

ORDINANCE NO. 2023-04

AN ORDINANCE ADOPTING RULES AND REGULATIONS CONCERNING THE OPERATION OF THE MUNICIPAL WATER SYSTEM OF THE TOWN OF MOFFAT, COLORADO, RELATED TO THE USE OF WATER THEREFROM, AND FIXING FEES AND RATES FOR SUCH CONNECTIONS

WHEREAS, the Town of Moffat, Colorado ("Town") currently has not created a municipal water system and currently has wells for fire protection and municipal use; and

WHEREAS, the Town residents are currently served by an unrelated collection of private and municipal water wells, which are inadequate for the present needs and future growth of the town; and

WHEREAS, to create a Municipal Water System within the Town it is necessary to acquire, construct Water Activities and distribute water to Town residents; and

WHEREAS, the Colorado Department of Public Health and Environment (CDPHE) has emphasized to the Board of Trustees of the Town the necessity of creating a municipal water system which would serve the needs for consumptive use by Town citizens.

NOW THEREFORE, be it Ordained by the Board of Trustees of the Town of Moffat that a Municipal Water System, known as the Town of Moffat Water System, is hereby established in accordance with the following provisions:

Section 1. Definitions:

- (1) "Town" shall mean the Town of Moffat, Colorado.
- (2) "Board" or "Trustees" shall mean the Board of Trustees of the Town of Moffat.
- (3) "Customer" shall mean any person, partnership, corporation, their lessees, and tenants, supplied with water for domestic or commercial use by the Town of Moffat.
- (4) "Water Main" shall mean a principal artery of the water system to which services may be connected.
- (5) "Service Pipe" shall mean the pipeline extending from the water main to the meter pit. Provided, however, that where there is no street, road or easement, the service pipe shall not extend more than forty feet from the main without the consent of the water department. A private service pipe is the pipeline extending from the meter pit to the customer's building or point of use.
- (6) "Cross-Connection" shall mean any unprotected, actual, or potential connection or structural arrangement between a public, or a customer's potable water system and any other source, or system, through which it is possible to introduce into any part of the potable system any substance, other than the intended potable water, with which the system is supplied. Bypass arrangements, jumper connections, removable sections, swivel or changeover devices and other temporary, or permanent, devices through which, or because of which "backflow" can or may occur, are hereby considered to be cross-connections.

Section 2. Creation of Water System: There is hereby created and established a water system of the Town of Moffat for the purpose of the management, maintenance, care, and operation of the water works of said Town. The municipal water service area(s) shall be any area within one hundred fifty feet (150') of a water main.

Section 3. Required connection: Any property located within the service area of the Town of Moffat shall be hereby required to comply with the terms of this ordinance and is further hereby required to connect to the water service provided by the Town of Moffat unless said property is already serviced by a private well or water system.

Section 4. Water Operator Powers: Such water system, and all things pertaining thereto, shall be under the control of the Town Board of Trustees, who shall direct the maintenance and operation thereof and the construction of all additions thereto and in all cases not particularly provided for by Ordinance, shall determine in what manner, and upon what terms, water may be taken from the water system by any water customer and the character of the connections and appliances which may be made or used therefore in accordance with CDPHE standards. The Board of Trustees shall appoint, employ, or contract a "Water System Operator" to carry out the duties and functions connected with the water system. The Water Operator or their qualified designee shall have the immediate control and management of all things pertaining to the Town water works system, and they shall perform all acts that may be necessary for the prudent, efficient, and economical management and protection of said water works, subject to

the approval and confirmation of the Board of Trustees. The Board shall have the power to prescribe such other and further rates, rules, and regulations as it may deem necessary.

Section 5. Receipts and Deposits: The Town Clerk shall keep a correct account of all receipts, make out all bills for water use and materials furnished to customers, collect the same, and deposit the proceeds so collected with the Town Treasurer to the credit of the water system fund of said Town, and in accordance with the direction of the Board.

Section 6. Inspections: Whenever in the judgment of the Water Operator or their qualified designee it is deemed necessary, the premises or buildings of any water customer may be inspected for the purpose of examining the condition of all pipes, meters and water fixtures, or the manner in which the water is used. The Water Operator or their designee shall be vigilant in order to protect and remedy all abuses, whether from waste or other improper use of water.

Section 7. Application for Water: Application for the use of water shall be made in writing to the Town Clerk by the owner or agent of the property to be benefited, designating the location of the property, and stating the purpose for which the water may be required. The Town Clerk shall then review the provided materials, geographic area of installation or connection, and engineering/construction plans submitted in order to approve any application for water use. Once approved, the Clerk shall issue an approval letter to the property owner or applicant outlining the regulations for use.

Section 8. Outside Water Service: The Town of Moffat shall not approve or supply any water service outside the corporate limits of the Town.

Section 9. Customer's Deposits: The Town may require at any time from any customer or prospective customer, a cash deposit intended to guarantee payment of current bills, such required deposit shall not exceed the amount of an estimated ninety days' bill of such customer, except that, in the event an extension of lines and facilities is required to furnish such prospective customer with service, the minimum deposit may be no less than the amount of the estimated cost for such extension. Such deposits are non-refundable.

Section 10. Tapping Service Line:

- (1) Upon approval of the application for a new tap and service pipe by any customer/applicant within the service area, the customer/applicant shall pay to the Town Clerk the applicable tap fee as set forth in Attachment A.
- (2) The customer/applicant shall also be responsible for payment of all costs and charges related to material and labor for installation.
- (3) Tapping into the line and grading or other necessary work from the main to the customer/applicant's property line must be performed by a contractor approved by the Town and must be done under the supervision of the Water Operator or their qualified designee.
- (4) All service lines shall be constructed to the Town specifications and approved by the Water Operator or their qualified designee before the water is turned on.
- (5) The Town shall own and maintain the water line from the main to and including the meter pit and the property owner shall own and maintain the service line from the meter pit to the premises served.
- (6) Single family residences shall have no larger than a ¾ inch tap and service line.
- (7) The tap fees for the Town of Moffat, payable by water customers for connections within the service area of the Town of Moffat shall be set forth in Attachment A, attached hereto and incorporated herein by reference.
- (8) After the effective date of this Ordinance, the Town Board may, by Resolution, change any and all fees, including but not limited to tap fees and monthly service rates and or any other water rates.
- (9) All paid water tap fees are non-refundable.

Section 11. Service Line Regulations:

- (1) No more than one separate premises shall be permitted to use a water service line. All service lines shall be installed at a depth of at least 5'0" ground cover.
- (2) The Town shall assume maintenance responsibility for all approved service pipe installations up to and including the meter pit.
- (3) No customer shall be permitted to construct water pipes across lots or buildings to adjoining premises without the permission of the Town. Service connections with any other water supply are not allowed without a state approved backflow prevention device which shall be tested annually at property owner's expense.
- (4) Town water will not be furnished to any new customer where there is a cross-connection
 - (a) present in the customer's plumbing; or
 - (b) where the plumbing does not meet the Colorado State Plumbing Code

- (5) Cross-connections found in existing customers' plumbing shall be promptly removed or service will be terminated.
- (6) All applicants with any service connections requiring an asphalt road cut shall be responsible for all costs to cut and repave the asphalt. A deposit, as set forth in Attachment A, shall be required before approval of the service application and any remaining costs for road repair shall be the responsibility of the customer.
- (7) When title to any property within the service area of the Town of Moffat changes, the new property owner shall be required to bring the property into compliance together with all the service line regulations outlined in this section.

Section 12. Private Service Pipe Regulations: All private service pipe installations shall be approved by the Water Operator or their qualified designee. All plastic pipes shall bear the "NST" approval seal. Type K Copper Tubing, Schedule 40 wall thickness PVC, and approved Polyethylene pipe are hereby required for private service pipe.

Section 13. Supplying Water to Others Prohibited: No occupant or owner of any building or premises which obtains water from the Town shall supply water to other persons or families or to other premises. The water supply to any premises may be shut off for a violation of this section and the owner subject to fines.

Section 14. Waste of Water Prohibited: Customers shall prevent unnecessary waste of water and keep all water outlets closed when not in actual use. No free flow of water shall be used for irrigation (e.g., a sprinkler must be attached to all hoses for irrigation purposes). Hydrants, urinals, water closets, bathtubs and other fixtures must not be left running for any purpose other than the use for which they were intended. The water supply may be turned off where any such waste occurs.

Section 15. No Constant Use During Fire: During all response to fire the use of hoses and all outlets where a constant flow of water is maintained is hereby forbidden.

Section 16. Fire Wells: It is hereby unlawful for any person except the Water Operator or their qualified designee or members of the Fire Department to open any of the fire wells or attempt to draw water from the same, without prior authorization from the Board of Trustees.

Section 17. Pollution and Interference: It is hereby unlawful for any person to pollute or interfere in any manner with the ditches, wells, reservoirs, streams, trenches; pipes, valves, and drains used in, and necessary for, the construction, maintenance and operation of the water system of the Town of Moffat and over any stream or source from which water is taken by the Town of Moffat for five miles above the point from which said water is taken.

Section 18. Payment of Water Rates: The fees, rates and charges pursuant to the implementation of this Ordinance are designed to address initial costs and operation of the Town Water System and may be amended from time to time by resolution of the Town Board of Trustees; said fees, rates and charges are set forth in Attachment A, attached hereto and incorporated herein by reference. The fees described in the referenced Attachment A include the tap and meter at the customer's property line. Such tap fees are due and payable prior to tapping into the Town water system, and all paid water tap fees are non-refundable.

- (1) Monthly Rates:
 - a. Monthly water charges begin when a customer activates a service line to the water tap regardless of the usage made of the water.
 - b. Monthly rates are hereby levied for all residential and commercial taps and hereby set forth in Attachment A.

- (2) Payments:
 - a. Water rate payments for each month are due on the tenth day of each month at the office of the Town Clerk. If payments are not made on or before the 10th day of each month, the bill is considered delinquent, and the water may be turned off without further notice. Arrangements for billing on a ninety-day or quarterly basis, or arrangement for prepayment, may be made with the Town Clerk.
 - b. If payments are not made by the due date a late fee for each month the account is delinquent will be assessed as set forth in Attachment A.
 - c. After the account is 90 days late the water shall be turned off without further notice. If any water service is turned off for nonpayment, the water will not be turned on again until all delinquent water rents and late fees have been paid.

- d. If the water supply to any premises is turned off for any reason other than for nonpayment, a charge as set forth in Attachment A shall be made for turning the water back on.
- e. If the water supply to any premises is turned off for nonpayment of water fees, the turn on charge as set forth in Attachment A.

Section 19. Property charged with Rate: All water rates shall be charged against the property served and against the owner thereof, and if any sums owing therefor become delinquent, the water shall be cut off and in no case shall it be turned on to the same property until such delinquencies shall be paid in full. Change of ownership or occupation shall not affect the application of this section. Where allowed by law the Town shall certify to the County Treasurer delinquent water accounts for placement upon the tax rolls and thereafter sale for payment of said accounts.

Section 20. Meters:

- (1) Installation. Water meters, approved by the Town, will be installed on all service lines connected to the Town Water System, and the cost of said installation is included in the tap fee. All installed meters will remain the property of the Town. The installation specifications of such meters shall be subject to the approval of the Water System Operator, who after consultation with the property owner, shall retain the authority to direct the installation of and location of water meters and the property owner shall grant permission to the Town to access such pits and meters as necessary for maintenance.
- (2) Method of Installation. The Town shall install the meter and all pertinent accessories in a convenient reading location approved by the Water Operator or their qualified designee. The installation details shall be designed to prevent freezing and shall be subject to the approval of the Water Operator or their qualified designee. The meter shall be obtained only from the Town.
- (3) Installation Payment. Payments can be made to the Town Clerk upon approval of application.
- (4) Water Meter Maintenance. Water Meter maintenance shall be the responsibility of the Town. If a customer requests a meter calibration within a period less than three years from installation or the last calibration, then they shall deposit the estimated calibration cost with the Board. If the meter is found defective (variance greater than plus or minus 3 per cent) then the Town shall pay the cost; otherwise, the owner shall pay the cost of checking. No adjustment to prior bills shall be made because of newly found meter inaccuracies.

Section 21. Water Use: Whenever there is a shortage of water and in the opinion of the Mayor and the Board of Trustees of the Town of Moffat an emergency exists, the Board of Trustees shall have the power to regulate any and all water use by motion or resolution. Notice of such regulation shall be provided to all water users and such power shall continue until such time as the emergency ends.

Section 22. Unlawful Acts: The following acts concerning the Town Water System are declared to be unlawful and a violation of this Ordinance:

- (1) Use or permitting the use of Town water system in a wasteful manner or allowing water to run to waste upon his or her premises, buildings, or lots, in, through or out of any lavatory, bathtub, hose, hydrant, faucet or other fixture or in any manner through neglect or by reason of faulty or imperfect plumbing or fixtures, and allowing water to continually run down a gutter or drain or into a public right of way, shall be prima facie evidence of wasting water.
- (2) Making or causing to be made, whether as a plumber, mechanic craftsman, artisan or employee, or as owner or occupant of any premises within the Town, any connection to the Town Water System or any alteration, extension, major repair, replacement or change of any existing connection, or any pipe, valve, or appliance used to regulate the flow of water in the Town Water System, or any part thereof, or to change or alter the position of any valve or appliance regulating the flow of water therein to said system, without first obtaining a permit to do so from the Town Clerk and thereafter making such connections or alterations in a manner contrary to the State Plumbing Code.
- (3) Tampering with, shutting off or opening any fire plug, meter, service valve or pumping facility, except as a duly authorized Town employee, or a firefighter or peace officer in the line of duty.
- (4) Using water through any tap or service pipe connected with the Town's water system contrary to the provisions of this Ordinance or to turn or cause to be turned on water to any premises, lot, building or house when the water has been shut off by the Town.
- (5) Using water from the Town Water System on any premises or property if the flow of such water is not metered.
- (6) Making any connection with any pipeline forming a part of the Town Water System other than by the Water System Operator or licensed plumber authorized to do so by the Town.
- (7) Extension of a pipe serving a water tap to another premises in such a manner as to allow two premises to be served by a single tap, subject to the provisions of this Ordinance.

- (8) Creating any cross connection or continuing any previously existing cross connection.
- (9) Any person who violates any of the provisions contained in this Ordinance shall be subject to a fine not exceeding two thousand, six hundred fifty dollars (\$2,650). Each day of continuing violation shall be considered a separate offense.

Section 23. Severability: If any section, provision or part of this ordinance shall be held unconstitutional or invalid, the remainder of this ordinance shall continue in full force and effect, it being the legislative intent that this ordinance would have been adopted even if such unconstitutional or invalid matter had not been included herein.

THE TOWN BOARD OF TRUSTEES FINDS THAT THIS ORDINANCE IS NECESSARY TO THE IMMEDIATE PRESERVATION OF PUBLIC PEACE, HEALTH, AND SAFETY, AND SHALL TAKE EFFECT AND BE ENFORCED IMMEDIATELY UPON THE FINAL PASSAGE OF THIS ORDINANCE

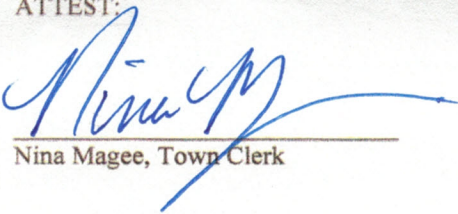
Read and adopted this 5th day of September 2023.

TOWN OF MOFFAT



Jon Lopez, Mayor

ATTEST:



Nina Magee, Town Clerk



ATTACHMENT A

RESIDENTIAL (3/4) HOOK-UP FEE <i>includes: tap, distribution, connection, and meter</i>	\$5,000* <i>* Quarterly Installment Plans available</i>
COMMERCIAL (3/4) HOOK-UP FEE <i>includes: tap, distribution, connection, and meter</i>	\$6,000* <i>* Quarterly Installment Plans available</i>
LINE EXTENSION FEE <i>outside of service area</i>	\$60/ft* approx. <i>*as quoted</i>
MONTHLY SERVICE FEE <i>under 4,000 gallons p/month</i>	\$40 – flat fee
MONTHLY SERVICE FEE <i>above 4,000 gallons p/month</i>	\$10 p/1,000 gallons
MONTHLY SERVICE FEE <i>above 10,000 gallons p/month</i>	\$15 p/1,000 gallons
LATE FEE	\$5
RECONNECTION FEE	\$75