

BY AUTHORITY

ORDINANCE NO. **4242**

COUNCILLOR'S BILL NO. **8**

SERIES OF 2024

INTRODUCED BY COUNCILLORS  
**DeMott, Carmelia**

A BILL

FOR AN ORDINANCE AMENDING SECTIONS 8-7 and 8-8 OF THE WESTMINSTER MUNICIPAL  
CODE CONCERNING WATER REGULATIONS, SANITARY SEWERAGE, AND  
RECLAIMED/NON-POTABLE WATER REGULATIONS

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Section 8-7 W.M.C., is hereby AMENDED to read as follows:

**CHAPTER 7. WATER REGULATIONS**

**8-7-1. DEFINITIONS:**

The following words, terms and phrases, when used in the chapter, shall have the following meaning, unless the context clearly indicates otherwise:

*City manager* shall mean the manager of the City of Westminster, Colorado, or their ~~his~~ designee.

*Consumer or customer* shall mean any person, firm or corporation receiving water or wastewater services from the City.

*Dwelling unit* shall mean a single unit providing complete independent living facilities for one or more persons, including permanent provisions for sleeping, eating, cooking and sanitation.

*Kgal* shall mean a volumetric unit of 1,000 gallons of water or wastewater.

*Mains* shall mean the main pipes and connections forming a part of the City waterworks.

*Meter* shall mean the device, appropriate to the premises served, installed to measure the amount of water passing through it, with an accuracy of between 95 percent and 101 percent of actual quantities delivered. The term shall also include detector devices for water passing through fire service lines.

*Mobile home* shall mean any dwelling unit built on a permanent wheeled chassis exceeding either eight feet in width or 32 feet in length and designed for long-term residential occupancy in a temporary or permanent location that is capable of being towed over public streets or highways as a unit or in sections and duly licensable as such.

*Multifamily* shall mean any residential housing other than single-family detached or single-family attached.

*Residential irrigation, apartment, townhome/condo, public/quasi-public users* shall mean a class of water user that includes homeowner's associations, townhouses (four units or more) and condominiums with master meters, apartments (four units or more) city facilities, and other public agencies, including special districts formed under Colorado law, schools and churches.

*Service pipe* shall mean a branch pipe with its fittings and connections through which water is taken.

*Single-family attached* shall mean a single dwelling unit contained in a free-standing structure that has party walls with other structures in which each unit extends from foundation to roof with open space on at least two sides.

*Single pass cooling system* shall mean air conditioning or air handling systems, including evaporative or refrigerated cooling systems, that deliver used water to a drain or other discharge facility without recycling or further use.

*Single-family detached* shall mean a single dwelling unit contained in a free-standing structure that has no party walls with other structures.

*Street* shall mean any street, avenue, alley, lane or other thoroughfare.

*Submeters* shall mean two or more non-city owned meters installed to measure the amount of water used by individual premises or uses in a multi-premises building that are placed on the private side of the City meter in order to facilitate individual premises billing or encourage water conservation.

*Utilities Service Rules* shall mean the rules and programs governing the operation and use of the City's water distribution, wastewater collection, and reclaimed water systems, as approved and adopted by the Director of Public Works and Utilities who is hereby granted the authority to enact, amend, and propagate such rules as are necessary for the protection of health, welfare, and the safe operation of the City's utilities, and that are in compliance with, or more stringent than, all applicable state and federal regulations, and the City Charter and the Westminster Municipal Code.

*Water infrastructure service commitment* shall mean 20 gallons per minute of water flow.

*Water resources service commitment* shall mean 140,000 gallons of annual water use.

*Water tap* shall mean an opening or connection in the mains through which water is taken.

*Water utility infrastructure fixed charge* shall mean the fee for fixed infrastructure and recurring costs not related to volumetric water production costs.

#### **8-7-2. TAP PERMIT REQUIRED:**

(A) No water tap shall be made on any water main, either public or private, or any other portion of the waterworks of the City without first securing approval therefor. The application for a water tap permit shall be made in writing upon a form furnished by the City and shall clearly state the tap size, address, and person applying for the tap and any other information as the City may reasonably require.

(B) Service lines and water meter pits may be installed as part of water main construction, if prior approval has been received from the City. The installation of these service lines and meter pits are subject to inspection and approval by the City and shall be in accordance with adopted City standards and specifications, and Service Rules. Every applicant for a tap permit shall be required to obtain a building permit prior to the installation of a water meter by the City.

(C) Payment of the water tap fee shall be made upon the date that a building permit is issued, and payment of such fee shall be a prerequisite to the issuance of a certificate of occupancy or the establishment of a permanent water account. The amount of such fee shall be calculated according to the fee schedule in effect at the time payment is made. Payment of the water tap fee for an irrigation system, or for any other installation or construction not requiring issuance of a building permit, shall be made at the time of the water tap utility permit application. When the calculated water tap fee, based on the tap fee schedule in effect at the time of the water meter installation, is different than the water tap fee paid at the time of the issuance of the utility permit, the difference in such fees must be paid prior to the installation of the water meter. Water taps may not be made without a utility tap permit.

(D) For existing units that do not require a certificate of occupancy, if the tap fee paid for the tap permit is lower than the tap fee in effect at the time the water meter is to be set, an additional fee equal to the difference between the fee paid and the fee then in effect shall be paid prior to the installation of the water meter.

(E) All newly constructed buildings and irrigation systems within the City of Westminster that require water service must connect to the City's water supply system. Private or alternate water supplies are not allowed.

Any property within the City serviced by a private water source must connect to the City's water supply system upon a change of use of the property that requires a change in the land use designation.

### 8-7-3. WATER TAP FEES AND CREDIT:

#### (A) FEE CALCULATION:

(1) An applicant for a water tap shall pay the fees set forth hereinafter, the total of which shall be known as the "water tap fee," or those components that are applicable to the type of tap required by this chapter. The water tap fee or portions thereof are due and payable upon issuance of the water tap utility permit unless earlier paid as provided in subsection 8-7-2(C), W.M.C. The water tap fee may consist of the following individual fees:

(a) Water resources service commitment fee, being the share of the cost to provide adequate raw water supply to be utilized by the tap;

(b) Water infrastructure service commitment fee, being the share of the utility system related to treating and distributing water to be utilized by the tap;

(c) Meter connection fee, being the actual city cost for ~~installation of a meter with electronic remote readout device, when applicable;~~ inspection of the tap, service line, and meter and meter pit installation; meter testing, when applicable; account and billing activation and other administrative procedures; and

(d) When applicable, a fire connection fee, being that charge associated with a tap providing fire protection.

(2) Water taps, water tap lines, and meters for the same service shall normally be the same size. If otherwise approved and/or required by the City, the tap and meter may be of different sizes, in which case the fee for the meter size shall be paid. Water taps cannot be issued prior to building and/or tap entitlement approval. Any exceptions must be approved by the City Manager, i.e., conversion from well to the City water system, pursuant to Section 8-7-15, W.M.C.

(3) The base components of the ~~2024~~2022 water tap fees are as follows:

Water resources service commitment fee (per 140,000 gallons of annual water use)	<del>\$16,799.00</del> <u>\$14,796.00</u>
Water infrastructure service commitment fee	<del>\$13,978.00</del> <u>\$12,325.00</u>
Meter connection fee	This connection fee is based on installed meter size and assessed on a per meter basis. See connection fee chart below.
Fire connection fee	<del>\$239.00</del> <u>\$212.00</u>

(4) The connection fees based on meter size are as follows:

Meter Size (Inches)	Connection Charge Non-Single Family	Connection Charge Single Family*
¾"	\$556.00491.00	N/A
1"	\$577.00510.00	\$577.00510.00
1½"	\$346.00306.00	\$1,021.00902.00
2"	\$432.00382.00	N/A
3"	\$522.00461.00	N/A
4"	\$610.00539.00	N/A
6"	\$695.00614.00	N/A
8"	\$785.00693.00	N/A

\* Single-family attached and detached connection fees for meters up to one and one-half inch include the cost of the water meter, which is supplied by the City. All other connection fees do not include the cost of the water meter, which is supplied by the consumer at the consumer's cost.

(5) Each year, the water tap fee and its individual components in subsection (3) shall be automatically increased in accordance with the annual construction cost index for construction costs as of December of each year, as reported in the construction economics section of the Engineering News-Record (ENR) as published weekly by BNP Media. The annual construction cost index shall be at all reasonable times available at the City Department of Public Works and Utilities. The meter connection fee in subsection (4) may also be adjusted separately at any time, when necessary, to reflect the full cost of said connection to the City.

(6) ~~Reserved.~~ A surcharge of 25% will be added to all tap charges and fees related to the provision of water service to customers located outside the City limits, unless provided otherwise by contract or agreement with the City.

~~(7) The water resources service commitment fee and water infrastructure service commitment fee components of the water tap fee for City owned facilities may be implemented at rates below 100 percent at the direction of the City Manager or his designee.~~

(7)(8) For all commercial and irrigation utility permits, a "Service Commitment Agreement" detailing the service address, tap size, water resource service commitments purchased, and square footage of water use type shall be signed by the property owner in advance of building permit issuance. Accounts that consistently use more water resources than originally purchased for three years in a row will be required to purchase additional water resources service commitments.

(B) RESIDENTIAL WATER TAPS: The following regulations apply to residential water taps:

(1) The single family residential water tap fee is based on a five-eighths standard ~~one-quarter~~ inch meter size and is assessed on a per-dwelling-unit basis.

(2) The outdoor water tap component for any single family home is based on the irrigable area at an annual irrigation demand of 12 gallons per square foot. Non-irrigable areas must be permanently installed hardscapes that cannot be planted in the future. Unplanted, mulched areas are not considered hardscapes.

(3) Water taps for indoor single-family detached buildings are charged based on number of bathrooms in the home. Bathrooms are defined as a room containing a toilet and sink, and any unfinished stub outs for same.

(4) Water taps for indoor single-family attached and residential multifamily buildings are charged based on number of rooms available for bedrooms in the building, regardless of the actual use of the room. Bedrooms are defined as a room with a built-in closet, not including kitchens, bathrooms, or hallways.

(5) Separate irrigation taps are required for all multifamily and residential common area irrigation and are charged based on the irrigated area and the type of landscape material as described in subsection 8-7-3(D)(4).

Residential water tap fee costs (per residential unit)			
Residential Type	Bathrooms	Bedrooms	2024 <del>2022</del> Tap Fee
Single Family Detached	3 or less	n/a	\$ <del>18,240.00</del> 16,593.00
Single Family Detached	4 or more	n/a	\$ <del>21,888.00</del> 19,810.00
Single Family Attached	n/a	Per bedroom	\$ <del>7,296.00</del> 6,943.00
Multifamily	n/a	Per bedroom	\$ <del>6,131.00</del> 5,916.00
Single Family Irrigation	n/a	n/a	\$ <del>2.63</del> 2.32/ft <sup>2</sup>

(6) The residential tap fees shall be calculated as listed in the above table plus any applicable fire connection charge. If a tap and meter larger than the standard one inch meter is requested for reasons other than to meet residential fire sprinkler demand for any residential unit, the tap fees shall be calculated using the nonresidential treated water investment calculation and SC factor in subsection (C)(2) below.

(7) Tap fees for clubhouses, swimming pools, and other common buildings or structures shall be assessed as provided hereinafter under subsections (C) or (D) below.

(C) NONRESIDENTIAL WATER TAPS: The following regulations apply to nonresidential water taps:

(1) The City shall review and evaluate each applicant's requested water tap and meter size, and may adjust the requested tap and/or meter size, if it determines the projected water usage will be greater than that requested.

(2) Every meter size has a corresponding water infrastructure service commitment factor (SC factor). The water infrastructure service commitment fee portion of the tap fee shall be calculated by multiplying the water infrastructure service commitment fee, in subsection (A)(3) above, by the respective SC factor in the following chart:

Meter Size (Inches)	Water Infrastructure SC Factor
5/8"	1.0
3/4"	1.5
1"	2.5
1 1/2"	5.0
2"	8.0
3"	17.5
4"	30.0
6"	62.5
8"	90

(3) The water resource fee portion of the tap fee shall be calculated based upon the estimated annual consumption, business type, and tap size required using methods and estimates developed by the public works and utilities department to determine the appropriate water resources service commitments required, which shall be multiplied by the water resources service commitment fee in subsection (A)(3) above.

(D) IRRIGATION WATER TAPS: The following regulations apply to taps for irrigation:

(1) Separate irrigation taps and meters shall be required for:

- (a) All residential developments, other than a development whose land area consists entirely of single-family detached lots; and
- (b) All nonresidential developments having any irrigated landscaped areas.
- (c) This requirement may be waived at the discretion of the Public Works and Utilities Director or their designee if water use is below 0.25 service commitments.

(2) Irrigation tap fees are required based on the area and type of landscaping. Landscape types are defined as either high-water, medium-water or low-water.

(3) An irrigation water tap shall be used only for irrigation purposes. Each irrigation water tap shall be assigned a service address and billing account in the name of the property owner or manager.

(4) The irrigation tap fee consists of the meter connection fee plus the following square footage fees based upon landscape type; fees per landscape type are derived from a per gallon volumetric proportion of the water resources and water infrastructure service commitment fees, and increase annually per Section 8-7-3(A)5, W.M.C.:

(a) Irrigation tap fees (residential and nonresidential).

Type of landscape	Annual water demand in an average year	2024 Cost per square foot
High water demand	Over 10 gallons per square foot	\$3.953.49
Medium water demand	Over 3 up to 10 gallons per square foot	\$2.201.94
Low water demand	Up to 3 gallons per square foot	\$0.660.58

(E) FIRE PROTECTION:

(1) For any size tap that is determined by the City Manager, or their ~~his~~ designee, to provide solely fire protection, only the fire connection charge, in the amount provided for in subsection (A)(3) of this section, shall be collected. The applicant for a fire protection tap shall furnish all materials and labor as specified by the City, including any device required to detect any use of water for purposes other than fire protection.

(F) CONSTRUCTION WATER METERING: If any water is required for construction purposes, construction water meters must be installed, deposits collected as per Section 8-7-11, W.M.C., and water usage billed at commercial rates as per subsection 8-7-7(D), W.M.C. It is prohibited to install any by-pass or jumper to provide water service without the installation of a water meter pursuant to Section 8-7-12, W.M.C.

(G) PROVISION OF MATERIALS AND LABOR: For all water taps, the applicant shall furnish all labor and all materials as specified by the City, except as provided by this paragraph. The City shall provide the applicant with a list of required materials and approved suppliers at the time of application. The City shall provide all ~~five eighths inch by three quarter standard one inch~~ single family meters. All other ~~meters~~ meter sizes shall be provided by the applicant as specified by the City at applicant's sole cost and must be tested for accuracy by the City before installation. After payment of all required fees and charges, the City shall inspect installation of ~~install~~ all meters.

(H) TAP CREDITS:

(1) Upon issuance of a tap permit for the first new service tap, a tap fee credit shall be given in an amount to be calculated by subtracting the cost of the current water resources fee and treated water investment fee of the original tap from the current value of the water resources fee and treated water investment fee of the first new service tap.

(2) Water infrastructure service commitment credits shall be calculated based on the tap size of the former tap. Water resources service commitment credits shall be calculated based on the most recent ten-year average annual water consumption through the former water tap.

(3) The amount of credit shall be fixed at the issuance of the first new service tap and may be used for payment for additional service taps that are used on the same property.

(4) When a credit is used for full or partial payment for a new water tap, all other applicable charges shall be assessed using the then current fee schedule in effect.

(5) In no instance shall cash refunds be granted.

(6) No credit shall be given for the meter connection fee or fire connection fee portions of the water tap fee.

(7) If any tap is installed and completed without receiving a utility permit and the proper inspection and approval by the City, no tap fee credit shall be given.

(8) If a demolition or vacation of a unit results in an abandonment of an associated water tap as defined in Section 8-7-5, W.M.C., no tap fee credit shall be granted at the time a new tap permit is issued.

(9) Any water resources or infrastructure service commitments associated with water taps to serve buildings demolished in established urban renewal areas may be transferred as tap credits to an urban renewal authority or the City for use in approved redevelopment projects within that same urban renewal area.

#### **8-7-4. SPECIFICATIONS:**

(A) The City will specify all materials that the applicant is to furnish pursuant to adopted city standards and specifications, and Service Rules. All work furnished by the applicant shall be performed by, or under the supervision of, a master plumber. Meters shall be located only within public rights-of-way, public easements, or city easements. Location and grade shall be subject to approval by the City.

(B) Authorization to install any tap or meter may be withheld by the City if the applicant is in violation of any law of the City or in default in any agreement with the City, related to the provision of utility service. It shall be unlawful to use, or permit to be used, any water tap installation until the meter has been set or approved by the City. Upon approval, the entire installation, including the water meter, shall become the property of the City, regardless of the size of the meter.

(C) Except as may be provided elsewhere in this paragraph, each separate structure shall have a separate water tap and water meter. A separate tap and meter must be installed for each single-family detached and single-family attached unit. An exception may be granted by the Public Works and Utilities Director or their designee~~City Manager~~ if an additional structure is an accessory use of the principal structure and the accessory use does not exceed one water resources service commitment. If any additional accessory water fixtures require the upsizing of an existing water tap, any associated water tap fees will be due.

(D) A separate tap must be installed for each premises, unit or structure served, except where two or more premises, units or structures are located on a single subdivided lot under single or condominium ownership, in which case one tap may be permitted. In this instance, all units must be individually metered or submetered. An exception may be granted if an additional structure is an accessory use of the principal structure and the accessory use by itself does not exceed one water resources service commitment. If any additional accessory water fixtures require the upsizing of an existing water tap, any associated water tap fees will be due.

(E) The provisions of this paragraph and Section 8-7-3, W.M.C., notwithstanding, new developments other than single-family detached or single-family attached shall provide private water meters for each individual unit, commonly referred to as submeters, to encourage water conservation, equitable distribution

of utility expenses, and timely correction of plumbing problems. Submeters shall be the property of the owner, who shall be responsible for maintenance, repair and use of submeters.

(F) All meters shall be kept in good repair by the city and shall be and remain the property of the city and under its control. No meter shall be set so that there shall be more than two feet of exposed unmetered service pipe.

#### **8-7-5. MODIFICATION OF WATER TAPS:**

A water tap, once installed, is associated with the building and property that it serves. No person shall disconnect, modify or change said tap in any way, except as provided below and in compliance with the Utilities Service Rules:

(A) **CHANGE IN USE CONSTITUTING EXPANSION:** A change in use is subject to the following requirements:

(1) A change in use must be reviewed by the City's building division using the applicable plumbing code. Such review will include a fixture unit count evaluation, a water velocity evaluation, and an AWWA guidelines review. A change in use is presumed to occur when:

- (a) The use of the served property is changed to a different use category for zoning or land use purposes; or
- (b) Any modifications to the landscape are made that require an ODP, ODP amendment, or ODP waiver; or
- (c) Any building or plumbing modifications that require a permit are made to the served property; or
- (d) A new or additional water use is introduced on the served property; or
- (e) A water tap is relocated and applied to a different use or building on the served property; or
- (f) A water tap is relocated to a different property.

(2) If the review of the change in use determines the need for a larger water tap and/or meter than previously purchased for the property, or additional water resources, the use will be considered an "expansion of use" and the provisions stated in paragraph (3) below apply.

(3) When an expansion of use occurs, a water tap fee in an amount equal to the difference between the current water tap fee for the existing tap and the current water tap fee for the new tap, including the connection fee, serving the new location and/or use shall be paid.

(B) **BUILDING DEMOLITION:**

(1) When any building currently having a water tap is demolished and a building permit for a new building on the same parcel is issued within three years of the last registered water consumption and the new building maintains the same use with the same pattern and amount of water use as the pre-existing building, no new water tap fee shall be required. The new building shall be regarded as being served by the tap in service prior to demolition of the pre-existing building. However, if the new building requires a water meter installation, the then currently applicable connection fee shall be paid by the property owner.

(2) When any building currently having a water tap is demolished and no new building permit on the same parcel is issued within three years of the last registered water consumption, abandonment will be presumed pursuant to subsection (C) below.

(C) **ABANDONMENT:**

(1) Water resources and infrastructure service commitments are associated with a tap. Abandonment of any tap will result in the forfeiture of the associated service commitments.



(2) Any building having a water meter not registering usage for more than 36 consecutive months, and for which payment of the non-volumetric billed charges has not been made continuously, shall constitute an abandonment of the associated water tap and service commitments and the meter may be removed by the City in its discretion. Notification of the effective date of the abandonment of the water tap shall be mailed to the last known address of the property owner or manager. Any subsequent water usage by that building shall require purchasing new service commitments and the purchase of a new water tap.

(3) Upon abandonment of a tap, the property owner may be responsible for removing the existing service line from the meter pit to the corporation stop at the water main, if the City determines such removal is necessary to preserve the integrity of the main. Proper procedure for abandonment must be followed as documented in the Utilities Service Rules and aAn appropriate street cut permit shall be required to assure proper inspection and reconstruction of the street. In the event the service line is not appropriately removed, the City may remove the same and charge the cost thereof to the real property formerly served and may collect said charges in the same manner provided for in Section 8-7-9, W.M.C.

(4) Payment of all past due non-volumetric billed charges will prohibit abandonment procedures.

**8-7-6. APPLICABILITY OF CHAPTER; RULES GOVERNING SUBDIVISIONS:**

(A) The provisions of this chapter shall apply to all applicants. In the case of subdivisions, housing developments, or other areas where water mains and installations must be extended from the existing water mains to the area of use, the applicant must provide and install the necessary water mains, fire hydrants, valves and fittings for the extension, in addition to complying with all of the provisions of this chapter. All such extension installations shall be made under the inspection and supervision of the City. Upon completion and final approval by the City, all such water mains, fire hydrants, valves and fittings incorporated in the extension shall become the property of the City.

(B) This formula shall be applied to property owners or developers on each side of the main. The City of Westminster will be responsible for the fractional cost of that portion of any water main that exceeds 16 inches in diameter.

**8-7-7. WATER RATE SCHEDULE:**

(A) Except for fire hydrant use for municipal purposes and water used by the utilities division of the public works and utilities department, all water delivered from the City water system shall be metered, including water used by the City or departments thereof, and the charge therefor shall be as hereinafter set forth. Per Section 8-7-8 below, water meters are to be read to the nearest 1,000 gallons. Any meter reading containing a portion of 1,000 gallons shall be rounded down to the nearest 1,000 gallons.

(B) RESIDENTIAL: Three dwelling units or less, served by one meter, primarily used for residential occupancy shall, ~~in 2022, be charged a monthly water utility infrastructure fixed charge based on meter size as listed in Schedule A plus the monthly charge per kgal listed below.~~~~\$13.57 per month water utility infrastructure charge, and shall, in 2023, be charged a \$13.57 per month water utility infrastructure charge plus:~~

Monthly Volume of Water Used	2023 Charge per 1,000 gallons (kgal)	2024 Charge per 1,000 gallons (kgal)
1,000—8,000 gallons: defined as the first 8,000 gallons of water use in one month.	\$3.71	\$3.88
9,000—40,000 gallons: defined as the monthly water use above the first 8,000 gallons of water use in one month.	\$6.78	\$7.09

Over 41,000 gallons: defined as all water use above the first 40,000 gallons of water use in one month.	\$8.48	\$8.86
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(C) RESIDENTIAL IRRIGATION, TOWNHOME/CONDOMINIUM (CONSISTING OF FOUR UNITS OR MORE), PUBLIC/QUASI-PUBLIC USERS: Shall, ~~in 2022~~, be charged a monthly water utility infrastructure fixed charge based on the meter size as listed in Schedule A plus the monthly charge per kgal listed below, ~~and shall, in 2023, be charged a monthly water utility infrastructure charge based on the meter size as listed in Schedule A plus the monthly charge per kgal listed below.~~

Monthly Volume of Water Used	2023 Charge per 1,000 gallons (kgal)	2024 Charge per 1,000 gallons (kgal)
1,000 gallons of water use (kgal)	\$7.85	\$8.21

Non-irrigation accounts for multiple residential units consisting of four units or more that are not individually metered and that are classified as town homes or condominiums and can demonstrate that they are 80 percent owner occupied on a complex wide basis shall, ~~in 2022~~, be charged a monthly water utility infrastructure fixed charge based on the meter size as listed in Schedule A plus the monthly charge per kgal listed below, ~~and shall, in 2023, be charged a monthly water utility infrastructure charge based on the meter size as listed in Schedule A plus the monthly charge per kgal listed below, for all water delivered through the meter.~~ The Public Works and Utilities Director or their designee of Finance is authorized to prescribe and accept such forms of documentation as the Director may deem sufficient to demonstrate an applicant's eligibility for the rate described in this paragraph. For purposes of this section, a town home or condominium is a residential unit physically attached to another residential unit and separately owned.

Monthly Volume of Water Used	2023 Charge per 1,000 gallons (kgal)	2024 Charge per 1,000 gallons (kgal)
1,000 gallons of water use (kgal)	\$7.32	\$7.65

(D) COMMERCIAL: Commercial users shall, ~~in 2022~~, be charged a monthly water utility infrastructure fixed charge based on meter size as listed in Schedule A plus the monthly charge per kgal listed below, ~~and shall, in 2023, be charged a monthly water utility infrastructure charge based on meter size as listed in Schedule A plus the monthly charge per kgal listed below.~~ All consumption above the amount in kgal sold to the customer based on the signed service commitment agreement (provided at the time that the tap fee is sold), or an average of the previous ten years' water use if no service commitment agreement was created, shall be charged a monthly surcharge rate per kgal ~~in addition to the rate per kgal listed below:~~

Monthly Volume of Water Used	2023 Charge per 1,000 gallons (kgal)	2024 Charge per 1,000 gallons (kgal)
Per 1,000 gallons (kgal)	\$8.09	\$8.46
Surcharge per 1,000 gallons (kgal)	\$9.92	\$10.37

A customer may choose to continue to pay the surcharge on a monthly basis or may contact City staff to purchase additional water resources.

Schedule A				
Meter Size Code	Meter Size	Number of Water Infrastructure Service Commitments	2023 Monthly Water Utility Infrastructure Fixed Charge	2024 Monthly Water Utility Infrastructure Fixed Charge
1	5/8" x 3/4"	1	\$13.57	\$14.18
2	3/4" x 3/4"	1.5	\$20.10	\$21.01
3	1"	2.5	\$28.89	\$30.19
5	1 1/2"	5	\$49.07	\$51.28
6	2"	8	\$71.96	\$75.20
7	2" x 5/8"	8	\$71.96	\$75.20

8	3"	17.5	\$150.17	\$156.92
9	3" × ¾"	17.5	\$150.17	\$156.92
10	4"	30	\$216.93	\$226.70
11	4" × 1"	30	\$216.93	\$226.70
12	6"	62.5	\$404.25	\$422.44
13	6" × 1½"	62.5	\$404.25	\$422.44
14	6" × 3"	62.5	\$404.25	\$422.44
15	8"	90	\$606.03	\$633.30
e	10"	145	\$927.28	\$969.01
20	10" × 12" × 6"	215	\$927.28	\$969.01

(E) CONTINUANCE OF CUSTOMER CHARGES: Monthly customer charges shall be assessed in all cases including where no water is consumed until such time as City personnel are specifically requested to discontinue water service at the meter, pursuant to Section 8-7-10, W.M.C.

(F) INCOME-QUALIFIED BILL CREDIT ~~Rebate~~: A ~~credit~~ rebate in an amount to be set by the City Manager or his designee shall be given to eligible income-qualified low-income residential customers ~~users who submit an application on a form prescribed by the Public Works and Utilities Director.~~

(1) The Public Works and Utilities Director or their designee shall prescribe forms and administrative procedures for the application process, determination of "income-qualified" status, credit amount, and distribution of credit. For purposes of this paragraph, "low income" shall be 60 percent of the current area median income (AMI).

(2) ~~The Director of Public Works and Utilities is authorized to prescribe and accept such forms of eligibility as the Director may deem sufficient to demonstrate an applicant's eligibility for the rebate provided for in this section.~~

(2)(3) Such ~~credit~~ rebate will be paid in the form of a credit applied to the water account of the eligible residential user.

(3) Customers who have been assessed a fee for tampering associated with their water meter within the last three years are not eligible for this credit. Customers who provide false information or are in violations of other policies established by the Public Works and Utilities Director shall be removed from the program.

(G) OUT-OF-CITY CUSTOMERS: A surcharge of 25 percent will be added to all charges and fees related to the provision of water service to customers located outside the City limits, unless provided otherwise by contract or agreement with the City.

### 8-7-8. COMPUTATION OF RATE:

(A) The schedule of water rates shall be applied to water used or consumed as determined by the water meter readings that are made by the City, except as provided in Section 8-7-7, W.M.C.

(B) Water meters are to be read to the nearest 1,000 gallons. Any meter reading containing a portion of 1,000 gallons shall be rounded down to the nearest 1,000 gallons. The City will charge fees according to Schedule B for meter investigations. ~~\$30.00 to test a residential water meter upon the customer's request. Test of commercial and industrial meters by customer request will be as listed in Schedule B.~~ Fees This fee will be waived if the meter is over-registering or if a leak is found at the meter or on the City's portion of the distribution system. If the meter is over-registering, the customer will receive a credit for excess charges on the prior 12 months' consumption. If city records indicate a meter change or accuracy test during the 12 months, the credit will apply from the date of the meter change or test.

Schedule B			
Meter Size	Service/Shutoff	Test Charge	Leak Repair
5/8"	\$45.00	\$125.00	\$56.00

<u>3/4"</u>	<u>\$45.00</u>	<u>\$125.00</u>	<u>\$56.00</u>
<u>1"</u>	<u>\$45.00</u>	<u>\$125.00</u>	<u>\$56.00</u>
<u>1 1/2"</u>	<u>\$200.00</u>	<u>Invoiced</u>	<u>\$100.00</u>
<u>2"</u>	<u>\$200.00</u>	<u>Invoiced</u>	<u>\$100.00</u>
<u>3"</u>	<u>\$315.00</u>	<u>Invoiced</u>	<u>\$115.00</u>
<u>&gt;3"</u>	<u>Invoiced</u>	<u>Invoiced</u>	<u>\$115.00</u>

Schedule B		
Meter Model	Meter Size	Test Charge
25	3/8"	\$30.00
35	3/4"	\$40.00
70	1"	\$75.00
120	1 1/2"	\$130.00
160 Turbo	1 1/2"	\$170.00
170	2"	\$180.00
200 Turbo	2"	\$210.00
450 Turbo	3"	\$460.00
Meters Over 3"	>3"	\$460.00

(C) The City will charge ~~\$45.00~~\$25.00 to reread a water meter at the customer's request, which will be added to the customer's next bill. This fee will be waived if the first reading was incorrect. ~~The City will charge \$25.00 for all service trips, including a trip to check the water meter for evidence of a leak. This fee will be waived if a leak is found at the meter or on the City's portion of the distribution system.~~

**8-7-9. DELINQUENT PAYMENTS, SUSPENSION OF SERVICE, AND SERVICE CHARGES; PAYMENT RESPONSIBILITY AND LIEN ON PROPERTY:**

(A) DELINQUENCIES:

(1) Water service charges are due 21 calendar days following the billing date. This due date is stated on each bill. A late fee shall be assessed each month to any account on which all charges are not paid by the due date as stated on the monthly bill.

(2) Statements for the water service charges shall become delinquent 24 days from the date posted as the due date and a non-payment fee can be assessed and added to the account.

(B) SUSPENSION OF SERVICE:

(1) In the event an account becomes delinquent, the City Manager or their designee, shall be authorized to forthwith disconnect service, provided that the City shall give at least 7 days' notice before actually turning off the water for nonpayment. Such notice shall be sent to the owner or occupant. The obligation to pay promptly for water service is not in any way affected by the failure of the owner or occupant of the premises served to receive a statement for the service.

(2) Prior to water service being restored, all non-payment charges, late charges, tampering charges, and any other Utility applied charges must be paid.

(3) Assessment of non-consumption based fees and charges will continue during any shutoff period.

(C) SERVICE CHARGES:

(1) If an unauthorized water turn-on occurs at a property, a service charge shall be applied, in addition to tampering fees as described in Section 8-7-12, W.M.C. Damaged equipment charges are as

listed. Additionally, labor is charged at the then current rate for actual hours of the installation. The charges for finals (service transfers), and damaged equipment are as follows:

(A) ~~Statements for the rates and charges for the water service shall be dated and sent out to users at regular intervals. Water meters shall be read within a time frame of 27 to 33 days. In the event a water bill is not paid by the 45th day following the date of the bill, the City Manager, or his designee, shall be authorized to forthwith disconnect service; and the water so disconnected shall not again be reconnected until the delinquent bill and a disconnect charge of \$45.00 for turning the water off ("turn-off") and for turning the water on ("turn-on") along with any other outstanding charges, fees, and penalties have been paid. Assessment of non-consumption based fees and charges will continue during any shutoff period.~~

~~If an unauthorized water turn-on occurs at a property, an additional turn-off/on fee shall be applied. Damaged equipment charges are as listed. Additionally, labor is charged at the then current rate for actual hours of the installation. The charges for finals (service transfers), and damaged equipment are as follows:~~

Action/Damage	Residential	All Other Classifications
Account final	\$35.00	\$35.00
Late Fee	\$10.00	\$10.00
Non-Payment Fee	\$45.00	\$45.00
Unauthorized water turn-on	\$35.00	\$35.00
Damaged lock	Invoiced\$15.00	Invoiced\$15.00
Damaged can	Invoiced\$35.00	N/A\$35.00
Damaged pin	\$10.00	\$10.00
Damaged $\frac{5}{8}$ " $\times$ $\frac{3}{4}$ " meter body	Invoiced\$37.00	InvoicedN/A
Damaged radio transmittertransponder	Invoiced\$180.00	Invoiced\$180.00
Damaged service line plugs	Invoiced\$16.00	N/A\$16.00
Damaged/Obstructed Meter and/or Plumbing	Invoiced	Invoiced

Equipment damaged, but not listed above, will be charged at actual cost to repair and/or replace, plus any labor required at the then current rate for actual hours of the installation.

~~(2)(B)~~ Any account paid with a check, debit card, credit card, or any other payment type subsequently returned by the bank will be charged a service charge equal to the service charge assessed by Section 1-8-3, W.M.C. The City may require the customer to make any subsequent payments using cash, certified or bank check, or money order.

(D) PAYMENT RESPONSIBILITY:

(1) Statements for water service charges shall be dated and sent out to users at regular intervals based upon meter readings.

(2) Regardless of the occupancy of a property served by the city, the owner of every premises, building, lot, house, or dwelling unit is liable for all charges for the water services associated with said premises, building, lot, house, or dwelling unit. The owner may designate another person to whom bills containing the water charges and the notices of the proposed disconnection of water service shall be sent. Mailing of a bill for water service to any address shall in no way affect the power of the city to enforce payment of charges or to take any other action provided in this chapter authorized by law or equity.

(3) The Public Works and Utilities Director or their designee may accept any partial payment made and apply such payments towards the billed charges or allow for payment of a total billed charges on an installment basis. Payment of part, but less than the total billed amount, shall first be applied to Sewer Service, if any, second to Storm Water fees, if any, third to Infrastructure fees, if any, fourth to any Loans, if any, fifth to Service Charges and Fees, if any, and lastly, to the Water Service charge itself. Deposit of such payments shall not in any way imply that the remaining balance is or has been abated.

(E) LIEN ON PROPERTY:

~~(1)(C)~~ The City shall have as security for the collection of such water service charges and penalties a lien upon the real property served by such water service, which lien shall become effective immediately upon the supplying of such water and shall not be discharged until the payment is made of all the water service bills, penalties and charges as herein provided. Such liens shall be governed by Title I, Chapter 31 of the Westminster Municipal Code.

~~(2)(4)~~ The lien shall include all charges prescribed by this Code relating to the provision of water services, together with the cost of collecting such charges, including court costs and attorneys' fees. The lien shall be first and prior to all other liens, claims, titles, and encumbrances, whether prior in time or not, except liens for general taxes, and shall remain a lien upon the real property served by the water connection from the date such charges and the cost of collecting them, if any, become due, until they are paid.

~~(3)(2)~~ The City may enforce the lien against the property or the liability against the property owner in any action at law or an action to enforce the lien. If any person in possession of any premises, building, lot, house, or other dwelling unit pays the entire charges due and owing, the payment relieves the property owner from such liability and the premises from the lien. However, the City is not required to look to any person other than the owner of the premises, building, lot, house, or other dwelling unit for the payment of the charges.

**8-7-10. INACTIVE ACCOUNTS; REACTIVATION:**

An account may be declared inactive if a request is made in writing by the customer to the City. Upon being declared inactive, the City shall remove the water meter and the customer shall pay the then currently applicable connection fee for the disconnection. Inactive accounts will not accrue monthly fees. The customer or current property owner shall have 36 months to reactivate their account, at which time the meter shall be reinstalled and the customer shall pay the then currently applicable connection fee. If the account is not reactivated within 36 months, abandonment will be presumed and subsection 8-7-5(B), W.M.C., shall apply.

**8-7-11. TEMPORARY CONSTRUCTION METER; DEPOSIT REQUIRED:**

The Department of Public Works and Utilities shall collect a deposit fee in an amount equivalent to the value of the metering device. Water use through such meter may be billed as needed based on consumption patterns.

**8-7-12. UNAUTHORIZED USE OR TAMPERING PROHIBITED:**

(A) It shall be unlawful for any person to tamper with any meter, or to connect to, use, or take any water from the City water or reclaimed water systems without a valid water utility permit and prior payment of all required fees and user charges. Prohibited use shall include, but shall not be limited to, the use or acquisition of water from fire hydrants, any unauthorized connections to the water system, any unauthorized turn on of a water meter turned off by the City, and straight through or bypass pipes at the water meter pit.

(B) The charge for unauthorized use of water is a charge of \$500.00 for the first occurrence, \$750.00 for the second occurrence, and \$1,000.00 for the third and additional occurrences within any 12-month period to the owner of the property, or, in the case of a fire hydrant, the entity or individual benefiting from the unauthorized water use, and is in addition to any other charge by the City for water service, including estimated labor as described in Section 8-7-9, W.M.C. Any reasonable expense incurred by the City as a result of unauthorized use or meter tampering will be charged at actual cost for equipment and materials, plus any labor required at the then current rate for the action.

All charges for unauthorized use of water and expenses incurred by the City in response shall be assessed to the property owner as lienable amounts as described in subsection ~~8-7-9(E)~~~~8-7-9(C)~~, W.M.C. The

charges increase based on the number of occurrences at all properties under the same ownership within the City.

(C) In billing the property owner or entity benefiting from the water use for water used without authorization, the City may use any reasonable method to determine the amount of water so used including, but not limited to, previous account history, the account history of similar accounts, pipe size and water pressure.

(D) No new tap and/or meter installations will be allowed for any property where there are outstanding unpaid utility fees or charges for any properties within the City under the same ownership. The City may terminate a person's water service for a prohibited use of the water system.

(E) Advisement to the property owner of charges or expenses for payment shall include the procedure to schedule a hearing if requested. If a hearing is requested, it shall be scheduled as soon as practical before the City Manager or theirhis designee.

### **8-7-13. DUTY OF CONSUMER:**

(A) It shall be the duty of the water consumer to use all necessary precautions to keep the meter from freezing and from injury and, if the meter shall be injured by freezing or by carelessness of the consumer, then such consumer shall pay all necessary cost of repairs occasioned by such injury, and failure to pay such cost of repairs shall warrant and authorize the city in turning off the water.

(B) No person owning or possessing, or responsible for the maintenance of, the property on which a meter or fire hydrant is located shall obstruct the meter or fire hydrant in any manner so that access to the meter or fire hydrant is prevented. If such obstruction is not removed within the period of time prescribed in the notice required in subsection (C) below, the owner or possessor shall be deemed to have consented to the City's entry onto the property for the purpose of removing the obstruction and gaining access to the meter or fire hydrant. All costs incurred in the removal of the obstruction shall be charged to the water consumer, owner or possessor as prescribed in subsection (D) below. For the purposes of this section, the word "obstruct" shall include but not be limited to:

(1) Failure to maintain landscaping around the meter pit or fire hydrant so as to provide at least three feet of unobstructed access to the meter or fire hydrant from the public right-of-way and at least five feet of vertical clearance above the meter pit or fire hydrant;

(2) Failure to maintain landscaping that exceeds four inches in height if said landscaping is located within six inches of the meter pit or fire hydrant;

(3) Allowing any landscaping to cover the meter pit lid or fire hydrant; or

(4) Placement of a fence or retaining wall in such a location that the fence or wall will obstruct access to the meter pit or fire hydrant from the public right-of-way.

(C) If the City Manager finds that any person has failed to comply with any of the requirements of subsection (B) of this section, the City Manager shall notify the water consumer, owner or possessor of the property by hand delivery or certified mail that he shall be required to comply within 15 days of the date of delivering or mailing the notice. In the event of an emergency or shutoff for non-payment, the City may require immediate compliance and assess all charges and expenses to the property owner as described in Sections 8-7-9 and 8-7-12, W.M.C.

(D) If the person so notified fails to comply with the requirements of the notice, the manager may cause the work to be done and charge the costs thereof together with an administrative fee to the person so notified. Such costs and fees shall be added to the charges for water service, and failure to pay such charges shall warrant and authorize the City in shutting off the water.

**8-7-14. BUILDINGS OCCUPIED BY MORE THAN ONE TENANT; OWNER TO PAY; EXCEPTIONS:**

Owners or agents in charge of business blocks or other buildings occupied by more than one tenant using water from the same service pipe shall be required to apply the water rate for the whole of such buildings, unless a separate meter is installed for each tenant.

**8-7-15. VARIANCE; CITY MANAGER AUTHORITY:**

The City Manager or the manager's designee may vary the requirements of Sections 8-7-2, 8-7-4, or 8-7-5, W.M.C., for a particular property, upon a finding that good cause exists to grant said variance. Any such request for a variance shall be in writing and shall state the grounds for said request, and any variance granted will be in writing signed by the City Manager or the manager's designee stating the basis therefor.

**8-7-16. USING WATER FROM ANOTHER CONNECTION PROHIBITED; ADDITIONAL FEE:**

It shall be unlawful for any consumer to permit water to be taken through ~~their~~his service pipe for the use of any person whose premises are not connected for the use of water from the City's mains, unless the consumer shall pay to the City one additional minimum fee for each premises so accommodated, except as provided herein.

**8-7-17. POLLUTION OF WATER PROHIBITED:**

It shall be unlawful for any person to throw or cast any substance into any reservoir, well, trench, pipe or drain used in and necessary for the construction, maintenance or operation of the City waterworks system that may tend to fill up such reservoir or well or to obstruct the flow of water in such trench, pipe or drain, or to pollute the water therein.

**8-7-18. USE OF WATER: SUPERINTENDENT TO SUPERVISE:**

No water shall be used from the fire hydrants except for the extinguishment of fire or other municipal use and then only under the supervision of the City. The council reserves the right to cause the water to be shut off from the mains when they deem it necessary. The City may, for the purpose of cleaning the same, shut off the water at any time; provided that, before the water shall be turned off from any school or other public buildings, the City shall notify the occupant or person in charge of such building.

**8-7-19. USE OF WATER DURING FIRE:**

It shall be unlawful for any person to use water for anything except domestic purposes while the Fire Department is using water for the purpose of extinguishing a fire. During a period of one hour from and after the sounding of a fire alarm through the use of a fire siren, it shall be unlawful for any person to use water for anything except domestic purposes.

**8-7-20. WHEN TAPPING PROHIBITED:**

No water taps upon water mains of the City shall be permitted for domestic purposes unless the property for which the tap is made and the residence thereon shall have bath and toilet facilities within the residence so constructed as to comply with all of the requirements of the City regulating the disposal of sewage.

**8-7-21. ACQUISITION OF WATER RIGHTS:**



(A) No municipal water and sewer service will be provided to any undeveloped tract of land within the City if the owner of such land now or hereafter owns water rights that might be acquired and used by the City, unless the land owner agrees to sell such water rights to the City at a price not to exceed the then prevailing fair market price.

(B) If for any reason the City does not wish to acquire the water rights under conditions of subsection 8-7-21(A), W.M.C., the City Manager shall notify the owner of such rights in writing. The owner will then be free to sell such rights on the open market.

(C) There is hereby imposed upon the owner of any undeveloped tract within the City the affirmative duty to reveal to the City all such water rights as he may own.

**8-7-22. RESERVED:**

**8-7-23. CREDIT FOR OVERCHARGE:**

The City Manager or their designee may give credit to any utility customer that has been overcharged at any point in the preceding 12 months.

**8-7-24. WATER SHORTAGE OR DROUGHT:**

(A) The City Council may adopt by resolution a Drought Management Plan, which authorizes the City Manager to declare a drought or water shortage emergency and to implement a response consistent with the Drought Management Plan. Upon the declaration of a drought or water shortage emergency, and pursuant to the Drought Management Plan, the City Manager's authority shall include, but not be limited to, the ability to order and enforce the following:

- (1) Limiting lawn watering to certain days of the week or times during the month.
- (2) Prohibiting wasteful water use as determined by City Council and further described in subsections 8-7-25(A), and 8-12-16(A), W.M.C.
- (3) Prohibiting noncommercial car washing and/or sidewalk and driveway washing.
- (4) Prohibiting new lawns from being planted or installed.
- (5) Rationing the amount of water that can be used by each customer, household and/or business.
- (6) Prohibiting any outside irrigation use of water.
- (7) Implementing a major public information program on the need to conserve water.
- (8) Any other similar restrictions the City Manager deems necessary.

(B) The person billed for water service to a property, whether owner or occupant, shall be responsible for compliance with this section. Any person, corporation, partnership or association who violates any of the provisions of the Drought Management Plan as adopted by resolution may be punished by a fine or penalty not to exceed \$1,000.00, which may be added to the water bill for the property where the violation occurred and/or the installation of a flow restrictor device to limit usage. Any violation of the Drought Management Plan as adopted by resolution may, alternatively, be cited into the Westminster Municipal Court as a noncriminal offense pursuant to and subject to the penalty provisions of Section 1-8-1, W.M.C.

(C) A notice of violation under this section may be appealed in writing within 30 days of the date the notice was issued. The appeal hearing shall be before the City Manager or their designee who shall serve

as hearing officer. If an appeal hearing is requested, the hearing officer shall respond to the appellant within 30 calendar days of receiving the written appeal, with a notice stating the date, time, and location of the hearing which shall be scheduled as soon as reasonably practical after such notice. Such appeal hearing is to be informal in nature, and formal rules of evidence and discovery do not apply. The City bears the burden of proof at an appeal hearing to establish a violation by a preponderance of the evidence. The party protesting the notice of violation shall be given the opportunity to present documents and testimony which shall be kept as part of the record of the proceeding. The appeal hearing shall be recorded. The hearing officer shall render a written decision, accompanied by findings of fact and conclusions based thereon.

(D) Should the City Council or City Manager declare a drought or water shortage emergency pursuant to the Drought Management Plan, the City Manager shall, as soon as practicable, inform the City Council of the declaration, and provide supporting information. The City Manager shall thereafter provide such periodic updates as the City Council sees fit and appropriate.

(E) The City Council may, at any time, override, modify, or reverse the City Manager's declaration of a drought or water shortage emergency by resolution.

### **8-7-25. WASTE OF WATER:**

(A) **WASTE OF WATER IS PROHIBITED:** Waste of water is defined as the intentional or non-intentional use of water for a non-beneficial purpose, and includes:

(1) Continuous application of water to any lawn, turf, sodded, or landscaped area resulting in the pooling or flowing of water into drainage or storm drainage facilities;

(2) Failure to repair any irrigation system that is leaking;

(3) The use of hoses for washing of vehicles and other outdoor uses, other than irrigation, that are not equipped with a shutoff valve that is normally closed and necessitates hand pressure on the valve to permit the flow of water; and

(4) Single-pass cooling systems.

Notwithstanding the enforcement provisions set forth in this section, the City Manager, or their ~~his~~ designee, may order the installation of a flow restrictor device and/or a shut off of water service to a property if the City Manager, or their ~~his~~ designee, reasonably finds that an extreme waste of water is occurring on the premises.

(B) The Director of Public Works and Utilities is hereby authorized to enforce this section. The person billed for water service to a property, whether owner or occupant, shall be responsible for compliance with subsections (A) and (B) within 30 days of the violation notice, unless otherwise specified by the Director of Public Works and Utilities, and shall be subject to the following actions and penalties:

(1) Upon a first violation, the person billed will be advised in writing of the violation and issued a warning for the violation. The warning shall be in effect for a period of one year from the date of issue.

(2) A second violation within a one-year period shall result in the person billed being advised in writing of the violation and a charge of \$50.00 will be added to the water bill for the property. Advisement shall include the procedure to schedule a hearing, if requested.

(3) A third or additional violation within a one-year period shall result in the person billed being advised in writing of the violation and a charge of \$100.00 will be added to the water bill for the property. Advisement shall include the procedure to schedule a hearing, if requested. In addition, the City Manager, or their ~~his~~ designee, may order a suspension of service to the property until all outstanding fines are paid. Restoration of service shall occur as detailed in Section 8-7-9, W.M.C.

(4) Upon any notice(s) of violation of this section, a copy of such notice shall also be mailed to the owner(s) of the real property served, if the owner's address differs from the subject property address.

(C) A notice of violation under this section may be appealed in writing within 30 days of the date the notice was issued. The appeal hearing shall be before the City Manager or their ~~his~~ designee who shall serve as hearing officer. If an appeal hearing is requested, the hearing officer shall respond to the appellant within 30 calendar days of receiving the written appeal, with a notice stating the date, time, and location of the hearing which shall be scheduled as soon as reasonably practical after such notice. Such appeal hearing is to be informal in nature, and formal rules of evidence and discovery do not apply. The City bears the burden of proof at an appeal hearing to establish a violation by a preponderance of the evidence. The party protesting the notice of violation shall be given the opportunity to present documents and testimony which shall be kept as part of the record of the proceeding. The appeal hearing shall be recorded. The hearing officer shall render a written decision, accompanied by findings of fact and conclusions based thereon.

#### **8-7-26. METER SET INSTALLATION REINSPECTION FEE:**

Water tap fees provide for customary inspection of the meter set only once. Where additional inspections are made necessary by incomplete or faulty work or incorrect posting, a fee will be charged for any additional inspections, as specified in the Utilities Service Rules. No additional inspections will be made until said fees are paid.

#### **8-7-27. CROSS CONNECTION AND BACKFLOW CONTROL:**

(A) DEFINITIONS: The following words, terms and phrases, when used in this section, shall have the following meaning, unless the context clearly indicates otherwise:

*Auxiliary water supply* shall mean any water supply on or available to the premises other than the approved public potable water supply, including water from another purveyor's public potable water supply or any natural source, such as a well, spring, or stream.

*Back pressure* shall mean backflow caused by a pump, elevated tank, boiler or other means that could create pressure within the system greater than the supply pressure.

*Backflow prevention device* shall mean a device or other means designed to prevent backflow or back-siphonage, as follows:

(1) *Air gap* shall mean the unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture, or other device and the edge of the vessel from which water overflows, which shall be at least double the diameter of the supply pipe, measured vertically above the top of the rim of the vessel and, in no case less than one inch. When an air gap is used at the service connection to prevent the contamination or pollution of the public potable water system, an emergency bypass shall be installed around the air gap system and an approved reduced pressure principle device shall be installed in the bypass system.

(2) *Reduced pressure principle device* shall mean an assembly of two independently operating approved check valves with an automatically operating differential relief valve between the two check valves, tightly closing shut-off valves on either side of the check valves, plus properly located test cocks for the testing of the check and relief valves. The device shall operate to maintain the pressure in the zone between the two check valves at a level less than the pressure on the public water supply side of the device. At cessation of normal flow, the pressure between the two check valves shall be less than the pressure on the public water supply side of the device. In case of leakage of either of the check valves, the differential relief valve shall operate to maintain the reduced pressure in the zone between the check valves by discharging to the atmosphere. When the inlet pressure is two pounds per square inch or less, the relief valve shall open to the atmosphere.

(3) *Double check valve assembly* shall mean an assembly of two independently operating approved check valves with tightly closing shut-off valves on each side of the check valves, plus properly located test cocks for the testing of each check valve.

*Back-siphonage* shall mean the flow of water or other liquids, mixtures or substances into the distribution pipes of a potable water supply system from any source other than its intended source caused by the sudden reduction of pressure in the potable water supply system.

*Check valve* shall mean a self-closing device that is designed to permit the flow of fluids in one direction and to close if there is a reversal of flow.

*Cross-connection* shall mean any physical arrangement connecting a public water supply, directly or indirectly, with any other water supply system, sewer, drain, conduit, pool, storage reservoir, plumbing fixture, or other device that contains, or may contain, contaminated water, sewage, or other waste of liquid of unknown or unsafe quality that may be capable of imparting contamination to the public water supply as a result of backflow. The term includes bypass arrangements, jumper connections, removable sections, swivel or changeover devices, and other temporary or permanent devices through which, or because of which, backflow could occur. A controlled cross-connection means a connection between a potable water system and a non-potable water system that includes an approved backflow prevention device that has been properly installed that will continuously afford the protection commensurate with the degree of hazard.

*Industrial fluids system* shall mean any system containing a fluid or solution that may be chemically, biologically or otherwise contaminated or polluted in a form or concentration such as would constitute a health, system, pollutional or plumbing hazard if introduced into an approved water supply, including: polluted or contaminated waters; all types of process waters and "used waters" originating from the public potable water system that may have deteriorated in sanitary quality; chemicals in fluid form; plating acids and alkalies; circulated cooling waters connected to an open cooling tower that are chemically or biologically treated or stabilized with toxic substances; contaminated natural waters; oils, gases, glycerine; paraffins; caustic and acid solutions and other liquid and gaseous fluids used for industrial, fire-fighting, or other purposes.

*Vacuum breaker, atmospheric nonpressure type* shall mean a vacuum breaker designed so as not to be subjected to static line pressure or installed where it would be under pressure for not more than 12 hours in any 24-hour period.

*Vacuum breaker, pressure type* shall mean a vacuum breaker designed so as not to be subjected to static line pressure.

*Water service connection* shall mean the terminal end of a service connection where the City loses jurisdiction and sanitary control over the water at its point of delivery to the customer's water system. If a meter is installed at the end of the service connection, then the service connection shall mean the downstream end of the meter. The term shall also include water service connection from a fire hydrant and all other temporary or emergency water service connections from the public potable water system.

*Water supply system* shall include two parts: the utility system and the customer system. The utility system shall consist of the source facilities and the distribution system and shall include all those facilities of the water system under the complete control of the utility, up to the point where the customer's system begins. The source shall include all components of the facilities utilized in the production, treatment, storage and delivery of water to the distribution system. The distribution system shall include the network of conduits used for the delivery of water from the source to the customer's system. The customer's system shall include those parts of the facilities beyond the termination of the utility distribution system that are utilized in conveying utility-delivered domestic water to points of use.

(B) REGULATIONS:

(1) No water service connection shall be installed or maintained by the City unless the water supply is protected as required by state laws and regulations and this Code, as required by the City Manager or theirhis designee. Service of water to any premises may be discontinued by the City, pursuant to

subsection 8-7-28(B) of this chapter, if a backflow prevention device required by this section is not installed, tested and maintained, or if it is found that a backflow prevention device has been removed, or bypassed, or if an unprotected cross-connection exists on the premises. Service shall not be restored until such conditions or defects are corrected.

(2) The customer's system should be open for inspection at all reasonable times to authorized representatives of the City Manager to determine whether cross-connections or other structural or sanitary hazards, including violations of these regulations, exist.

(3) The type of approved backflow prevention device necessary shall be determined according to the existing degree of hazard as set forth in paragraph (4) of this subsection. Such a device shall be installed at or near the property line or immediately inside the building being served. Such a device shall be installed before the first branch line leading off the service line wherever the following conditions exist:

(a) The premises have an auxiliary water supply that is not or may not be of safe bacteriological or chemical quality and that is not acceptable as an additional source as determined by the City Manager;

(b) Any industrial fluids or any other objectionable substance is handled on the premises in a fashion that creates an actual or potential hazard to the public water system, including the handling of process waters and waters origination from the utility system that have been subject to deterioration in quality;

(c) The premises have internal cross-connections that cannot be permanently corrected and controlled or intricate plumbing and piping arrangements or the entry to all portions of the premises is not readily accessible for inspection purposes, making it impracticable or impossible to ascertain whether or not dangerous cross-connections exist.

(4) The type of protective device required under paragraph (3) of this subsection shall depend upon the degree of hazard that exists, as follows:

(a) In any premises that has an auxiliary water supply that is not subject to any of the following rules, the public water system shall be protected by an approved air gap separation or an approved reduced pressure principle backflow prevention device.

(b) In any premises where there is water or any other substance that would be objectionable if introduced into the public water system, but would not be hazardous to health, the public water system shall be protected by an approved double check valve assembly.

(c) In any premises where there is any material that is dangerous to health that is handled in such a fashion as to create an actual or potential hazard to the public water system, the public water system shall be protected by an approved air gap separation or an approved reduced pressure principle backflow prevention device. Examples of premises where these conditions may exist include sewage treatment plants, sewage pumping stations, chemical manufacturing plants, hospitals, mortuaries, and plating plants.

(d) In any premises where there are "uncontrolled" cross-connections, either actual or potential, the public water system shall be protected by an approved air gap separation or an approved reduced pressure principle backflow prevention device at the service connection.

(e) In any premises where, because of security requirements or other prohibitions or restrictions, it is impossible or impractical to make a complete in-plant cross-connection survey, the public water system shall be protected against backflow or back-siphonage from the premises by the installation of a backflow prevention device in the service line. An approved air gap separation or an approved reduced pressure principle backflow prevention device shall be installed in each service to the premises.

(f) All facilities with a high hazard rating may be required by the City Manager or their ~~his~~ designee to submit, for approval, plans showing all cross-connection control devices to be installed before a tap permit is granted.

(5) Any backflow prevention device required pursuant to this section shall be of a model and size approved by the City Manager or their ~~his~~ designee. In order to be approved, the device shall:

- (a) Be manufactured in full conformance with the current standards established by the American Water Works Association;
- (b) Comply with all of the laboratory and field performance specifications of the Foundation for Cross-Connection Control and Hydraulic Research of the University of Southern California; and
- (c) Be certified to be in full compliance with the standards set forth in this paragraph by a testing laboratory that has been approved by the City Manager or their ~~his~~ designee.

(6) The customer-user at any premises where backflow devices are installed shall have certified inspections and operational tests made at least once per year. In those instances where the City Manager deems the hazard to be great enough, he may require certified inspections at more frequent intervals. These inspections and tests shall be at the expense of the customer-user and shall be performed by a certified inspector/tester as outlined in the Utilities Service Rules. Backflow prevention devices shall be repaired, overhauled or replaced at the expense of the customer-user whenever they are found to be defective. Records of tests, repairs and overhauls shall be kept for a period of two years and made available to the City Manager or their ~~his~~ designee. A copy of the annual inspection is to be sent to the City.

(C) **CROSS-CONNECTIONS:** No cross-connection between a public water system and any secondary water system shall be permitted. No person shall permit or maintain a cross-connection between a public water supply and any secondary water system, unless said connection is protected by means of an approved backflow prevention device.

(D) **SPECIFIC SYSTEM REQUIREMENTS:** The requirements for irrigation systems, fire systems, and any vehicles or equipment taking water from the City's water utility system are set forth in the Utilities Service Rules.

(E) **BACKFLOW ASSEMBLY SERVICE FEES:** The consumer at any premises where system containment backflow control assemblies are installed shall be charged a monthly backflow control service fee based on backflow assembly size as listed below:

<u>Backflow Size</u>	<u>Monthly Service Fee</u>
1" or less	\$0.50
1 ¼" to 2 ½"	\$0.75
3" & 4"	\$1.00
6"	\$1.50
8"	\$2.00
10"	\$2.50

*Backflow Size* — *Monthly Service Fee*

10"	\$2.50
8"	\$2.00
6"	\$1.50
3" & 4"	\$1.00
1 ¼" to 2 ½"	\$0.75
½" to 1"	\$0.50

Single-family detached dwelling units with irrigation backflow prevention assemblies are exempted from the service fees, unless fertilization occurs through the irrigation system connected to the backflow assembly in which case the fees shall apply.

**8-7-28. VIOLATIONS AND PENALTIES:**

(A) The cost to clean up a contamination of the City's water supply, up to and including the waterline replacement, shall be the sole responsibility of the person causing the contamination.

(B) The City shall notify the owner, or authorized agent of the owner, of the building or premises in which there is found a violation of this chapter. The notice shall set a specific time for the owner to have

the violation removed or corrected. If the owner fails to correct the violation in the specified time, the City Manager may, if in his judgement an imminent health hazard exists, request that the water service to the building or premises be terminated. Additional fines or penalties may also be invoked following termination of service.

(C) Any person, corporation, partnership or association who is found guilty of a violation of any of the provisions of this chapter shall be punished by a fine or imprisonment or both such fine and imprisonment pursuant to the limits established in Section 1-8-1, W.M.C. Any violation of this chapter shall be a criminal offense. Each and every 24-hour continuation of any violation shall constitute a district and separate offense.

Section 2. Section 8-8 W.M.C., is hereby AMENDED to read as follows:

## CHAPTER 8. SANITARY SEWERAGE

### 8-8-1. Definitions:

The following words, terms and phrases, when used in this chapter, shall have the following meaning, unless the context clearly indicates otherwise:

*Average monthly water consumption (AWC)*, which is based on the average monthly water consumption per user billed during the sewer rate calculation period (January through March).

*Biochemical oxygen demand (BOD)* shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five days at 20 degrees Centigrade, expressed in parts per million.

*Building drain* shall mean that part of the lowest horizontal piping of a drainage system that receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the service sewer, beginning five feet (1.5 meters) outside the inner face of the building wall.

*City Manager* shall mean the Manager of the City of Westminster, Adams and Jefferson Counties, Colorado, or their ~~his~~ designee.

*Dwelling unit* shall mean a single unit providing complete independent living facilities for one or more persons, including permanent provisions for sleeping, eating, cooking and sanitation.

*Easement* shall mean an acquired legal right for the specific use of land owned by others.

*Floatable oil* shall mean oil, fat, or grease in a physical state, such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. Wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.

*FOGG* shall mean fats, oils, grease and grit.

*FOGG retention device* shall mean any grease trap/interceptors, sand and oil trap/interceptors, or hair trap/interceptors intended to reduce the TSS and BOD into the collection system.

*Garbage* shall mean the animal and vegetable waste resulting from the handling, preparation, cooking, and serving of foods, and from the handling, storage, and sale of produce.

*Industrial Wastes* shall mean the wastewater from industrial processes, trade, or business as distinct from domestic or sanitary wastes.

*Kgal* shall mean a volumetric unit of 1,000 gallons of water or wastewater.

*Metro district* shall mean the Metro Wastewater Reclamation District, located at 6450 York Street, Denver, Colorado, 80229.

*Metro facilities fee* shall mean that portion of the sewer tap fee intended to cover expenses associated with the metro wastewater reclamation district treatment facilities.

*Mobile home* shall mean any dwelling unit built on a permanent wheeled chassis exceeding either eight feet in width or 32 feet in length and designed for long-term residential occupancy in a temporary or permanent location that is capable of being towed over public streets or highways as a unit or in sections and duly licensable as such.

*Natural outlet* shall mean any outlet, including storm sewers, into a watercourse, pond, ditch, lake or other body of surface or groundwater.



*Person* shall mean any individual, firm, company, association, society, corporation, or group.

*pH* shall mean the logarithm of the reciprocal of the hydrogen-ion concentration. The concentration is the weight of hydrogen-ions in grams per liter of solution. Neutral water, for example, has a pH value of seven and a hydrogen-ion concentration of  $10^{-7}$ .

*POTW* shall mean publicly owned treatment works.

*Properly shredded garbage* shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch, (1.27 centimeters) in any dimension.

*Sanitary sewer* shall mean a publicly controlled sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with minor quantities of ground, storm and surface waters that are not admitted intentionally.

*Service sewer* shall mean the extension from the building drain to the sanitary sewer or other place of disposal.

*Sewage* shall mean the spent water of the community.

*Sewer* shall mean a pipe or conduit that carries wastewater or drainage water.

*Single-family detached* shall mean a single dwelling unit contained in a free-standing structure that has no party walls with other structures.

*Slug* shall mean any discharge of water or wastewater that in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than five (in case of heavy metals—Three times the average 24-hour concentration or flows during normal operation and may adversely affect the wastewater facilities).

*Storm drain* (sometimes termed "storm sewer") shall mean a drain or sewer for conveying water, ground water, drainage water, or unpolluted water from any source, excluding sewage and industrial wastes.

*Storm water* shall mean the surface runoff from rainfall and other storm events.

*Tap* shall mean an opening or connection between the service sewer and the sanitary sewer through which sewage is discharged.

*Total suspended solids (TSS)* shall mean total suspended matter that either floats on the surface of, or is in suspension in, water, wastewater, or other liquids, and that is removable by laboratory filtering as prescribed in "Standard Methods for the Examination of Water and Wastewater" published by the American Public Health Association, and referred to as nonfilterable residue.

*Transport facilities fee* shall mean that portion of the sewer tap fee intended to cover expenses associated with the collection and transport of wastewater, including pipes, pumps, lift-stations and related facilities.

*Treatment facilities fee* shall mean that portion of the sewer tap fee intended to cover expenses associated with the City of Westminster treatment facilities.

*Unpolluted water* shall mean water of quality equal to or better than the effluent criteria in effect, or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

*Utilities Service Rules* shall mean the rules and programs governing the operation and use of the City's water distribution, wastewater collection, and reclaimed water systems, as approved and adopted by the

Director of Public Works and Utilities who is hereby granted the authority to enact, amend, and propagate such rules as are necessary for the protection of health, welfare, and the safe operation of the City's utilities, and that are in compliance with, or more stringent than, all applicable state and federal regulations, and the City Charter and the Westminster Municipal Code.

*Wastewater* shall mean the spent water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions, together with any incidental groundwater, surface water, and storm water that may be present.

*Wastewater facilities* shall mean the structures, equipment, and processes required to collect, convey, and treat domestic and industrial wastes and dispose of the effluent.

*Wastewater treatment plant* shall mean any arrangement of devices and structures for treating wastewater, industrial wastes and sludge.

*Watercourse* shall mean a natural or artificial channel for the passage of water, either continuously or intermittently.

### **8-8-2. USE OF SANITARY SEWERS REQUIRED:**

(A) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the City, or in any area under the jurisdiction of said City, any human or animal excrement, garbage, or other objectionable waste.

(B) It shall be unlawful to discharge to any natural outlet within the City, or in any area under the jurisdiction of said City, any wastewater, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.

(C) It shall be unlawful to construct, or reconstruct any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater when the site is within 400 feet of an existing sanitary sewer with sufficient capacity.

(D) The owner(s) of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the City and abutting on any street, alley, or right-of-way in which there is not located or may in the future be located a sanitary sewer of the City, is hereby required, at the owner(s)' expense, to install suitable toilet facilities therein, and to connect such facilities directly with the proper sanitary sewer in accordance with the provisions of this chapter within 30 days after date of official notice to do so, provided that said sanitary sewer is within 400 feet of the site.

(E) The maintenance of any open or overflowing septic tank, cesspool, toilet, sink or open drainage from any plumbing or sanitary fixture within the City is hereby declared to be a public nuisance and may be abated as provided in this Code.

### **8-8-3. SANITARY SEWERS, SERVICE SEWERS AND CONNECTIONS:**

(A) No unauthorized person(s) shall uncover, make any connection with or opening into, use or commence use, alter, or disturb any sanitary sewer or appurtenance thereof without first obtaining a utility tap permit from the City Manager. The application for a utility tap permit shall be made in writing upon a form furnished by the City containing the information required by the Utilities Service Rules.

(B) No one shall be entitled to purchase or pay for a utility tap permit prior to issuance of a building permit for the premises for which the tap is to be used; provided, however, that the foregoing restriction may be waived by the City Manager upon a finding that the proposed utility permit will not require the issuance of a building permit.

(C) All costs and expense incidental to the installation, connection and maintenance of the service sewer, from and including the tap on the sanitary sewer, shall be borne by the owner(s). The City will specify all materials that the owner is to furnish pursuant to adopted City standards and specifications. The sewer tap and service line shall be installed in accordance with adopted City standards and specifications. The owner(s) shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the service sewer.

(D) It shall be the duty of the owner to use all necessary precautions to assure that there is no ground or surface water infiltration into or exfiltration from his service sewer. If such infiltration is found to be present, the owner shall, at his own cost, correct the condition upon order of the City Manager. Yard, roof or parking area drains or non-sanitary sewage sump pump discharge lines shall not be connected to the sanitary system.

(E) All connections to the sanitary sewer system shall conform to the requirements of the Building and Plumbing Code, adopted City standards and specifications, the Utilities Service Rules, and other applicable rules and regulations of the City and the Denver Metro district.

(F) No person(s) shall make connection of roof downspouts, foundation drains, areaway drains, or other sources of surface runoff or ground water to a service sewer or building drain that, in turn, is connected directly or indirectly to a sanitary sewer, unless such connection is approved by the City Manager for purposes of disposal of polluted surface drainage.

(G) The installation of any tap may be withheld by the City if the applicant is in violation of any law of the City or in default in any agreement with the City related to the provision of utility service. It shall be unlawful to use, or permit to be used, any sewer tap installation until the work is approved by the City. Upon approval, the maintenance of the service sewer shall be the responsibility of the property owner.

(H) When required by the City Manager, the owner(s) of any property serviced by a service sewer carrying industrial wastes shall install a control manhole, together with such necessary meters and other appurtenances in the service sewer to facilitate observation, sampling, and measurement of the wastes, in accordance with Chapter 8-10, W.M.C.

(I) The installation of new, replaced or rehabilitated wastewater infrastructure shall require the final acceptance by the City prior to the inclusion of any such piping and appurtenances into the wastewater operations and maintenance program.

#### **8-8-4. USE OF THE SANITARY SEWERS:**

(A) The discharge of wastes listed in this subsection into the sanitary sewer system, whether directly or indirectly, is prohibited, and where investigation reveals the presence in the system of such wastes emanating from any lot, land, building, or premise, the owner, lessor, renter, or occupant of same shall, at his own expense, treat, neutralize or in any other way prepare the non-acceptable wastes to the satisfaction of the city manager, in order to convert the same into acceptable wastes. No person(s) shall discharge or cause to be discharged any of the following described waters or wastes to the waste treatment system from any source:

(1) Any solid or viscous material that could cause an obstruction to flow in the sewers or could interfere in any way with the treatment process, including as examples of such materials but without limiting the generality of the foregoing, significant proportions of ashes, wax, paraffin, cinders, sand, mud, straw, shavings, metal, glass, rags, lint, feathers, tars, plastics, wood and sawdust, paunch manure, hair and fleshings, entrails, lime slurries, beer distillery slops, grain processing wastes, grinding compounds, acetylene generation sludge, chemical residues, acid residues, food processing bulk solids, snow, ice, and all other solid objects, material, refuse and debris not normally contained in sanitary sewage.

(2) Sludge or other material from sewage or industrial waste treatment plants or from water treatment plants, unless agreed to by the City Manager.

- (3) Water accumulated in excavations or accumulated as the result of grading, water taken from the ground by well points, or any other drainage associated with construction.
- (4) Any liquid or vapor having a temperature higher than 150 degrees Fahrenheit or exceeding any lower limit fixed by the City to prevent odor nuisance where the volume of discharge represents a significant portion of the flow through a particular sewer.
- (5) Any water or waste having a five-day BOD, which may contain more than 1,000 parts per million (PPM) by weight as averaged during any 12-hour period.
- (6) Any water or waste having a pH lower than five and one-half or higher than ten or having any other corrosive property capable of causing damage or hazard to the sewerage system.
- (7) Any water or waste containing grease or oil or other substances that will solidify or become discernibly viscous at temperatures between 32 degrees Fahrenheit and 150 degrees Fahrenheit.
- (8) Any water or waste containing emulsified oil or grease exceeding 75 ppm of freon-soluble matter.
- (9) Any waste with phenolic compounds over ten ppm, expressed as phenol.
- (10) Any waste with sulfides over ten ppm, expressed as hydrogen sulfide.
- (11) Any garbage that has not been properly shredded.
- (12) Any cyanides or compounds capable of liberating hydrocyanic acid gas over two ppm, expressed as hydrogen cyanide from any individual outlet. The discharge of any cyanides in lesser amounts shall be permitted only upon evidence of satisfactory and continuous control of the concentration and the volume of the discharge.
- (13) Any water or waste that contains a corrosive, noxious, or malodorous gas or substance that, either singly, or by reaction with other wastes, is capable of causing damage to the system or to any part thereof, of creating a public nuisance or hazard, or of preventing entry into the sewers for maintenance and repair; included in this prohibition are pollutants that create a fire or explosion hazard in the POTW, including, but not limited to, wastestreams with a closed cup flashpoint of less than 60 degrees Centigrade (140 degrees Fahrenheit) using the test methods specified in 40 C.F.R. 261.21.
- (14) Any pollutants that result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker and safety problems.
- (15) Any waste that contains concentrated dye waste or other waste that is either highly colored or could become highly colored by reacting with any other waste.
- (16) Any water or waste containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, facility or sludge, to constitute a hazard to humans or animals, to create a public nuisance, or to create any hazard in the receiving waters of the wastewater treatment plant, which substances include iron, chromium, copper, zinc and similar objectionable or toxic substances, such that the composite wastewater at the wastewater treatment plant exceeds the limits established by the City Manager to comply with current metro district, state or federal regulations.
- (17) Any water or waste containing suspended solids of such character or quantity that unusual attention or expense is required to handle such materials in the sewerage process.
- (18) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the City Manager to comply with current state or federal regulations.
- (19) Quantities of flow, concentrations, or both that constitute a "slug" as defined herein.

(20) Any material or substance not specifically mentioned in this section that is in itself corrosive, irritating to human beings and animals, toxic, noxious, or that by interaction with other wastes could produce undesirable effects, including deleterious action on the system or on any part thereof, could adversely affect any treatment process, could constitute a hazard to humans or to animals, or could have an adverse effect upon the receiving stream.

(B) If any waters or wastes are discharged, or are proposed to be discharged to the sanitary sewers, which waters contain the substances or possess the characteristics enumerated in subsection (A) of this section, and which in the judgment of the City Manager may have a deleterious effect upon the wastewater facilities, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the City Manager may:

- (1) Reject the wastes,
- (2) Require pretreatment to an acceptable condition for discharge to the sanitary sewers,
- (3) Require control over the quantities and rates of discharge, and/or
- (4) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Section 8-8-5, W.M.C.

If the City Manager permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the City Manager.

(C) Grease, oil, and sand interceptors shall be provided when, in the opinion of the City Manager, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the City Manager and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors, the owner(s) shall be responsible for the proper removal and disposal by appropriate means the captured material and shall maintain records of the dates, and means of disposal that are subject to review by the City Manager. Any removal and hauling of the collected materials not performed by the owner(s) must be performed by currently licensed waste disposal firms.

(D) Where pretreatment or flow-equalizing facilities are provided or required for any water or waste, they shall be maintained continuously in satisfactory and effective operation by the owner(s) at their expense.

(E) The city manager may require a user of sewer services to provide information needed to determine compliance with this chapter. These requirements may include:

- (1) Wastewaters discharge peak rate and volume over a specified time period.
- (2) Chemical analysis of wastewaters.
- (3) Information on raw materials, processes, and products affecting wastewater volume and quality.
- (4) Quantity and disposition of specific liquid, sludge, oil, solvent, or other materials important to sewer use control.
- (5) A plot plan of sewers on the user's property showing sewer and pretreatment facility location.
- (6) Details of wastewater pretreatment facilities.
- (7) Details of systems to prevent and control the losses of materials through spills to the municipal sewer.

(F) All measurements, tests, and analysis of the characteristics of waters and wastes to which reference is made in this chapter shall, where applicable, be monitored using analytical procedures specified in 40 C.F.R. Part 136, "Guidelines establishing test procedures for the analysis of pollutants." For pollutants for which analytical procedures are not included in 40 C.F.R. Part 136, analysis is to be performed in accordance with the latest edition of either the "Standard Methods for the Examination of Water and Wastewater", or the "ASTM", Annual Book of Standards or the "Methods for Chemical Analysis of Waters and Wastes", published by the environmental protection agency. Sampling methods, location, times, durations, and frequencies are to be determined on an individual basis, subject to approval by the City Manager.

(G) No statement contained in this section shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment; except that such wastes accepted under these agreements or arrangements shall not (1) violate any federal minimum pretreatment standards and requirements or (2) violate any user discharge limits promulgated by the metro district.

### **8-8-5. SERVICE AND USER CHARGES WITHIN THE CITY OF WESTMINSTER AND SHAW HEIGHTS; LIEN ON PROPERTY:**

(A) [Reserved.]

(B) RATE SCHEDULES:

(1) SINGLE-FAMILY RESIDENTIAL EQUIVALENT (SFRE): A single-family residential equivalent is based on a three-quarter inch water service tap and meter and is equal to one single-family unit, which means a building or structure used or designed to be used as only one residential unit (including a detached dwelling [single-family house] and a mobile home); each residential unit in a duplex; and each residential unit having water service separately connected to the water main or private water distribution system in a building or structure with three or more residential units. Residential single-family and single-family attached units with other than three-quarter inch water service taps and meters due solely to meet residential fire sprinkler demand shall be considered one SFRE. All residential five-eighths inch by three-quarter inch residential taps and meters currently installed, shall be considered one SFRE.

(2) NON-SINGLE-FAMILY RESIDENTIAL EQUIVALENT. All connections that are not single-family residential units, or are single-family residential units with larger than a five-eighths by three-quarter inch water meter service, except as noted above, shall have the number of single-family residential equivalents (SFRE's) determined through the size of the water service taps serving the building, structure, or premise, and in certain cases (determined by the water service tap size) shall use the alternate calculation method, including estimated quantities of flow, BOD, SS, and TKN to be discharged to the system.

(3) ACCESSORY USE EQUIVALENT: Tap fees for clubhouses, swimming pools, and other recreation or accessory uses in single-family detached, single-family attached, and multi-family developments are not included in the individual unit sewer tap fees listed herein. Tap fees for these uses and the uses in (2) above shall be calculated at the rates listed in the following SFRE Table:

Water Tap Size in Inches	SFRE
$\frac{5}{8} \times \frac{3}{4}$	1.0
$\frac{3}{4}$	2.0
1	4.8
1½	11.0
2	20.0
3	43.0
4	86.0
6 or larger	Use alternate calculation method in (5) below

(4) **BASE COMPONENTS:** The following sewer tap fee calculation method shall be in effect for all tap fee payments made on or after January 1, ~~2024~~2022:

Sewer tap fees shall be ~~determined from based on~~ two of three base components per SFRE. ~~Costs of the 2019 base components of the sewer tap fee per SFRE are as follows:~~

<u>Transport Facilities Fee</u>	<u>\$2,615.00</u>
<u>Treatment Facilities Fee</u>	<u>\$5,220.00</u>
<u>Metro Facilities Fee</u>	<u>\$5,220.00</u>

Transport facilities fee ————— \$2,307.00  
 Treatment facilities fee ————— \$4,710.00  
 Metro facilities fee ————— \$4,710.00

The residential transport facilities fee shall be calculated as the base transport facilities fee times the number of units times the service commitment (SC) factor associated with the dwelling type as defined below. The nonresidential transport facilities fee shall be calculated as the base transport facilities fee times the number of SFREs.

Residential Connection	Single-Family Detached	Mobile Home Space	Single-Family Attached Unit	Multifamily Unit	
SC Factor	1.0	1.0	0.7	0.5	

Each year, the transport facilities fee shall be automatically increased in accordance with the annual construction cost index for construction costs as of December of each year, as reported in the construction economics section of the Engineering News-Record (ENR) as published weekly by BNP Media. The annual construction cost index shall at all reasonable times be available at the City Department of Public Works and Utilities.

The treatment facilities fee shall be calculated as the current base treatment facilities fee times the number of SFREs. In addition and at any time, the treatment facilities fee shall be adjusted to reflect the City of Westminster's treatment facilities costs.

The metro facilities fee shall be calculated as the current base sewer connection charge set by the Metro District, multiplied by the number of SFREs. In addition and at any time, the metro facilities fee shall be adjusted in accordance with any changes to the base sewer connection charge set by the Metro District.

(5) *Alternate calculation method.* A new sewer connection, which serves multiple new water service taps with a combined service commitment of greater than or equal to 205, shall have its number of service commitments determined in the same manner that connections for service taps for water meters six inches or larger are determined.

For service taps for water meters six inches or larger, the number of service commitments for calculating the sewer tap fee shall be determined from the following formula:

SFREs =	Flow x (F) / 148	+	BOD x (B) / 0.314	+	SS x (S) / 0.3209	+	TKN x (T) / 0.0494
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Where: flow = estimated flow in gal/day (peak month); BOD = estimated biological oxygen demand in lbs/day (peak month); SS = estimated suspended solids in lbs/day (peak month); TKN = estimated total nitrogen in lbs/day (peak month).

At minimum, the following values shall be used in the above formulas:

Tap Size	Flow	BOD	SS	TKN
6"	32,264	68.62	69.96	10.76
8"	48,396	102.92	104.94	16.14
10"	76,516	162.73	165.92	25.53

The City shall make the final determination of the estimated flow, BOD, SS and TKN used to determine the number of service commitments for each new connection, which is subject to the above formula.

The City shall review applicant's determination of water tap size and may adjust sewer tap fee charges, if the projected water use is more than the maximum service commitment for the corresponding water meter size listed.

(6) *Reactivation charge.* A reactivation charge shall be charged to any reactivated connection that has not registered metered water use for a period of ten years. The reactivation charge is due for each SFRE for each year beyond ten years that the connection has been inactive. The reactivation charge shall be adjusted as part of the base sewer tap fees to equal the metro district charge for reactivation, in the event the metro district charge is revised.

Reactivation Charge \$120.00 per year beyond ten years

(C) Payment of the sewer tap fee shall be made no earlier than the date upon which the application is approved for a building permit and no later than the date upon which the water meter(s) are installed for the property. In any event, payment of such fee shall be a prerequisite to the issuance of a certificate of occupancy. When the calculated sewer tap fee, based on the tap fee schedule in effect at the time of the water meter installation, is different than the tap fee paid at the time of the issuance of the utility permit, the difference in the sewer tap fee must be paid to the city prior to the installation of the water meter.

Payment of the sewer tap fee for any other installation or construction not requiring issuance of a building permit shall be at the time of sewer tap utility permit application.

Where additional units are to be served by a sanitary sewer previously installed and currently serving the original units, the sewer tap fee for said additional units shall be at the current rates.

(D) The rates for user charges hereinafter set forth are based generally upon the quantity and quality of sewage collected and they are subject to change periodically as circumstances require. Sewer rates are charged based on the average monthly water consumption (AWC), which is based on the average monthly water consumption per user billed during the sewer rate calculation period (January through March). If the water consumption for any month during the AWC calculation period is less than 2,000 gallons, the calculation amount used will be 2,000 gallons. If the water consumption for any month during the AWC calculation period is over 2,000 gallons, the actual water consumption will be used in the AWC calculation process.

The AWC is multiplied by the rate per 1,000 gallons (kgal) for that class of property (residential or nonresidential) to calculate the monthly sewer charge.

SEWER RATE SCHEDULE: The monthly sewer charge is calculated by multiplying the AWC times the rate per customer category:

Type of Customer	2023 Charge per 1,000 gallons (kgal)	2024 Charge per 1,000 gallons (kgal)
Residential	\$8.31	\$8.81
Nonresidential	\$8.64	\$9.16

Any new occupant of an existing non-residential property shall be charged the property's current sewer rate through the AWC sewer rate calculation period.

Any new occupant of an existing residential unit or newly constructed single family residential units shall be charged based on the average AWC of all single family homes billed by the City from the most recent calculation period. Any new multi-unit accounts shall be charged the average AWC for existing multi-family units billed by the City from the most recent calculation period.



New commercial accounts shall be charged based on the indoor water service commitments purchased divided by 12 to establish an initial AWC.

For all customers, a new AWC will be calculated based on actual usage during the next AWC calculation period.

Commercial users shall be allowed to install a separate meter to record evaporative and non-wastewater production water use, or wastewater production, as the City directs, during the AWC sewer rate calculation period, of which consumption will not be assessed a sewer use charge. The monthly sewer charge for commercial users may be appealed to the Utility Billing Division for user charges resulting from the average monthly water billed during the period of January through March and may be adjusted if the water billed during the months of July through September is less than the meter readings taken during the standard AWC sewer rate calculation period.

For all residential and commercial accounts, for the first month of ownership sewer charges shall be prorated based on the number of days remaining in the property's billing cycle. For all accounts, individual reviews of indoor water consumption may be made on a case-by-case basis to assess adjustments to consumption charges.

(E) The City will determine average numeric criteria for the quality and quantity of sewage collected from commercial users. The City will assess a surcharge rate for nonresidential users discharging waters and wastes with quality characteristics greater than the average commercial user. Such users will be assessed a surcharge sufficient to cover the costs of treating such users the higher strength wastes.

(F) FOGG RETENTION DEVICE INSPECTION FEE: Each customer with a FOGG retention device shall be charged \$2.00 per month per device for the implementation of the FOGG inspection program, pursuant to Section 8-10-14, W.M.C.

(G) Statements for sewer service charges shall be dated and sent out to users at regular intervals. Such statements shall be added to and made a part of the water bill, if customers receive water service from the City or by separate billing if water service is not provided by the City.

(H) Delinquent sewer bills shall be collected in the same manner as delinquent water charges, including the discontinuance of water service for nonpayment of sewer charges. Any payments received for combined water and sewer bills that are for less than the sum of water and sewer bills shall be first applied to the sewer charge and any remainder to the water charge.

For customers not receiving City water service, these same provisions shall apply, except that, instead of discontinuance of water, a \$10.00 late fee shall be assessed each month to any account on which all charges are not paid by the due date. ~~charge shall be added to the next bill at the time of billing to cover additional accounting charges.~~ If a sewer charge is not paid in nine months, a lien may be recorded against the property for the balance then due, plus a ~~\$30.00~~\$25.00 filing fee. If the lien is not paid in 15 months, the service line may be disconnected from the City's main and plugged. Service shall not be restored until the account is paid in full, plus the actual cost to the City of disconnecting the service line. Reconnection shall be the responsibility of the owner. If such disconnection is required, the City shall notify the Health Department and agency furnishing water to the premises of the action to be taken.

(I) The City shall have as security for the collection of such sewer service charges and penalties a lien upon the real property served by sewer service, which lien shall become effective immediately upon the supplying of such sewer service and shall not be discharged until the payment is made of all the sewer service bills, penalties and charges as herein provided. Such liens shall be governed by Title I, Chapter 31 of the Westminster Municipal Code.

(1) All charges prescribed by this Code relating to the provision of sewer service, together with the cost of collecting such charges, including court costs and attorneys' fees, are a lien that is first and prior to all other liens, claims, titles, and encumbrances, whether prior in time or not, except liens for general taxes, and shall remain a lien upon the real property served by the sewer connection from the date such charges and the cost of collecting them, if any, become due, until they are paid.

(2) The City may enforce the lien against the property or the liability against the property owner in any action at law or an action to enforce the lien. If any person in possession of any premises, building, lot, house, or other dwelling unit pays the entire charges due and owing, the payment relieves the property owner from such liability and the premises from the lien. However, the City is not required to look to any person other than the owner of the premises, building, lot, house, or other dwelling unit for the payment of the charges.

(J) Owners or agents in charge of business blocks or other buildings occupied by more than one tenant using water from the same service pipe and/or discharging sewage through the same service sewer shall be required to pay the same rate for the whole of such building, unless a separate water meter is installed for each tenant.

(K) These rates and charges are established so that each user class pays its proportionate share of the costs of wastewater treatment services, and the City Manager is hereby directed to annually review the charge structure to assure that proportionality between user classes is maintained and to recommend modifications as appropriate. Each user shall be notified annually by the City of its user charges.

(L) Reduction of Tap Fee: A nonresidential customer requesting a reduction in the assignment of the tap fee may apply for such reduction to the building division. The request must provide calculations showing the actual sewage discharge level. If approved, the reduction in tap fee may only be reduced to the next lowest full water tap size.

#### **8-8-6. PROTECTION FROM DAMAGE:**

It shall be unlawful to maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment that is part of the wastewater facilities.

#### **8-8-7. POWERS AND AUTHORITY OF INSPECTORS:**

(A) The City Manager and other duly authorized representatives bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling, and testing pertinent to discharge to the municipal wastewater collection system in accordance with the provisions of this chapter. If the owner or occupant refuses to consent to such inspection, the City Manager may apply to the municipal court for an administrative search warrant.

(B) The City Manager or other duly authorized representatives are authorized to obtain information concerning industrial processes that have a direct bearing on the kind and source of discharge to the wastewater collection system. Any confidential material received by the City shall be kept confidential by the City upon request of the industrial user to the extent permitted by applicable law.

(C) While performing the necessary work on private properties, the City Manager or a duly authorized representative shall observe all safety rules applicable to the premises established by the company. The City shall provide insurance coverage against liability for injury or death of City representatives while on the premises of the company, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in subsection 8-8-4(E), W.M.C.

(D) The City Manager and other duly authorized representatives of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds an easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the wastewater facilities lying within said easement. All entry and subsequent work, if any, on said easement shall be done in full accordance with the terms of the easement.

#### **8-8-8. PENALTIES:**

(A) Any person(s) found to be violating the provisions of this chapter, except Section 8-8-6, W.M.C., shall be served by the City with written notice stating the nature of the violation. The offender shall permanently cease all violations.

(B) Any person found to be in violation of any of the provisions of this chapter shall be guilty of a misdemeanor and, on conviction thereof, shall be fined and/or imprisoned for each violation as specified in Section 1-8-1, W.M.C., and may also be subject to civil remedies provided by Chapter 4 of Title IX of this Code. Any violation of this section shall be a criminal offense. Each day in which any such violation shall continue shall be deemed a separate offense.

(C) Any person violating any of the provisions of this chapter shall become liable to the city for any expense, loss, or damage occasioned the city by reason of such violation.

(D) All persons connected to a sanitary sewer owned and maintained by the city outside of the boundaries of the city shall be subject to the requirements of this chapter and shall be subject to the enforcement procedures authorized by this chapter, to the extent such enforcement is authorized by law and pursuant to any applicable contracts with the interested counties or other governmental agencies.

#### **8-8-9. COMPLIANCE:**

Any person(s) having a connection to the sanitary sewer system upon the effective date of this ordinance shall have ten days thereafter within which to comply with the requirements hereof.

#### **8-8-10. RESERVED:**

#### **8-8-11. ANNUAL AUDIT:**

At the end of each calendar year, an audit shall be made of revenues and disbursements associated with the wastewater collection and treatment system. The audit shall be based on a full calendar year and shall be approved and signed by the City Clerk.

#### **8-8-12. CREDIT FOR OVERCHARGE:**

The City Manager or their designee may give credit to any utility customer who has been overcharged at any point in the preceding 12 months.

#### **8-8-13. SEWER TAP FEE CREDITS:**

(A) Upon issuance of a tap permit for the first new service tap, a tap fee credit shall be given in an amount to be calculated by subtracting the cost of the current sewer tap fee of the original tap from the current value of the sewer tap fee of the first new service tap.

(B) The amount of credit shall be fixed at the issuance of the first new service tap and may be used for payment for additional service taps that are used on the same property.

(C) In no instance shall cash refunds be granted.

(D) If any tap is installed and completed without receiving a utility permit and the proper inspection and approval by the City, no tap fee credit shall be given.

(E) If a demolition or vacation of a unit results in an abandonment of an associated sewer tap as defined in Section 8-8-14, W.M.C., no tap fee credit shall be granted at the time a new tap permit is issued.

(F) Any service commitments associated with sewer taps to serve buildings demolished in established urban renewal areas may be transferred as tap credits to an urban renewal authority or the City for use in approved redevelopment projects within that same urban renewal area. Sewer service commitment credits shall be calculated based on the tap size of the former water tap. When a credit is used for full or partial payment for a new sewer tap, all other applicable charges shall be assessed using the then current fee schedule in effect.

(G) In any case where sewer tap fees are paid by the City to the metro district for sewer service at a location, the use of SFRE credits may be limited in use and amount by the agency due payment. In no case shall the city issue credits more than the amount issued by the metro district.

#### **8-8-14. MODIFICATION OF SEWER TAPS:**

A sewer tap, once installed, is associated with the building and property that it serves, and no person shall disconnect, modify or change said tap in any way, except as provided below and in compliance with the Utilities Service Rules:

(A) **CHANGE IN USE CONSTITUTING EXPANSION:** A change in use is subject to the following requirements:

(1) A change in use must be reviewed by the City's building division using the applicable plumbing code. Such review will include a fixture count evaluation, a water velocity evaluation, and an AWWA guidelines review. A change in use is presumed to occur when:

- (a) The use of the served property is changed to a different use category for zoning or land use purposes; or
- (b) Any modifications to landscape are made that require an ODP, ODP amendment, or ODP waiver; or
- (c) Any building or plumbing modifications that require a permit are made to the served property; or
- (d) A new or additional water use is introduced on the served property; or
- (e) A water tap is relocated and applied to a different use or building on the served property; or
- (f) A water tap is relocated to a different property.

(2) If the review of the change in use determines the need for a larger water tap and/or meter than previously purchased for the property, the use will be considered an "expansion of use" and the provisions stated in paragraph (3) below apply.

(3) When an expansion of use occurs, a sewer tap fee in an amount equal to the difference between the current sewer tap fee for the existing tap and the current sewer tap fee for the new tap serving the new location and/or use shall be paid.

(B) **BUILDING DEMOLITION:**

(1) When any building currently having a sewer tap is demolished, and a building permit for a new building on the same parcel is issued within three years of the last registered water consumption, and the new building maintains the same use with the same pattern and amount of water use as the pre-existing building, no new sewer tap fee shall be required. The new building shall be regarded as being served by the tap in service prior to demolition of the pre-existing building.

(2) When any building currently having a sewer tap is demolished, and no new building permit on the same parcel is issued within three years of the last registered water consumption, abandonment will be presumed pursuant to subsection (C) below.

(C) **ABANDONMENT:**

(1) Sewer service commitments or SFREs are associated with a tap. Abandonment of any tap will result in the forfeiture of the associated service commitments.

(2) Any building having a water meter not registering usage for more than 36 consecutive months, and for which payment of the monthly water meter charge has not been made continuously, shall constitute an abandonment of the associated sewer tap service commitment and SFREs. Notification of the effective date of the abandonment of the sewer tap shall be mailed to the last known address of the property owner or manager. Any subsequent sewer usage by that building shall require receiving a new service commitment and the purchase of a new sewer tap.

(3) Upon abandonment of a tap, the property owner shall be responsible for properly abandoning, or for the cost of abandoning, the sewer tap and service sewer. Such service sewer shall be sealed with a stopper and filler material at the tap as specified by the City. No person shall commence or complete said abandonment work without first obtaining a permit under the building regulations of this Code. An appropriate street cut permit shall be required to assure proper inspection and reconstruction of the street. In the event the sewer tap and service sewer is not appropriately abandoned, the City may appropriately abandon the sewer tap and service sewer and charge the cost thereof to the real property formerly served and may collect said charges in the same manner provided for in Section 8-7-9, W.M.C.

**8-8-15. CHANGE IN SEWER USE:**


Any change in customer sewer use that results in an additional assessment by the metro wastewater district shall result in those assessments being charged to the customer by the City.

Section 3. This ordinance shall take effect upon its passage after second reading. The title and purpose of this ordinance shall be published prior to its consideration on second reading. The full text of this ordinance shall be published within ten (10) days after its enactment after second reading.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 25th day of March, 2024.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 8th day of April, 2024.

ATTEST:

  
\_\_\_\_\_  
City Clerk

*Nancy McNally*  
\_\_\_\_\_  
Mayor

APPROVED AS TO LEGAL FORM:  
  
*David Frankel*  
\_\_\_\_\_  
City Attorney's Office