

ORDINANCE NO. 248

An Ordinance relating to the Water Department of the Town of Berthoud and repealing ordinances and parts of ordinances in conflict therewith.

BE IT ORDAINED by the Board of Trustees of the Town of Berthoud:

SECTION I. The Town of Berthoud shall furnish water for domestic and commercial use from its municipal water plant and provide the necessary service in connection therewith in accordance with the rules, regulations, terms, provisions, conditions, rates, charges, payments, penalties and limitations as are herein set forth and prescribed for the use of said water and the operation of the plant in connection therewith.

SECTION II. Superintendent. Powers and Duties.

There is hereby created the office of Water Superintendent, and said Superintendent shall be appointed, and his salary fixed by the Board of Trustees of the Town of Berthoud, hereinafter referred to as the "Board", and the Superintendent shall hold office for such time as the Board sees fit.

The Superintendent shall have immediate control and management of all things pertaining to the Town water works and he shall perform all acts which 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. He shall provide bond in such amount as the Board may fix for the faithful performance of his office, the Town to pay the premium on said bond. The Board shall have power, by resolution, to prescribe such other and further rules and regulations governing the power and duties of said Superintendent, and the management of said Water Department, and such other rates, rules and regulations as are not herein contained.

The Superintendent or his assistants shall have the right at all reasonable hours to have full and free access to all parts of the premises and buildings where water is delivered and consumed, to examine the water pipes and fixtures, the use made of water, the number of fixtures, rooms, and the condition of the water pipes and fixtures, and in the event of refusal on the part of any consumer to permit such inspection, the water may be thereupon cut off from the said premises.

SECTION III. Receipts and Deposits.

The Town Clerk shall keep a correct account of all receipts, make out all bills for water rents and materials furnished to consumers, collect the same and credit the proceeds to the credit of the ~~Water Fund of the Town~~ Fund in accordance with the direction of the Board.

SECTION IV. Rules and Regulations Governing Water Rates and Privileges and Penalties Thereunder.

The following rules and regulations are hereby established for the management, control and protection of the Town water works. Said rules shall be considered a part of the contract with every person who takes water supplied by the Town from the Town water works, and every person taking water shall be considered as having expressed consent to be bound thereby.

Rule 1. Application for the use of water shall be made to the Town Clerk at his office. The application must be made 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 is required.

Rule 2. At the time of making an application for a new tap and service connection within the Town limits, the Town Clerk shall collect the sum of sixty (\$60.00) Dollars to cover the cost of laying the service pipe to the curb and making the tap to the water main, the cost of the corporation cock, lead connection, necessary pipe, curb cock and curb box, and the work of installing the same. When required by the State Highway Department that lines be cased when crossing the Highway, the applicant shall pay the cost of casing. All installations mentioned above shall become the property of the Town, and the Town shall be responsible for the upkeep and replacement of same.

It shall be the responsibility of the property owner to extend the line from the curb box and to maintain it. No service tap shall be larger than 3/4 inch without the consent of the Board.

Rule 3. For water users outside the Town limits, the tapping fee shall be sixty (\$60.00) Dollars to cover the cost of tapping the main and installing corporation cock, the Town to furnish the corporation cock, curb cock and curb box, the applicant to install and maintain the line from main to premises.

Rule 4. Should it be desired to discontinue the use of water, written notice thereof shall be filed with the Town Clerk, and all arrearages paid. The water shall then be turned off without charge, and rebates made as follows: For premises paying by the quarter there shall be no charge for periods of at least thirty (30) days during which the premises are continuously vacant. Vacancy for less than thirty (30) days will not entitle the owner to any rebate or refund.

Rule 5. Flat water rates must be paid quarterly, in advance, at the office of the Town Clerk, on the first day of December, March, June, and September of every year. If not paid on or before the 10th day of the month, they become delinquent and a penalty of ten per cent (10%) must be added and collected as a part of the water rate, and if not paid on or before the 25th of the month, the water will be turned off. Should the occupant of the premises turn on the water or cause it to be turned on after it has been shut off at the curb cock, it will be turned off at the main and a charge of ten (\$10.00) Dollars to the owner of the premises made for the expense of turning it off, and ten (\$10.00) Dollars for turning it on, to be collected as other rates are collected.

Rule 6. Two or more occupied premises shall not be supplied from one and the same connection unless provided with separate shut-off cocks.

Rule 7. Service pipe must be laid at least four (4) feet below the surface of the ground.

Rule 8. The Town of Berthoud shall not be responsible for the service pipes and fixtures from curb cock to premises. All owners, at their own expense, must keep service pipes from the curb cock and all of their apparatus in good working order, and properly protected from frost and other disturbances. No claim shall be made against the Town of Berthoud on account of the

breaking of service pipes or apparatus or for failure in the supply of water. No reduction in the regular rates will be made for any time that service pipes or fixtures may be frozen.

Rule 9. Consumers shall prevent unnecessary waste of water and keep all water outlets closed when not in actual use. Hydrants, urinals, water closets, bath tubs or other openings must not be left running for any purpose, and for any unnecessary waste of water, the Town of Berthoud reserves the right to cut off the supply and assess a penalty which shall be paid before the water is turned on again.

Rule 10. During all alarms of fire, the use of hose and all outlets where a constant flow of water is maintained is positively forbidden.

Rule 11. Any applicant may request a meter installed, the meter to be furnished by the Town of Berthoud, and the installation made by a licensed plumber, cost of installation to be borne by applicant. Any service may be metered when, in the judgement of the Board, the same becomes necessary or beneficial.

Rule 12. No occupant or owner of any building into which water is introduced will be allowed to supply water to other persons or families. The Town agrees to furnish water for a certain specific sum. If, therefore, consumers furnish other people or supply water for animals or for sprinkling, washing vehicles or for building purposes, or permit it to be taken without the knowledge or consent of the Superintendent, it is a violation of contract and consumers so offending will have water shut off for abuse of water privilege.

Rule 13. In case there shall be any water rent delinquent and the supply has been turned off, the water shall not be turned on again until all such delinquent water rents have been paid.

Rule 14. The Town of Berthoud reserves the right, upon reasonable notice, to shut off its mains for the purpose of making repairs or extensions or any other purpose, and no claim shall be made against the Town by reason of the breakage of any service pipe or service cock or from any other damage that may result from shutting off the water for repairing and laying or relaying mains, hydrants or other connections.

Rule 15. Whoever shall, by himself, or by any other person acting under his authority, use or take water from any part of the water works aforesaid without a license or permit, or, without authority from the Superintendent, open or remove any fire plug or hydrant, stop cock valve, valve box or any other fixture pertaining to said water works, or shall turn on or shut off water into or from any water pipe wherever situated, shall be deemed guilty of a misdemeanor. Any member of the Berthoud Fire Protection District fire department, in the discharge of his duties, may open any hydrant for the use of the said department.

Rule 16. All water rents and rates shall be a charge and lien upon the premises to which the water is delivered from the date the same becomes due and until paid, and the owner of every building, premise, lot or house shall be liable for all water delivered to or taken and used upon his or her premises, which lien and liability may be enforced by the Town of Berthoud by an action at law or suit to enforce said lien. If, from any cause, any sums owing for water rent and rates shall become delinquent, the

water may be shut off, and in no case shall it be turned on to the same property until such delinquency shall have been paid in full. Change of ownership or occupancy shall not effect the application of this section. This rule shall be deemed to include water users within or outside the corporate limits of the Town.

It shall be the duty of the Town Clerk, between the 1st and the 10th day of January, and between the 1st and 10th day of July of each year, to publish a notice in some newspaper published in Berthoud, Colorado, to the owners of lots and premises upon which water rents and rates are delinquent, stating the description of lots or lands to be assessed for unpaid and delinquent water rents and rates, and that the amount of the delinquency on each parcel is on file in the office of the Town Clerk for inspection, and that unless said delinquency is paid within thirty (30) days after the publication of said notice, said delinquent water rents and rates will be certified to the County Treasurer to be levied as an assessment upon said lots and lands and collected the same as general taxes. Said notice shall be published at least once.

At the expiration of thirty (30) days after the publication of said notice the Town Clerk shall certify to the County Treasurer an assessment upon each parcel or lot upon which said water assessment or rates are delinquent and unpaid, and the County Treasurer shall collect such assessments in the same manner as general taxes are collected and such assessment shall be a lien in the several amounts assessed against each lot or parcel of land until paid, and shall have priority over all other liens except taxes and prior special assessments.

Rule 17. Consumers shall not use hose larger than 3/4 of an inch in diameter, and sprinkling without nozzle or from nozzle larger than 1/4 inch opening is forbidden. The Board may, by resolution from time to time, prescribe the hours during which sprinkling is permitted.

Rule 18. The Superintendent shall have power, subject to the approval of the Board, to make and enforce such other rules and regulations governing service tap connections, plumbing requirements and regulations as are not herein provided. It is specifically provided that all plumbing and plumbing fixtures, wherever used, shall be of standard make and construction and that all plumbing shall be done by a licensed plumber, except that a property owner may be permitted to install plumbing fixtures on his own property, provided the plumbing work shall be done in a good and workman-like manner, according to approved plumbing practice.

Rule 19. For each and every violation of the rules and regulations established by this Ordinance, the offending party shall be guilty of a misdemeanor and be subject to a fine of not less than five (\$5.00) Dollars nor more than fifty (\$50.00) Dollars, unless otherwise provided herein.

SECTION V. Schedule of water rates.

Water rates are payable quarterly on March 1st, June 1st, September 1st, and December 1st in each year, except as may be hereinbelow provided:

Quarterly Rates.

| | | |
|--|---------|--------|
| One family (one or more members) in residences or living quarters in business establishments | \$ 9.00 | - 1200 |
| Banks, machine shops, offices, railroad depots | | |
| stores, etc. | 4.50 | 750 |
| Lodge halls | 6.00 | 900 |
| Barber shops and beauty parlors | 6.50 | 950 |
| Public garages and filling stations with rest room.. | 6.50 | 950 |
| without rest room | 4.50 | 750 |
| with wash rack | 10.00 | 1300 |
| Locker plants | 8.00 | 1100 |
| Pool halls | 8.00 | 1100 |
| Pool halls serving meals or lunches | 10.00 | 1300 |
| Drug stores | 10.00 | 1300 |
| Restaurants. | 10.00 | 1300 |
| Laundries | 12.50 | 1550 |
| Grain elevators with steam boiler | 10.00 | 1300 |

Operators of rooming houses, apartments and auto courts shall report to the Town Clerk monthly, at the end of each month, as to occupancies and shall pay at the rate of ten (10 $\frac{1}{2}$) cents per day for each occupancy, permanent or transient. Said operators shall keep a register of all occupancies which shall be available for inspection by Town officials whenever required.

Tank water five (5 $\frac{1}{2}$) cents per 100 gallons, payable when served, available only to those who do not have access to water mains.

Annual Rates

Irrigation, four (\$4.00) Dollars per standard lot, or for 3500 square feet for irregularly shaped tracts, payable annually on June 1st.

Turkey processing plants, fifty (\$50.00) Dollars, payable in the quarter in which used.

Pea hulling plants, forty nine and 50/100 (\$49.50) Dollars payable in the quarter in which used.

To here

Out of Town Rates
(until meters are installed)-payable quarterly, in advance:

One family (one or more members) in residences or other living quarters \$14.00
Live stock, seventy-five (75 $\frac{1}{2}$) cents per head for cows and horses
Sheep, seven and one-half (7 $\frac{1}{2}$) cents per head
Irrigation, eight (\$8.00) Dollars, payable annually on June 1st, for each twenty-five (25) foot frontage to a depth not exceeding one hundred forty (140) feet, or other equivalent of a Berthoud Town lot.

Meter Rates,-when installed

A minimum of seven (\$7.00) Dollars per family unit, per quarter

For the first 10,000 gallons or part thereof through any one meter, in excess of 2500 gallons per family unit served by such meter, 50 cents per thousand gallons

For the second 10,000 gallons or part thereof of such excess, 40 cents per thousand gallons

For the third 10,000 gallons or part thereof of such excess 30 cents per thousand gallons

For the fourth 10,000 gallons or part thereof of such excess
20 cents per thousand gallons
For all over 40,000 gallons of such excess, ten cents per
thousand gallons.

If either a toilet or a bath is lacking in any residence, a deduction of one (\$1.00) Dollar per quarter shall be allowed for each such utility which is lacking for residences in Town and two (\$2.00) Dollars per quarter for residences out of Town.

The Town reserves the right to fix special rates for consumers not covered by the provisions of this section, and to change the above rates without notice, by resolution, at any regular or special meeting of the Board.

SECTION VI. Any person who shall tap or connect with any mains or hydrants or any portion of the Town water system, except as in this Ordinance provided, shall be guilty of a misdemeanor.

SECTION VII. Any person who shall throw or place any substance into any reservoir, well, stream, trench, pipe or drain used in and necessary for the construction, maintenance and operation of any part of the water works of the Town, and which substance shall tend to fill up said reservoir, well, or to fill up or obstruct the flow of water in any stream, trench, pipe or drain, or shall throw or place any filthy or other substance which shall tend to pollute the water therein shall be deemed guilty of a misdemeanor.

SECTION VIII. Any person who shall bathe or swim in, or bathe any animal in, or cause any animal to enter into or swim in any water which is a part of the water system of the Town, shall be deemed guilty of a misdemeanor.

SECTION IX. Any unauthorized person who shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment which is a part of the Town water system, shall be deemed guilty of a misdemeanor.

SECTION X. The invalidity of any section, clause, sentence or provision of this Ordinance shall not affect the validity of any other part of this Ordinance which can be given effect without such invalid part or parts.

SECTION XI. Ordinances numbered 21, 110, 145, 146, 157, 158, 167 and 177 and all other Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

SECTION XII. It being necessary that an adequate supply of water be available and protected, the Board of Trustees in adopting this Ordinance, hereby finds and declares that it is necessary for the immediate preservation of the public peace, health and safety of the citizens of the Town of Berthoud, Colorado, and therefore an emergency exists and this Ordinance shall be effective April 1, 1956.

Passed, adopted and approved this 13th day of March,
A. D., 1956.

ATTEST:

Viola Barrowman

Clerk

OD Mayo

Mayor