

ORDINANCE #1 , SERIES 2015

AN ORDINANCE CONCERNING THE MUNICIPAL WATERWORKS SYSTEM OF THE TOWN OF JAMESTOWN AND PROVIDING FOR STANDARDS AND FEES FOR WATER AND RELATED SERVICES

WHEREAS, The Legislature of the State of Colorado has, in applicable state statutes, delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of citizens, and

WHEREAS, The Town of Jamestown waterworks enterprise provides potable water to citizens and households by means of a municipal water treatment facility and distribution system, and

WHEREAS, The Town Board wishes to ensure that the latest technical standards and a comprehensive and fair fee schedule is affected for water service, and

WHEREAS, the Town's primary water service ordinance, No.3, Series 2010 ordinance has not been comprehensively updated, and

WHEREAS, the Town, by this ordinance, desires to update and restate its standards and fees for water related services,

WHEREAS, The Town Board wishes to ensure that a fair fee schedule is affected for water service for low income households,

THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF JAMESTOWN, COLORADO:

Article 0 - Definitions

Water Lines: generic term for all water distribution lines. E.g. this term includes service lines and Water mains.

Curb Box: The housing and the valve that serve as shut-off valves for each user tap. Maintenance and repairs of the curb box is the town's responsibility.

Water Mains: those water lines that are owned by the town, and maintained by the town. They carry water to the user curb boxes but do not extend past that curb box.

Service lines: Those lines that run from the curb box to the residences or other types of buildings that receive town water. The maintenance and repair of service lines are the responsibility of the individual owner whose residence(s) or building(s) receives the water services associated with that particular curb box

Tag out: refers to a service line that has been turned off by the town or its representatives as a result of non-payment of water service fees, or an out-of-compliance designation. (Please note that having a service "tagged out" does not exempt the owner of the serviced residence or building from continuing to accrue applicable service fee costs, including: water service fees, interest accumulation and penalty fees.)

Jamestown Water Tap Application and Permit: An application for a new water tap, new curb box and new service line. These applications can be obtained thru the Town Clerk's office. Once the application has been approved and signed by the Board of Trustees a copy will be provided to the owner/applicant and that copy will serve as a water tap permit that will be kept on the premises in a place that is easily accessible to the tap install worksite.

Water Service Line Repair Application, Agreement and Permit: All-in-one document available from the Town Clerk. It must be filled out and approved by the Town Clerk before water service line repairs can commence. In emergency situations exceptions to this requirement may be made by a Jamestown Water Operator, or Town Water Engineer. Once signed by the Town Clerk this document serves as a service line repair permit and so must be kept at the site of the repairs.

Town Board: Jamestown Board of Trustees or BOT

Article I – Water Connections

Section 1. Water Tap Application and Permit: It shall be unlawful for any person to make any tap or connection with the Town waterworks, distribution system or water lines; or to connect into any approved water tap without first having obtained a “Jamestown Water Tap Application and Permit” from the Town.

Section 2. Tap Applications: Any person owning real property having no existing water tap, and that property lies within the water service area of the Town and the owner desires a new connection to the waterworks system for the use of water at such property, shall obtain a completed permit from the Town Clerk in order to do so. The application form is referred to as “Jamestown Water Tap Application and Permit”. The application shall state the size and location of the proposed connection, premises on which the water is to be used, the proposed uses of the water, and any other information as may be reasonably required. To assure compliance with Town requirements, the applicant will be notified and provided with the information found in Addendum A: “Water Service specifications”. All installations will be in accord with the specifications found in Addendum A: “Water Service specifications” of this ordinance and before back-filling or otherwise covering new service lines an inspection is required to ascertain and document compliance with Addendum A: “Water Service specifications” of this ordinance.

a) A Jamestown “Water Tap Application and Permit” shall be issued for use only on the real property specified in that application and shall not be transferable to other properties. All rights under an approved water tap permit shall be deemed to be conveyed with the title to such real property

b) The water service area of the Town shall be that area within 1000 feet of any existing water main. However, water tap permits shall be issued for use only at properties adjacent to an existing water main unless arrangements are made to extend the existing water main in accordance with Section 9 of this Ordinance. In all instances the exact location of any water tap, service line and water main to be tapped shall be specified by the Town.

Section 3. Tap Permits and Fees: A tap (connection) fee shall be assessed and paid, for all permits for connection to the waterworks system. The applicant must be the owner of the property for which a water tap is desired and must complete and submit an application on a form specified by the Town. The application shall be accompanied by a deposit of not less than ten (10) percent of the tap fee. Except where an agreement is made under Section 5 (c) of this ordinance, the balance of the water tap fee shall be paid within 45 days of approval of permit by the Town Board or prior to commencement of construction for the tap, whichever is soonest. Failure by the applicant to complete payment under the applicable provisions of this ordinance shall void the approval of the permit and there shall be no refund of any deposits or payments made prior to default. The cost tap fee amount can be found in: “Water fees and Penalties for Failure to Pay” of this ordinance.

If the Board denies the application, the deposit shall be returned to the applicant, less any costs incurred by the Town in association with the processing of the application.

Section 4. Taps: It shall be unlawful for any person other than a duly authorized employee of the Town to tap any pipeline or water main forming a part of the waterworks system and no such tap or connection shall be made unless a permit is obtained as provided in this article.

Section 5. Tap Fees. The schedule of connection fees for permits issued after January 1, 2007 shall be as follows:

- (a) New water service: Tap fee shall be in accordance with fee schedule found in Addendum B: "Water fees and Penalties for Failure to Pay" of this ordinance.
- (b) Connection and Water Tap fees collected after July 1, 1996: shall not be used for the operation of the water system, but shall be deposited in a special account reserved for expansion and improvements to the Jamestown Water System, unless the Town Board deems it necessary to spend the fees for a water-related emergency.
- (c) Provision for Installment Payment: The Board may approve the use of reasonable installment plans at interest rates as described in Addendum B: "Water fees and Penalties for Failure to Pay" of this ordinance.
- (d) Installation Costs: Costs for the portion of the water service between the main and the curb box – including the cost of the curb box – will be paid by the Town. All other installation costs – including all labor and materials – shall be paid by the applicant. All service connections from the water main to the curb box, including the curb box, are the property of the Town.

Section 6. Installation and Maintenance of Service Lines: All service lines beyond the curb box shall be installed, repaired and maintained by the property owner. Repairs will require a permit: "Water Service Repairs, Application, Agreement and Permit" All private water service facilities shall be of materials and workmanship approved by the Town in accordance with Addendum A: "Water Service Specifications" of this ordinance. Exploratory excavation, for purpose of determining leak location shall be billed to the property owner if such leak is determined to be beyond the curb box in the service line. The Town is not obligated to conduct exploratory excavation.

Section 7. Size of Connection: All service connections shall be in accordance with Addendum A: "Water Service specifications" of this ordinance.

Section 8. Payment of Delinquent Fees: The Town Board shall not approve the application of any person who is delinquent in payment to the Town for water or any other fees, services or taxes.

Section 9. Extending the Town's Water Mains: If an extension of the Town water mains is necessary to serve an applicant or group of applicants, the Town, upon request of this ordinance, may authorize for the necessary extension subject to the following conditions:

- (a) The capacity of the water system must be sufficient to provide the requested service.
- (b) At the option of the Town the extension shall continue through the full extent of the area to be served, to the farthest boundary, or the farthest frontage corner of the last parcel(s) to be served by the extension.
- (c) Applicant(s) shall pay all service connection charges and service improvement fees, and in addition, shall pay the actual cost of the main extension; including labor, materials, engineering costs and inspections necessary to complete the extension of the water main. This is not meant to preclude the ability of the town or the resident to garner grants or loans from other entities that would defray such costs. At its sole discretion the Town may elect to provide capital improvements that may include extension of water Mains or other service additions.
- (d) At the option of the Town, the applicant may be authorized to perform or subcontract for the work to specifications in accordance with Addendum A: "Water Service specifications" of this ordinance. Any such applicant or subcontractor shall execute an agreement with the Town concerning the performance of the work, and shall provide for reasonable levels of insurance posted by the applicant(s). The Town may require a letter of credit to secure completion of the work. All such work shall be performed to the satisfaction of the Town designated engineer and, , the applicant shall provide the Town with certified copies of all invoices, bills and expenses associated with the extension. All work and materials will be expected to conform to the specifications as described in the Addendum A: "Water

Service specifications” of this ordinance.

(e) The applicant shall pay the costs of inspections of the extended water main. The cost of inspections shall be the actual cost billed by the Town’s designated engineer. Copies of invoices shall be provided to the applicants. Applicants shall ensure that payment is received by the Town within 15 days of receipt of invoice.

(f) All extensions shall be constructed in accordance with Addendum A: “Water Service specifications” of this ordinance.

(g) When applicable, all subsequent applicants for connections to an extended main following the installation and extension shall be required to pay to the Town a pro-rata share of the original installation cost based on the number of potential taps (building lots) served by the extension. Potential taps shall be identified by the Town upon initial construction of the extension and shall be limited to lots that are capable of being serviced by the improvement. The Town shall in turn rebate this amount to the original applicant(s) who paid for the extension. The Town shall use its best efforts to obtain such pro-rata payments, but shall not be liable for any reimbursement to the original applicant(s).

Section 10. Interpretation and Claims: The Town reserves the right, on reasonable notice, to shut off its mains for maintenance and extension and, without notice as necessary for emergency repairs. No claim shall be made on account of such interruptions or on account of breaking of service lines or failure of supply.

Article II – Use of Water

Section 11. Subscriber Requirements.

(a) It shall be unlawful for any person to obtain water from the municipal waterworks for a building lot without first obtaining a water tap as required in Article I of this ordinance. The billing list of subscriber properties maintained by the Town Clerk shall be deemed evidence of compliance with this section.

(b) No person shall sell or permit the unauthorized use of water by permitting the transfer of water from one residence to another by use of hoses or other unauthorized service lines. No person shall sell or permit the taking or transport of water in quantities greater than 20 gallons per day for use in building lots not having an approved water tap. Violation of this provision shall result in a daily surcharge of \$100 for each day of violation in addition to any other applicable penalties. The Town may discontinue service and “Tag Out” the curb box at its discretion.

Section 12. Water Use Initial Billing for New Subscribers. Water service to new subscribers shall be prorated commencing at the time when the water service is turned on.

Section 13. Water Use Fees for Change of Subscriber: If a property is sold or if there is a change in renters requiring a change in the person(s) responsible for payment of water bills, the Town Clerk shall collect an administrative fee as per Addendum B: “Water fees and Penalties for Failure to Pay” of this ordinance for costs related to change of billing and Town records. The fee shall be paid prior to turning on water for use by new owner or renter. The Town Clerk shall not authorize water services for any new subscriber unless all back payments for fees and services to that property have been collected.

Section 14. Continuance of Fee for Services after water shut-off

Upon application for a shut off permit the quarterly charge will continue to be assessed. No credit for the pro-rata share of the current quarterly fees shall be given in case of the discontinuance of the use of water. Accounts due for the use of water not paid within 120 days after due shall be ordered shut off by the Town and the remedies described in Addendum B: “Water fees and Penalties for Failure to Pay” of this ordinance will be applicable.

Section 15. Turn on and Shut Off by Authorized Personnel: It shall be unlawful for any person other than a duly authorized employee or agent of the Town to turn on or shut off water at the curb box for any premises, and no water shall be turned on or shut off unless duly authorized. In the event that service is shut off due to payment delinquency, unauthorized restoration of water service prior to settlement of the delinquency by any person shall result in a daily surcharge as described in Addendum B: "Water fees and Penalties for Failure to Pay" of this ordinance. The Town may "Tag Out" the curb box at its discretion. This provision does not apply to the emergency shut off of water for the purpose of mitigating a leak.

Section 16. Turn On and Shut Off Application: Subscribers who request turn on or shut off of water service shall make written application to the Town Clerk for such service and pay fees as described in Addendum B: "Water fees and Penalties for Failure to Pay" of this ordinance. In addition, turn on and shut off fees shall be assessed whenever water service is terminated due to lack of payment. The fee for Turn on and shut off service shall be in accordance with Addendum B: "Water fees and Penalties for Failure to Pay" of this ordinance.

(a) There shall be no fee for emergency turn off or turn on service due to leaks between the curb box and the owners shut off valve.

Section 17. Payment of Fees for Use of Water: Fees for the continued availability of water services to a property thru an established water tap shall be assessed to the owner of that real property in accordance with Addendum B: "Water fees and Penalties for Failure to Pay" of this ordinance. Any changes in fees will require approval by Resolution of the Town Board. If there is an active Water Committee approved by the Town Board, such committee will make recommendations to the Town Board for fee changes.

Section 18. Unauthorized Use of Water Connections: Any unauthorized use of water, unauthorized tapping of the waterworks system, provision of bulk water to others for use off premises, or resale of water or water taps without approval of the Town is prohibited. It is also prohibited for any subscriber to connect Town water service to any other water supply. Violations shall be subject to the penalties described in Addendum B: "Water fees and Penalties for Failure to Pay" of this ordinance.

Section 19. Protection of Town Water System

All external faucets shall be equipped with a backflow prevention device designed to prevent the contamination of the potable water distribution system. All connections to the waterworks system deemed to risk contamination of the water distribution system by the Town Water Distribution Operator shall be modified with an approved backflow prevention device. Any violation of the Town's Cross Connection Plan shall be deemed a violation of this ordinance. Copies of the town's Cross Connection Plan are available at the Town Clerk's office. Water customers who have been notified that they are out of compliance with this regulation and who fail to install approved backflow devices after 30 days shall be subject to shut off of service as directed by the Board until compliance is accomplished.

a) All backflow devices must be approved by a water engineer designated by the town, or by the Town Water System Operator(s)

Section 20. Conservation of Water. All subscribers shall keep service lines in good repair and shall avoid the waste of water. Where hoses are connected to the system, they shall have nozzles or sprinklers attached. Watering or sprinkling bans shall be observed as posted by the Town, Water Plant Operator or other authorized personnel. Failure by a subscriber to observe such bans or the unnecessary waste of water shall be subject to shut off of service as directed by the Board. Restoration of service shall be subject to both shut off and turn on fees as prescribed in Addendum B: "Water fees and Penalties for Failure to Pay" of this ordinance.

Section 21. Flat Rate Schedule of Fees for Use of Water. The schedule of quarterly fees for the use of water from the waterworks system shall be in accordance with Addendum B: "Water fees and Penalties for Failure to Pay" of this ordinance. There shall be no charge made to the Town for fire hydrants maintained within the Town, the Town Hall, Water Plant and facilities or the Town Firehouse.

(a) Rates are not subject to reduction in the event service pipes or fixtures are frozen or not in working order.

Section 22. Procedure for amending, changing or replacing Addenda of this Ordinance.

- a.) Procedure for Amending, changing or replacing Addendum B: "Water Fees and Penalties for Failure to Pay"
If there is an active Water Committee appointed by the Town Board then Addendum B: "Water Fees and Penalties for Failure to Pay" can be amended, changed or replaced by a recommendation of the Town Water Committee to the Jamestown Board of Trustees who will adopt a resolution approving the Addendum changes.
- b.) Procedure for Amending, changing or replacing Addendum A: If there is an active Water Committee appointed by the Town Board then changes, amendments or replacement of Addendum A "Water Service Specifications" can be made by majority vote of the members of that Water Committee. It is strongly recommended that any substantive changes that are made in this manner be reported to the Town Board, in case there are objections to such a change. The Town Board is recognized as having jurisdiction over this Ordinance and its Addendums.

ARTICLE III

Penalty, Repeal and Severability

Section 23. Penalty. It shall be a violation of this ordinance for any person to do any act or omission which is declared to be unlawful in this ordinance. Such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any provision of this ordinance is committed, continued or permitted. Penalties for activities unlawful to this ordinance are described in Addendum B "Water fees and Penalties for Failure to Pay" of this Ordinance.

The Town may seek such remedies as contained in Addendum B: "Water Fees and Penalties for Failure to Pay" of this ordinance for violations of parts of this ordinance associated with payment, non payment or late payment of monies due the Town, and may seek any remedies available at law or in equity, including injunctive relief for violations hereof.

Section 24. Repeal. All ordinances or parts of ordinances, of the Town of Jamestown, Colorado in conflict herewith are hereby repealed, and specifically:

Ordinance #1, Series 2001
Ordinance #3, Series 2006
Ordinance #1, Series 2007
Ordinance #2, Series 2010
Ordinance #3 Series 2010
Ordinance #17 Series 2014

are hereby repealed in their entirety. The repeal of any ordinance by this ordinance shall not affect or prevent any proceedings against or the prosecution or punishment of any person for any act done or committed in violation of any ordinance herein repealed prior to the effective date of this ordinance.

Section 25. Severability. If any provision of this ordinance, or application thereof to any person or circumstances, be held invalid, such invalidity shall not affect other sections or provisions of this ordinance which can be given effect without the invalid sections of this ordinance, are declared severable.

**INTRODUCED, READ, ADOPTED, APPROVED, AND ORDERED PUBLISHED BY TITLE ONLY
THIS 2nd day of MARCH 2ND DAY OF 2015**

TOWN OF JAMESTOWN, COLORADO



Tara Schoedinger, Mayor

Attest



Mary Ellen Burch, Town Clerk

Past Due Water Bill Payment Agreement
Jamestown Municipal Waterworks
(rev. February 21, 2017)

1. This agreement is made between The Town of Jamestown (Town), a municipal corporation and _____ (Subscriber) residing at _____ to resolve the issue of unpaid water charges and fees for property located at _____, Jamestown, CO, this _____ day of _____, 20____.
2. Both parties acknowledge the amount of unpaid water charges and fees to be exactly \$_____; a portion of which is past due more than 120 days.
3. Subscriber agrees to make an initial payment of \$_____ which is not less than 1/12 (one twelfth) of the sum of the unpaid balance and any quarterly payments coming due over the course of the contract and contracting to make _____ (not more than eleven) additional equal payments of \$_____ each to be due in cash, money order or check not later than the 15th of each month starting with _____, 20____ and due monthly until _____, 20____.
4. No late fees will accrue, no shut off shall occur, and not additional remedies shall be imposed so long as payments are made on time and no grace period shall be permitted.
5. Subscriber certifies that he/she is the legal owner of the property described in Item 1. If the subscriber sells or otherwise conveys the property during the period of this agreement, the subscriber acknowledges that the entire unpaid balance shall become due and payable immediately and that the Town may make use of methods of collection in accordance with the terms of the Delinquency Remedies Addendum B of Ordinance 1, Series 2015.
6. In the event that Subscriber fails to make payments by the 15th of the month as due, or in the event that the subscriber fails to pay current water charges as billed by the last day of the first month of the quarterly billing period the entire unpaid balance shall become due and payable immediately and that the Town may make use of methods of collection in accordance with the terms of the Delinquency Remedies of Addendum B of Ordinance 1, Series 2015.
7. A subscriber who has entered into a previous payment agreement and defaulted shall be ineligible to enter into future payment agreements.

For the Town:

Subscriber:

Signature Mayor

Signature Property Owner

Addendum A: Water Distribution System Specifications

Definitions

Service Line: A water line that connects a water main in the distribution system to a residence or building's plumbing system.

Water main: Major water lines owned by the town. Generally, 2-inches and larger in diameter.

Water line: includes both Water mains and Service lines.

Purpose of these Specifications.

In order to create a safe and secure water system for Jamestown, these specifications are designed to provide direction for repair, replacement and installation of town water distribution system components (e.g. valves, pipes, curb boxes), and water service lines. The town water utility has an interest in reducing the risk of water breaks that can compromise the town water system – e.g. by a line break that drains excessive water from the system or results in a negative pressure in the water system. The town water utility also desires to create standards that will allow future property buyers to be confident that the water service to their homes are built to codes and standards.

Overview.

The specifications below are those that are required by the town for water lines.

Exceptions.

Exceptions to these requirements can be made by the Town Water Engineer or Water System Operations Personnel, provided all exceptions are in conformance with the most current version of the Colorado Department of Health and Environment (CDPHE) *Design Criteria for Potable Water Systems*. All exceptions to these requirements must be made in writing and signed by the owner who is requesting the exception and approval signed off by one of the aforementioned Town representatives.

Reference Standards.

All Water Distribution System work shall be in conformance with this standard, the most current version of the Colorado Department of Public Health and Environment (CDPHE) *Design Criteria for Potable Water Systems*, and relevant American Water Works Association (AWWA) Standards.

Specifications for Water Mains, Service lines including Excavation and Trenching.

Application. The provisions shall apply to all persons constructing any water line in the Town, including any individual, firm, company, organization, agency, association or other organization or entity.

Certification of Approval. All proposals for construction of new water lines shall be reviewed and approved by the Town Water Engineer appointed by the Town Board. In the case of those parts of the distribution system owned by the town – e.g. new main lines, new curb boxes, etc. – if the proposed water distribution project conforms to the specifications in this document, and the most current version of the CDPHE *Design Criteria for Potable Water Systems*, and is found to be generally acceptable by the Town Board, then that project may commence once such approval is made in writing and signed by the designated Town Water Engineer. In the case of service lines and those parts of the distribution system owned by the owner of the affected residence or business, assuming that the proposed water distribution project conforms to the specifications in this document, and the most current version of the CDPHE *Design Criteria for Potable Water Systems*, and is found to be generally acceptable by the Water Committee (subject to review by the Town Board), then that project may commence once such approval is made in writing and signed by the designated Town Water Engineer or one of the Water Operators.

Standards. All design and construction shall be in conformance with the most current version of AWWA C600 for ductile iron pipe and with AWWA C906 for high-density polyethylene pipe (HDPE).

Size of service water connection. Service lines shall be sized by Town Water Engineer or Water System Operations Personnel and shall not be less than 3/4 inches.

Size for Water Mains. All newly constructed mains on which fire hydrants are to be located shall be a minimum of six inches in diameter. Mains which will not include fire hydrants shall be sized according to anticipated water usage but shall be a minimum of three inches in diameter. Any departure from the minimum requirements should be justified by hydraulic analysis and future water use, can only be considered only in special circumstances (e.g.

deadends without fire service) and may be no smaller than two inches in diameter.

Materials for Water Lines. Water mains shall be constructed of ductile iron pipe, or high-density polyethylene (HDPE) meeting the most current version of AWWA standards for potable water lines. Service lines shall be constructed of Class K copper or HDPE. All materials used in the waterworks system shall be certified as meeting NSF 61 and appropriate AWWA standards.

Depth of Water Mains. The top of all new water mains shall be a minimum of seven feet below the finished ground surface. It is recommended that service lines be buried at a depth of 7 feet. At a minimum, all service lines shall have a minimum of 5 feet of cover and shall be covered by a 1/2 inch thick X 2 ft wide insulation board placed directly above the service line. The Town Engineer may approve the use of equivalent frost shielding in areas where burial at required depth is impractical. Repairs to existing lines shall, at a minimum, maintain existing depth of cover.

Service Line Length. Service lines to households shall not exceed 60 feet in length without approval of the Town Engineer or Water System Operations Personnel.

Excavation and Trenching - General Requirements. Backfilling and construction of embankments shall not be permitted during freezing weather except with the approval of the Town Engineer. No backfill, fill, or embankment material shall be installed on frozen surfaces, nor shall frozen materials, snow or ice be placed in any backfill or fill. Each excavation shall be kept dry during subgrade preparation and continually thereafter until pipe is installed as necessary to assure that no damage from hydrostatic pressure, flotation or other cause will result.

Trench Excavation.

- (a) Trenches shall be excavated so that pipes can be laid straight at uniform grade, without dips or humps, between terminal elevations. Trenches shall be excavated to a width that will provide adequate working space and sidewall clearances. Minimum trench width shall be the pipe diameter plus 24 inches.

- (b) Except where otherwise required or permitted by the Town Engineer, trenches shall be excavated at least 6-inches below the underside of the pipe to provide for installation of granular bedding. Hand excavate deeper for bells of pipe.
- (c) No part of any bell or coupling shall be in contact with the trench bottom, walls or granular embedment when the pipe is jointed.
- (d) All rock shall be removed to provide at least 6-inches of clearance below and on the sides of all pipe.
- (e) It is expected that all trenching will be done in a manner that meets or exceeds OSHA standards.

Granular pipe bedding material.

- (a) Continuous and uniform bedding shall be provided in the trench for all buried pipe. Granular bedding material must be tamped in layers around the pipe and to a sufficient height about the pipe to adequately support and protect the pipe. Stones found in the trench must be removed for a depth of at least six inches below the bottom of the pipe.
- (b) Granular bedding material shall be placed on suitably prepared subgrades and compacted by hand operated mechanical vibrators.
- (c) Granular bedding material shall be durable crushed granular material free of dust, clay or trash meeting ASTM C-33 or ASTM D-448, gradation size #67, as shown in the following table.

Table 1 Granular bedding material

Gradation #67	
Nominal size	Percent passing by weight
1"	100%
¾"	90-100%
3/8"	20-55%
#4	0-10%
#8	0-5%

- (d) Granular bedding shall be placed 6-inch layers (maximum) and compacted to ninety percent (90%) relative density, as determined by ASTM D4253 and D4254. Granular bedding material shall be used with all pipe sizes unless otherwise specified or permitted by the Town Engineer.
- (e) Granular bedding material shall be spread and surface graded as required to provide a uniform and continuous support beneath the pipe. After each pipe has been graded, aligned, placed in final position and shoved home, sufficient bedding material, but not less than 12-inches, shall be deposited above the top of the pipe and compacted.

Controlled Low-Strength Material.

- (a) Controlled Low Strength Material (CLSM) may be used to provide equivalent support for the pipe as granular backfill.
- (b) CLSM shall be self-compacting, flowable concrete material produced from the following:
 - a. Portland cement: ASTM C150/C 150M, Type I Type II or Type III
 - b. Fly ash: ASTM C681, Class C or F
 - c. Normal-weight aggregate: ASTM C 33/C 33M, 3/8-inch (10 mm) nominal maximum aggregate size
 - d. Water: ASTM C 94/C 94M
 - e. Air-entraining admixture: ASTM C 260/C 495M
- (c) Produce conventional weight CLSM with 80-psi compressive strength when tested according to ASTM C495/C 495M
- (d) Place CLSM to a height of 12-inches over the pipe.

Trench Backfill.

- (a) Compacted backfill shall be required for the full depth of the trench above the granular bedding material. Compacted backfill may be granular material, graded gravel or other dry non-organic material as approved or required by the Town Engineer. Clean excavated native material, free of debris, stumps, root, and other unsuitable material and containing rocks smaller than 2-inch diameter, may

be used as backfill from 1 ft above the top of the pipe to grade or subgrade.

- (b) Trench backfill shall be compacted to ninety-five percent (95%) of maximum density as determined by ASTM D698.
- (c) All work areas shall be brought to grade at the indicated elevations, slopes and contours. Surface material shall be of a quality equal to existing topsoil, gravel, road base or pavement in adjacent areas. Finished surface must match the existing in nature and thickness. All surfaces shall be graded to ensure effective drainage. All natural and man-made waterways and drainage ditches shall be restored to ensure adequate drainage and original flow capacities.

Warning Tape.

- (a) Warning tape shall be acid and alkali resistant polyethylene film water tape manufactured for marking and identifying underground utilities.
- (b) Tape shall be a minimum of 6-inches wide and 4 mils thick, continuously inscribed with a description of the utility.
- (c) Tape shall have a metallic core encased in a protective jacket for corrosion protection, detectable by metal detector when tape is buried up to 30-inches deep, and shall be colored blue for water lines.
- (d) Install warning table directly above buried pipe 6-inches below subgrade under pavements and slabs and 12-inches below finished grade for all other surfaces.

Excess Materials. All excess excavated materials shall be disposed of offsite in an approved manner or graded as required by the Town Engineer. All debris, stumps, roots and other unsuitable materials shall be removed from the work area.

As-Built. The applicant shall provide the Town with accurate information concerning the “as built” of service lines and appurtenances. As built drawings of main extensions shall be provided to the Town at the completion of the work, and at the expense of the owners served and in a form acceptable to the Town.

Cross Connection Prevention. Cross connection prevention shall be in accordance with the Town's Cross Connection Plan. All external faucets shall be equipped with a backflow prevention device designed to prevent the contamination of the potable water distribution system. All connections to the waterworks system deemed to risk contamination of the water distribution system by the Town Water Engineer or Water System Operations Personnel shall be modified with an approved backflow prevention device. Any violation of the Town's Cross Connection Plan shall be deemed a violation of this ordinance subject to penalties described in Addendum B: Water Fees and Services Charges. All backflow devices must be approved by the Town Water Engineer, or by the Town Water System Operations Personnel. Refer to the Cross Connection Plan for additional information.

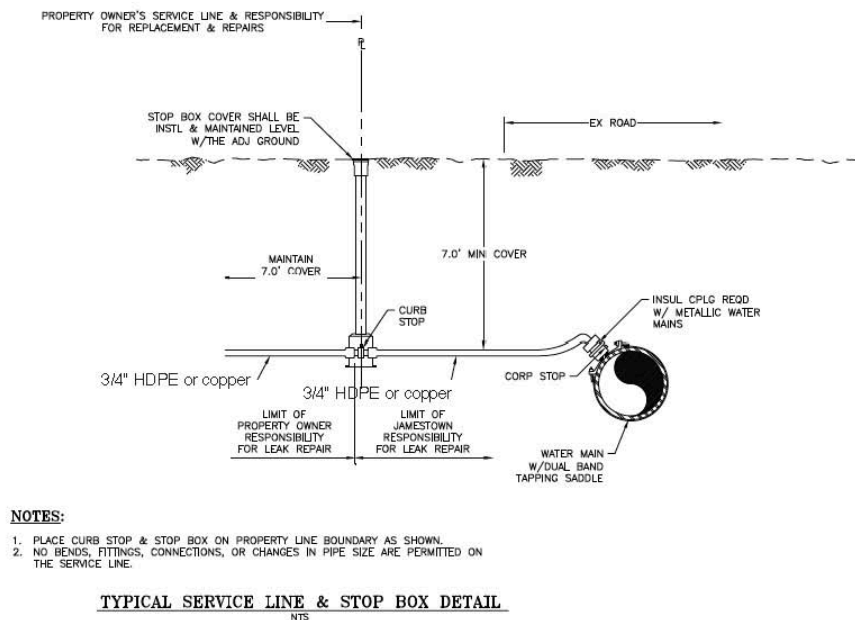


Figure 1 Service connection detail

Addendum B Water fees, Service Charges and Penalties

REV 4 dated 3/6/2017

Payment scheduling

Fees will be assessed quarterly, in advance for each calendar quarter year, and the charges so assessed shall become a lien on the real property served. Fees for the use of water shall become due and payable to the Town Clerk, quarterly, in advance, on January 1, April 1, July 1, and October 1 of each year or monthly, if approved, in advance, on the first day of each month of each year. If any account remains unpaid for a period of thirty (30) days from the date of billing, the account shall be assessed penalties interest and/or late charges as described in this Addendum to present Water Ordinance: Addendum B: "Water fees, Service Charges and Penalties"

Fees for Regular water services

Fees for water service (Includes surcharge instituted by Town Board in 2014):

Single family residence or apartment, water closet and bath or shower included: \$172.00/quarter.

Single family residence (may include one Additional Dwelling Unit) or apartment, water closet, bath or shower with one additional bathroom, shower room or half bath (i.e. 2 total bathrooms): \$206.00/quarter.

Single family residence (may include one Additional Dwelling Unit) or apartment, water closet, bath or shower with two additional bathrooms shower rooms or half bath (i.e. 3 total bathrooms): \$238.00/quarter

Single family residence (may include one Additional Dwelling Unit) or apartment, water closet, bath or shower with three additional bathrooms, shower rooms or half baths (i.e. 4 total bathrooms); \$260.00quarter.

Single family residence (may include one Additional Dwelling Unit) or apartment, water closet, bath or shower with four additional bathrooms, shower rooms or half baths (i.e. 5 total bathrooms): \$267.00quarter.

The charge for more than four additional bathrooms shall \$7.00 per quarter for each additional bathroom.

These charges include a \$27 quarterly surcharge (\$9/ month). The need for this surcharge will be reviewed in the fall of 2017 or some time before then.

Community Garden fee for seasonal water use will be billed at a minimum rate of \$20 up to 100 square feet. An additional \$20 for each additional 100 square feet or increment thereof.

Billing address

Property owners may request water bills be mailed to third parties. The Town when possible will honor such requests, however the owner of the real property shall remain liable for all amounts due.

Owners' responsibility for updating billing addresses

The town will make every effort to send bills to each water customer or their designated person. However, the failure of the Town to reach an owner or designated water services payer does not alleviate that customers liability for payments and all additional applicable charges and remedies.

Fee for turning off or on water service valve \$75.

Tap Permits and Fees

A tap (connection) fee shall be assessed and paid for all permits for connection to the waterworks system. The applicant must be the owner of the property for which a water tap is desired and must complete and submit an application on a form specified by the Town. Under unusual and exceptional circumstances and at the sole discretion of the Town Board such fees may be in whole or in part suspended or exempted.

- 1) The application shall be accompanied by a deposit of not less than ten (10) percent of the tap fee.
- 2) Except where an a priori agreement is made, the balance of the water tap fee shall be paid within 45 days of approval of permit by the Town Board or prior to commencement of construction for the tap, whichever is earliest.
- 3) Failure by the applicant to complete payment under the applicable provisions of this ordinance shall void the approval of the permit and there shall be no refund of any deposits or payments made prior to default.
- 4) Taps must be placed in service within six months of approval by the Board. Applicants may request an extension of the six month in service requirement provided circumstances unforeseen at time of permit approval are demonstrated. All extensions granted by the Board shall be in writing and shall be limited to a single extension not to exceed six months.
- 5) If the Board denies the application, the deposit shall be returned to the applicant, less any costs incurred by the Town in association with the processing of the application.
- 6) Fee for new tap is \$16,000.

Provision for Installment Payment for tap fee

The Board may approve the use of reasonable installment plans at interest rates not exceeding those permitted by law. Where this provision is employed it shall be subject to the following requirements:

- 1) A written agreement shall be executed between the Town and tap applicant.
- 2) The agreement shall specify tap in service dates, and initial water use fee payment, interest rate, payment amount, frequency and any other terms and conditions.
- 3) Interest rate charges shall be equal to the bank prime rate, plus two (percentage) points, as published in a Denver Colorado daily newspaper on the Friday prior to permit approval.
- 4) Term of payment shall not exceed twelve months. The number of payments shall not exceed twelve.
- 5) Failure to meet the requirements of a written agreement as described above activate remedies as described below in: "Delinquency remedies".

Reduced Quarterly Fees for Low Income Households.

Households with an annual gross income of \$20,000, are eligible to have their quarterly water use fee by 20%. In order to qualify for the reduction, the subscriber must submit to the Town Clerk, proof of income for the previous year in the form of a copy of a Federal Tax return, notarized affidavit or other substantial documentation. Such documentation shall not be copied and shall be returned to the subscriber within 7 days with confirmation or denial of qualification for the reduction. Qualification shall be for a period of 12 months.

Delinquency penalties

Should an account become more than 30 days delinquent a late charge of 10% shall be assessed. The late charge shall also be assessed for each subsequent 30 day period for which the account remains unpaid; however, total late charges shall not exceed 25% of the amount owed.

Delinquency Remedies.

Every charge relating to the waterworks system shall be a lien on the property served from the time the charge is due, until paid. If any such charge is not paid by the date due the Town may avail itself of one or more of the following remedies, or any other lawful available remedies.

- a) The Town may foreclose the lien.
- b) The Town may maintain an action in any court of competent jurisdiction for the amount of the charge due and any interest, costs, and attorney fees as allowed by law.
- c) The Town may certify the amount of the charge due to the Boulder County Clerk and Treasurer, together with an assessment fee of \$150.00 plus 10% of the aggregate total past due amount and assessment fee (\$15), to become an assessment upon the property served and to be collected and paid over to the Town in the same manner as taxes.
- d) The procedure for discontinuing water service pursuant to this ordinance addendum shall be as follows:

- 1) The Town Clerk shall send a written discontinuation notice to the owner of the property served, and, if applicable, to the occupant at the address of the property served, stating that water service will be discontinued on a specified date, which date shall be no sooner than ten (10) days after the date the notice is mailed.
- 2) The form and content of the written notice shall be determined by the Town Clerk, but the notice shall state at a minimum, that there is a right to appeal to the Town the decision to discontinue water service if the appeal is requested in writing by the owner of the property served, and if the request is received by the Town Clerk before the close of business, pursuant to office hours as established from time to time, at least two days prior to the date specified for discontinuation.
- 3) The merits of an appeal described in paragraph (2.) of this subsection (d) will be determined by the Town Mayor, Chairman of the Water Committee or Town Clerk who may also want to discuss the matter at a Town Board of Trustees meeting. Factors to be considered are: whether the delinquency in fact exists, and if so, the amount of the delinquency.

- 4) If water service is discontinued pursuant to this subsection (d), water service shall not be reinstated until the owner of the property served has paid the amount of the delinquency, a discontinuation of services fee of \$75.00 and any other charge, including applicable fees or late charges described in this addendum to Water Ordinance 1 Series 2015.
- 5) If water service is discontinued pursuant to this subsection (d), any costs for damages to pipes, lines, shut off valves, boxes or other property which may occur during shut off or turn on of water service shall be paid by the subscriber.

Optional Payment Contract

Subscribers past due, a portion of which is past due over 120 days, and subject to one or more of the remedies described above may elect to enter into a contract with the

Town prescribing a formal payment plan to eliminate the delinquency as well as maintain all future payments coming due during the period of the contract. The subscriber, who must be the owner of the property, may enter into such agreement by paying at least 1/12th of the sum of the unpaid balance and any quarterly payments coming due over the course of the contract and contracting to make not more than 11 additional equal payments, one per month, by the 15th of each month. Failure to make payment in accordance with the contract shall cause all unpaid amounts to become immediately due, payable and subjects the account to the penalties described above in section: "**Delinquency Remedies**".

Unlawful Restoration of Services

In the event that water service is shut off due to payment delinquency, unauthorized restoration of water service prior to settlement of the delinquency by any person shall result in a daily surcharge of \$100 in addition to any other applicable penalties and any applicable charges, interest and late fees.

Temporary Relief Granted from Specific Provisions of the Ordinance.

In September 2013, the Town experienced significant flooding, which prompted formal declarations of disaster and emergency by local, state and federal government officials in Boulder County, Colorado, and as a result of such flooding, the Town's water distribution system was severely damaged with half of the distribution system destroyed, resulting in the water system being shut down. The Board of Trustees wishes to grant temporary relief from creation provisions of this Ordinance in order to facilitate the reconstruction and rebuilding of the Town's water distribution system (the "Project") and to facilitate residential recovery as follows:

(a) Relief is granted from the following provision of the Ordinance: "All service lines beyond the curb box shall be installed, repaired and maintained by the property owner," subject to the following obligations and limitations:

1. This Section is intended to provide temporary relief from the provision cited above in order to allow the Town to install private water service lines, including additional segments downstream from the curb box, water taps, and related facilities for water service connection to certain properties. The temporary relief described in this subsection shall apply

only if the owners of said properties have executed a Right-of-Way Agreement in a form acceptable to the Town. No other relief is granted from any effective ordinance or provision therein except those listed herein. This ordinance does not constitute an obligation upon the Town or any governmental entity to perform Project, and the Town, through its Board of Trustees, may in its sole discretion determine not to undertake the Project.

2. This Section shall expire on December 31, 2015 unless sooner repealed.

(b) Relief is granted from the provisions of this addendum to the Water Ordinance that prohibit the transfer of water taps between properties. In accordance with the *Jamestown Stream Corridor Master Plan*, if a flood damaged property is deemed unsuitable, the owner may transfer the water tap permit for that property to another property. The property owner shall notify the Town Clerk in writing of intent to transfer a water tap permit under this provision and the Town Clerk shall record the change in the water tap records. This subsection (b) is subject to the following obligations and limitations:

1. This Section shall apply to specific properties (identified by property address and Boulder County Assessor Parcel No.) to be identified by the Town at a later date.

2. This Section shall expire October 20, 2018, unless sooner repealed.

(c) In addition, relief is granted from the provisions of this Addendum that require a tap fee of \$16,000 for a new water tap. If a flood damaged property was not previously a subscriber to the Town's water system, the owner may purchase a new water tap permit for the property. There shall be no additional permit fees associated with this relief. Though relieved from having to pay a tap fee qualifying property owner shall be responsible for all costs resulting from installation of new service lines, water mains, curb boxes and valves and the construction of new service shall be in accordance with the Addendum A of Ordinance 1, Series 2015. The property owner shall notify the Town Clerk in writing to obtain a water tap permit under this provision.

(d) Temporary provision applicable to applications for water taps for residences located within 1000 feet of Rose M water main extension; the cost of a water tap fee is temporarily reduced to \$4,000. Qualifying property owner shall be responsible for all costs resulting from installation of new service lines to the extent that the Town is unable to include those costs in the project. Labor and material cost for curb stop, service line, curb boxes and valves shall be the responsibility of the property owner (capped at \$12,500) and the construction shall be in accordance with the Addendum A of Ordinance 1, Series 2015.

Application for this discount shall be made within 9 months of the completion of the Rose M water main project as indicated by acceptance

of the project completion by the Town to the construction contractor. 24 Months after the approval of the Tap Application by the Town Board of Trustees, or at the time that the water tap is activated and in use, whichever occurs first, the owner of the relevant property will become liable for regular water use fees minimally at the rate normally charged for two bathrooms, or at a rate that reflects the residence that is being serviced.

(e) Relief for Approved Multiple Family Rental Units During Long periods of Non- Occupancy. Owners of residences with approved rental apartments or duplexes may obtain relief from water fees for unoccupied, un-rented rental units under the following conditions:

- (1) The apartment or duplex must be within or attached to the residence and have been in existence as a rental unit prior to November 7, 1983 or otherwise be approved by the Town Board in writing.
- (2) The residence must otherwise be owner occupied and must be the owner's primary residence.
- (3) The rental unit must have been un-rented and unoccupied for a period of at least six months prior to the water fee period for which relief is sought.
- (4) The owner must certify in writing that the rental unit has been un-rented and unoccupied for the prescribed period. The term "unoccupied" shall be defined as meaning that the rental unit has not been dedicated to a person or group of persons for the purpose of using it as living space, (for example, a relative or friend of the resident owner), for a period greater than 29 days during any of the preceding six month period. The term "un-rented" shall be defined as meaning that the no funds for rental or use of the unit is agreed upon or collected for any period during the preceding six month period.
- (5) For the period(s) of water fee relief, the number of bathrooms in the rental unit shall be added to the resident owner's fee for the purpose of calculating the quarterly water fee bill(s).
- (6) Relief from the fee shall be applied to no more than one rental unit per approved multiple family residence at any one time.
- (7) Upon rental and/or occupancy of the rental unit the quarterly water fees shall again be calculated as if multiple taps were in use and may be prorated for partial fee periods.