordinance or ordinances, or part thereof, of the Town.

Section 4. Safety Clause. The Board of Trustees hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town of Lochbuie, that it is promulgated for the health, safety and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Board of Trustees further determines that the Ordinance bears a rational relationship to the proper legislative object sought to be obtained.

Section 5. Repealer. All ordinances or resolutions, or parts thereof, in conflict with this Ordinance are hereby repealed, provided that such repealer shall not repeal the repealer clauses of such ordinance nor revive any ordinance thereby.

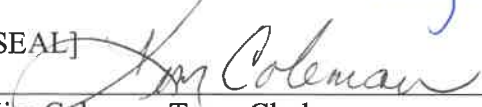
Section 6. Effective Date. This Ordinance shall take effect thirty (30) days after publication, as provided by C.R.S. § 31-16-105 and Sections 1-3-60 and 2-2-110 of the Lochbuie Municipal Code.

ADOPTED by a vote of 7 in favor, 0 against and 0 abstaining, AND ORDERED PUBLISHED by title only following public hearing, this 17 day of August, 2021.

TOWN OF LOCHBUIE, COLORADO


Michael Mahoney, Mayor

I hereby certify that the above Ordinance was adopted by the Board of Trustees of the Town of Lochbuie at its meeting of Aug 17, 2021, and ordered published by title only one time by *The Brighton Blade* newspaper on Aug 25, 2021.

[SEAL] 

Kim Coleman, Town Clerk