

SECTION 9

Water Enterprise Regulations

**TOWN OF ROCKVALE WATER REGULATIONS
AND WATER RIGHTS**

The Town of Rockvale is a government subdivision of the State of Colorado and thereby has the authority to establish policies and rates for water service, service charges and water tap fees, and for the establishment of rules and regulations concerning the Rockvale Water Works System. Or declaring a water emergency if deemed necessary by the Board of Trustees.

Town of Rockvale Water Regulations And Water Rights

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CHAPTER I DEFINITIONS

Bulk Water: Means water sold by the Town of Rockvale to users who haul or transport such water. Also means any water sold to another entity and transmitted via ground delivery systems.

Commercial User: Means a user who produces a product or service to the public in a commercial district.

Constructor: Means the landowner, developer, sub divider or agency actually paying for the construction of lines or other water related facilities.

Contractor: Means any person, firm or corporation authorized by the Town of Rockvale to perform work and to furnish materials in the Town of Rockvale.

Core Charge: (tap Fee) is the fees adopted by the Town of Rockvale to connect to the town's Water System.

Curb Stop: Means a valve placed in the customer's service line located at or near the property line for the purpose of shutoff by the Town of Rockvale.

Debt Retirement: Means fixed cost assessed per unit whether serviced or not.

Dwelling Unit: Means a structure that is habitable or occupied by not more than one family with facilities for living, sleeping, cooking, eating and bathing.

Equivalent Dwelling: Means its use is estimated to have an impact on the water system equal to that of an average dwelling unit.

Industrial User: Means a user who occupies a space in an industrial zone.

Late Charges: Charges assessed by virtue of a failure to make a timely payment.

Meter: Means a water meter and associated devices required to measure water usage and protect the municipal water system.

Meter Setting: Means a water meter and associated devices required to measure water use and protection of municipal water system. This may include the "pit valve, or structure designed to contain and protect these devices".

Permit: Means written, permission to connect to the water main of the Town of Rockvale pursuant to current rules and regulations.

Pipe finder: Means a device used to locate metal water conduits, or metal tracer wires used on nonmetal water conduits.

Premises: Means property which is not considered public right of way, containing municipal water use, water carrying devices or meter settings.

Prepaid Tap: Means fees collected prior to physical installation of a water tap.

Public Water System: Means any water line, appurtenances, accessories or portion therefore owned and maintained by the Town of Rockvale.

Superintendent: Means that person appointed by the Town Board of Trustees to supervise the operation and maintenance of the Town Water System.

Tap or Water Connection: Means the connecting of the service line from the structure to the public water system.

CHAPTER II
ROCKVALE WATER ENTERPRISE AND ADVISORY BOARD

SECTION 2.1: AUTHORITY:

- A. The town of Rockvale, Colorado (the “Town”), is a statutory town and political subdivision of the State of Colorado, duly organized and operating under the constitution and laws of the State of Colorado.
- B. The has previously determined and undertaken necessary procedures to acquire and develop certain properties and facilities for the collection, treatment, transmission, and disposition of water, these facilities are operated and maintained as a single public utility and income producing project known as the Rockvale water works system, as indicated in chapter III o this regulation..
- C. The System has been and continues to be operated as a “water activity enterprise” within the meaning of the Water Activity Law. It is the intent of the Town of Rockvale to continue the operation of the as a water activity enterprise, and to formally establish the “Town of Rockvale Water Enterprise” under the Water Activity Law.
- D. To qualify as a water enterprise under the Water Activity Law, the enterprise must consist of a government business owned by a government (Town of Rockvale) which enterprise receives under 10% of its annual revenues in grants from all Colorado state and local governments combined, and which is authorized to issue its own revenue bonds.

SECTION 2.2: ESTABLISHMENT OF ROCKVALE WATER ENTERPRISE: It is hereby established, pursuant to the terms and provisions of the Water Activity Law, Title 37, Article 45.1, Colorado Revised Statutes, the “Town of Rockvale Enterprise” (the Enterprise’). The Enterprise shall consist of the Rockvale Water Works System which is the business represented by all of the towns water facilities and properties, now owned or hereafter acquired, whether situated within or without the town boundaries, including all present or future improvements, extensions’, enlargements, betterments, replacements, or additions thereof or thereto. The Enterprise will have all the authority, power, rights, obligations, and duties as may be provided or permitted by the Water Activity Law and the Colorado Constitution, and as may be further prescribed by regulations of the Town of Rockvale.

SECTION 2.3: ESTABLISHMENT OF THE WATER ENTERPRISE ADVISORY BOARD: The Board of Trustees of the Town of Rockvale do hereby create a “Water Enterprise Advisory Board” consisting of three members (citizens of Rockvale) who are not members of the Board of Trustees, a Chairman (Citizen of Rockvale) who is not a member of the Board of Trustees, one member of the Rockvale Board of Trustees will serve as a liaison to the Advisory Board and the Mayor of Rockvale by venture of his position will be a member of the Water Enterprise Advisory Board for a total of six members. The Board will act as an advisory board to the Town of Rockvale Board of Trustees. The chairman of the board will be elected by and from the four citizens serving on the board.

SECTION 2.4: GOVERNING BODY: The governing body of the Water Enterprise Board will be the Rockvale Board of Trustees. The Board of Trustees will be the final authority over all issues, matters and concerns considered by the Water Enterprise Advisory Board. The Board of Trustees will make their decisions after hearing the recommendations of the Advisory Board. The Water Enterprise Advisory Board will be subject to all applicable laws, rules, and regulations pertaining to the Rockvale Board of Trustees.

SECTION 2.5: WATER ENTERPRISE ADVISORY BOARD MEETINGS; The Water Enterprise Advisory Board will meet the second (2nd) Wednesday of each month at 6:30 P.M. at the Town Hall unless called into session by the Chairman or the Mayor.

SECTION 2.6: CONDUCT OF MEETINGS; The Water Enterprise Advisory Board and the Rockvale Board of Trustees when meeting to handle water issues will conduct its affairs subject to 37-45.1(104)(20 of the Colorado Revised Statutes.

SECTION 2.7: MAINTENANCE OF ENTERPRISE STATUS; The Water Enterprise will at all times and in all ways conduct its affairs so as to continue to qualify as a "water enterprise" within the meaning of 37-45-1-(102, C.R.S., and as an enterprise within the meaning of Article X, Section 20 of the Colorado Constitution. Specifically, but not by way of limitation, The Enterprise is not authorized, and shall not, receive 10% or more of its annual revenue in grants from all Colorado state and local governments combined.

SECTION 2.8: ISSURANCE OF BONDS; The Water Enterprise is authorized to issue bonds, notes or other obligations payable from the revenues derived or to be derived from the system, in accordance with the Water Activity Law. The Rockvale Board of Trustees may also authorize the issuance of such bonds, notes, or other obligations in accordance with the laws of the State of Colorado

SECTION 2.9: RESPINSIBILITY OF THE WATER ENTERPRISE ADVISORY BOARD;

- A. The Water Enterprise Advisory Board will conduct meetings to obtain information pertaining to issues regarding the Rockvale Water Works System to include but not limited to:
 - a. Water usage – consumption rates.
 - b. Minimum and sufficient water rates.
 - c. Water flow issues.
 - d. Plant investment fees.
 - e. Cost of operating the water works system to include inspections, testing fees for engineering review, operations, maintenance and extensions of the system.
 - f. Preparing an annual budget.
 - g. Here all issues pertaining to water before the issue is submitted to the Board of Trustees sitting as the Water Enterprise Board.
- B. The Water Enterprise Advisory Board will then after having completed their informational investigations make recommendations to the Rockvale Board of Trustees for final decisions and approval.

SECTION 2.10: WATER REVENUE FUND ESTABLISHED;

- A. The Rockvale Board of Trustees hereby establish the "water revenue fund", in which will be deposited all revenues from water billing and other revenues related to the Water Works System. All funds received from the water rates will be used only for the operation, maintenance, debt service, replacement of and additions to the system. All amounts on hand in such fund shall be invested by the Board of Trustees in investments proper for public funds.
- B. The Water Enterprise may pledge all or any portion of the Water Revenue Fund, including revenues anticipated to be collected, to the payment of principal, interest, premium, in any, and reserves for revenue bonds or any other obligations lawfully issued or otherwise

contracted for by the Enterprise for the payment or other financing of costs of the System, or for the purpose of refunding any obligations issued or otherwise contracted for such purposes.

**CHAPTER III
ROCKVALE WATER WORKS SYSTEM**

SECTION 3.1: REGIONAL WATER AUTHORITY:

- A. The town of Rockvale is a member of the Florence Regional Water System known as the Regional Water Authority.
- B. Fees shall be assessed for the Regional Water Plant Investment Fund as agreed by contract between the City of Florence, The Town of Williamsburg, The Town of Coal Creek and The Town of Rockvale.
- C. A copy of the water agreement contract is on file at the office of the Town Administrator, Town of Rockvale.

SECTION 3.2: MAINTENANCE OF WATER LINES AND WATER METERS:

- A. No alteration without permission: No alteration or disconnection in or about any conduit, service pipe or water cock, or any other apparatus connected therewith shall be made by any person without first obtaining written permission of the Board of Trustees or the Water Superintendent of the Town of Rockvale.
- B. Water line extension—conditions: No water main, pipe or water meter and related fitting shall be extended, constructed, installed or attached to the Town water system unless the same are extended under a public street or other public right-of-way or utility easement dedicated or otherwise created for the benefit of the public or under private premises to which the town shall, by private easement, right-of- way or permission, have the right to install and maintain such water line or lines.
- C. Water main line extensions—submission of plans:
 - 1. Town water mains and service lines shall not be extended unless the applicant for the water taps service pay in advance to the town the complete cost of installation. In addition to such charges and tap fees, the applicant for water service may be required to provide a water main line or lines as determined by the Town of Rockvale Board of Trustees based on projected usage, and town looping requirements. At a minimum, transmission or branch water mains shall not be less than six (6) inches in diameter, shall contain at least one (1) valve to isolate the main extension from the water system, and shall have at least one (1) fire hydrant at the end of the extension for flushing and fire protection. Additional valves, hydrants, and increased pipe diameters may be required, depending on the length of such main line extensions. If a service main is allowed, it shall include an isolation valve from the branch main and a means of flushing.
 - 2. All owners, sub dividers, contractors and builders shall submit to the Town Board of Trustees detailed plans for any proposed utility installations which shall include capacities, sizes, location of mains, fittings, fire hydrants, tanks, pumps and pump houses, and the location of looping's and grids to existing town main. The materials for installation and the labor costs for installation of all required items shall be at the sole expense of the owner, sub divider, contractor or builder. The capacity, size and material of all required items to be installed, their locations, and the manner and specification for their installation on shall be determined by the Town Board of Trustees.
- D. Water Service Line Responsibility:
 - 1. Service lines are defined as any pipe or conduit, used to provide water service through the water meter to a building or dwelling unit.
 - 2. The installation, repair, and maintenance of the water service line and household lines past the water meter is the sole responsibility of the water tap service owner.

Any water lost due to leaks past the meter must be paid for as if it were used by the customer.

3. If a service line or associated devices on the customer's property are found to be defective or damaged, The Town Board of Trustees shall require the owner to "upgrade", such service line to include items such as proper fittings or proper service line sizing.
4. The Town of Rockvale will at all times supply all related equipment and material for connection to the municipal water system to maintain in a uniform standard, except the customer's service line from the meter to the customer's point of use.

CHAPTER IV WATER TAPS

SECTION 4.1: WATER TAP USE:

A. Each water tap provided shall be used for a maximum of one unit or single family dwelling or business, and each will have a separate meter. There will be two (2) classifications of customers:

Residential and Commercial

A. Water Taps became available as of January 1, 1965, with certain stipulations as indicated below.

NOTE: A location where no dwelling existed in 1965 when water meters were approved by the Town of Rockvale Board of Trustees, it was deemed that no certifiable water service existed.

SECTION 4.2: WATER SERVICE AGREEMENT: Anyone requesting to purchase a water tap and associated water services shall be required to complete an “Agreement for Water Service”, which is available at the Rockvale Town Hall.

SECTION 4.3: APPROVAL FOR WATER TAPS:

A. All water tap sales shall be approved by the Town of Rockvale Board of Trustees. This includes water tap sales by a private party.

B. Commercial and industrial users within or outside the Town of Rockvale may submit a “Commercial Agreement for Water Service” with the Town of Rockvale in which rates terms and conditions of use and manner of payment shall be specified. Nothing herein shall require the town of Rockvale to enter into such a contract.

SECTION 4.4: RIGHT OF REFUSAL: The Town of Rockvale reserves the exclusive right to deny any “agreement for Water Service” residential or commercial for any of the following reasons.

A. Those that would create an excessive demand on the water supply system.

B. There exists an unresolved obligation between the Town of Rockvale and the applicant.

C. There is not adequate documentation of easements for water lines serving the property

1. Legal easements for water mains on private property shall be given to the Town of Rockvale before water mains can be installed.

D. There is material misrepresentation concerning the use of the water service being requested.

E. There is a material misrepresentation in the agreement as to the property or fixtures contained in or on the property.

F. Service to the property is not deemed reasonably feasible based on engineering and economic considerations or both

SECTION 4.5: ACCESS TO PREMISES: The Town of Rockvale Water Superintendent or designee, upon proof of proper identification, shall have access, at reasonable hours to any premises where water is used, for the purpose of inspection and examination of the water system.

SECTION 4.6: PRIOR AGREEMENTS: Written agreements concerning water tap allotment agreed on by the Town of Rockvale and lot owners at time of annexation of a subdivision will be honored if adequate water production exists.

SECTION 4.7: EXCHANGE OF WATER TAP FOR LAND OR WATER RIGHTS:

A. The Town of Rockvale Board of Trustees may authorize the exchange of the right to receive a water tap or taps for easements, water rights, or other property acquisition for the purpose of

extending or expanding the water facilities of the Town of Rockvale under the following conditions, which shall be considered to be minimum requirements:

1. All such agreements will be in writing and approved by the Rockvale Board of Trustees.
2. A user who is physically connected to the Rockvale Water Works System will pay the monthly fees and any other applicable fees set for in resolutions to that effect.
3. The person or entity receiving the water tap will pay the charge for the water tap at the time agreement is signed.
4. The agreement may provide for additional terms and conditions not inconsistent with those set forth herein.

SECTION 4.8: WATER SHORTAGES: Anytime when the Rockvale Board of Trustees deem, a shortage of water as supplied by the Town of Rockvale Water Works shall seem imminent or likely, the Board of Trustees shall by resolution, provide rules and regulations restricting the quantity of water to be used and the hours and manner of use. Under emergency conditions the Board of Trustees and/or the Water Superintendent may impose temporary restrictions on water usage.

SECTION 4.9: MORATORIUM ON WATER TAPS: The Town of Rockvale Board of Trustees may by resolution, declare a moratorium on the issuance of water taps, when deemed necessary for the immediate preservation of public health and welfare for the citizens of the Town of Rockvale.

SECTION 4.10: WATER TAPS PERMANENT APERTURE TO PROPERTY: Water taps once purchased and installed will become a permanent aperture to the property and cannot be transferred, moved or sold

SECTION 4.11: DAMAGE TO WATER TAPS AND ASSOCIATED EQUIPMENT/PENALTY: Any person or entity that willfully damages any water tap or associated equipment will be subject to criminal prosecution and a fine not to exceed one thousand five hundred (\$1,500.00) dollars as provided by state statute for tampering with any public utility.

**CHAPTER V
WATER RATES AND TAP FEES – WATER SERVICE**

SECTION 5.1 CHARGES AND FEES – WATER TAPS: Charges and fees for water taps will be set annually by the Board of Trustees of the Town of Rockvale, by resolution at the first (1st) meeting in January each year. The charges and fees for water taps will include:

- A. Basic water tap fee.
- B. Fee for installation of water meter, housing and water tap.
- C. Fee for other than a three quarter (3/4) inch line shall be prorated based on a similar rate charged within the Regional Water District.
- D. A water permit will be required and a final inspection by the Town of Rockvale Water Superintendent is required before the line can be covered.
- E. The permit can be obtained from the Town Hall office of the Town Administrator.

SECTION 5.2: WATER SERVICE TO NEW LOTS OR DEVELOPMENTS IN ROCKVALE: All costs incurred to bring water to lots in a new development or vacant lot within the Town of Rockvale will be the responsibility of the lot owner or developer. This will include:

- A. Six inch (6”) to twelve inch (12”) water line is required by code and all necessary valves.
- B. Tapping saddle, depending on main size.
- C. Fire hydrants and fittings for fire protection.
- D. Three quarter inch (3/4”) curb stop for every service.
- E. Three quarter inch (3/4”) black poly from main line to property line (The curb stop, should be turned on and the curb stop should be turned off at time of installation).
- F. Locate wire must be installed on all lines.
- G. All new subdivisions must have a licensed distribution person to inspect and certify all water construction

SECTION 5.3: WATER SERVICE FEES:

- A. All charges and fees for water service will be set annually by the Board of Trustees of the Town of Rockvale, by resolution at the first (1st) meeting in January each year; (attachment A) These fees for water service will include:
 - 1. Each tap owner will pay a minimum fee that will include a current debt retirement fee, charged to the Town of Rockvale by the Florence Regional Water Authority, Town of Rockvale debt retirement, operating expense and cost assessment fee assessed by the FlorenceRegional Water Authority.
 - 2. Each customer will pay in addition a fee for water used.
 - 3. All commercial businesses which have restroom facilities will be charged at the in town residential rate.
- B. The following charges will be collected for use of water outside the corporate limits of the Town of Rockvale. These fees will be set by the Board of Trustees of the Town of Rockvale, by resolution at the first (1st) meeting in January each year; (attachment A)
 - 1. Each tap owner will pay a minimum fee that will include a current debt retirement fee, charged to the Town of Rockvale by the Florence Regional Water Authority, Town of Rockvale debt retirement, operating expense and cost assessment fee assessed by the Florence Regional Water Authority.
 - 2. Each customer will pay in addition a fee for water used.

SECTION 5.4: UNTREATED OR BULK WATER SALES: Sale of untreated water or bulk water shall be approved by the Board of Trustees of the Town of Rockvale. The rates will be established at the time of approval.

SECTION 5.5: WATER METER READING: Water meters will be read on the twentieth (20th) day of each month or the nearest practical day of the month

SECTION 5.6: WATER BILLING – ADJUSTMENTS AND ALLOWANCES:

A. All water users will pay monthly, the amount billed and any other fees at the rate then required by resolution duly adopted.

B. All water charges assessed by the Town of Rockvale are due on or before the twentieth (20th) of each month of the receipt of the bill. If payment is not received by the 5:00 P.M. on the 20th then a surcharge shall be added and an additional surcharge will be incurred each month thereafter until the bill is paid in full.

SECTION 5.7: WATER BILL PAYMENTS ARREARS: When the unpaid water charges are two (2) month in arrears, the account will be declared delinquent, and the Town Administrator will order water service discontinued (Shut Off). The Board of trustees may extend the time of payment when evidence is presented of illness or hardship.

A. A notice of water shut off will be mailed to the customer if the account is not paid by the twentieth of the second month. The account must be paid by 5:00 P.M. On the date given in the Shut Off notice. If the water is shut off it could remain shut off for up to forty eight (48) hours after resolution of the water bill and back charges.

1. If water is shut off there will be an additional fee to turn the water back on which must be paid to have the service restored.
2. Water will only be turned off and on by authorized personnel.

SECTION 5.8: VIOLATION AND PENALTIES:

A. In case of a violation of any rules and regulations herein is shall be held to be willful and malicious. The consumer shall be held guilty of a misdemeanor and on conviction will be fined in the sum of not less than one thousand five hundred (\$1,500.00) dollars for tampering with any public utility. State statutes provide for a fine of one thousand five hundred (\$1,500.00) dollars.

B. The owner of property served by town of Rockvale water shall be responsible for payment of charges for water service supplied by the Town of Rockvale and other surcharges, late charges, and on/off charges deemed owing and payable. Utility bill and other charges shall be mailed to and paid by, the recorded owner of the premises served, who will remain primarily responsible for said bills. However payment may be accepted from tenants on such property.

C. All unpaid accounts for water and other service assessments shall constitute a lien against the property and in the event of nonpayment shall be certified to the Fremont County Treasurer for collection in like manner as are general property taxes.

CHAPTER VI

PROTECTING THE TOWNS WATER SUPPLY AND SYSTEM AND CONTROLS TO PREVENT BACKFLOW CONTAMINATION

SECTION 6.1: FEDERAL SAFE DRINKING WATER ACT: The Federal Safe Drinking Water Act. Codified as (42 USAC-300f, et seq.) and the regulations promulgated with respect thereto, create a duty for federal, state, and local authorities to protect public Water Systems from entry of contaminants that could be harmful to the health of persons using such a system.

SECTION 6.2: CRIMINAL – CIVIL ACTIONS:

- A. Federal Law authorizes civil and criminal action against persons including government entities that operate water supply systems, that fail to comply with lawful orders issued to this Safe Drinking Water Act and associated regulations.
- B. The State of Colorado has adopted a statute generally making it unlawful for any person or entity to willfully violate, disobey or disregard any public health law of the state (24-1-114, C.R.S.).
- C. Colorado State Statute Revised (24-1-114(I)(H), C.R.S.) specifically makes it unlawful for any person to make, install, or maintain any cross connection between a water system providing drinking water to the public and any pipe, plumbing fixture or water system which contains water quality below the minimum general standards for drinking water supplied to the public.
- D. In addition to possible criminal penalties and civil actions an imposition of civil penalties against violators are provided for by statute (24-1-114, C.R.S.).

SECTION 6.3: CROSS CONNECTION CONTAMINATES: Colorado Drinking Regulations mandates that a Public Water System shall have no uncontrolled cross connections to pipes, fixtures or supplies that contain water not meeting minimum state standards for drinking water, and also require all public water system operators to protect their Water Supply Systems from contamination.

Said regulations enumerate four ways in which a water supplier shall protect the public water system including:

- 1. Identification of hazardous water service connections.
- 2. Requiring installation and maintenance of contaminant devices on health hazard service connections.
- 3. Requiring that contaminant devices be approved by the water supplier prior to installation.
- 4. Requiring that all contaminate devices be tested and maintained as necessary on installation and at least annually, by a trained cross-connection technician (Article 12. 2, 5, C.C.R.1003.1)

SECTION 6.4: DEFINITIONS: Unless the context specifically indicates otherwise, the meanings of terms used in this section shall be as follows

- A. **APPROVED BACKFLOW ASSEMBLY:** Means a backflow prevention assembly described in Foundation for Cross-Connection Control and Hydra research's (FCCC & HR) most current list of approved backflow prevention assemblies" or American society of Sanitary Engineers (ASSE).
- A. **BACKFLOW:** Means the undesirable reversal of the direction of flow of water or mixtures of water and other liquids, gases, or other substances into the distribution pipes of the potable water supply from any source(s) caused by backpressure and/or back siphoning.

- B. **BACKFLOW PREVENTER:** Means a device designed to prevent backflow created by back pressure or back siphoning.
- C. **BACKPRESSURE:** Means backflow caused by a pump, elevated tank, boiler, or means that could create an elevated pressure within the non-potable system greater than the supply pressure.
- D. **BACKSIPHONAGE:** Means the flow of water or other liquids, mixtures, or substances into the distribution pipes of a potable water supply system from any source other than its intended source; caused by negative or sub-atmospheric pressure in the potable water supply system.
- E. **CERTIFIED CROSS-CONNECTION CONTROL TECHNICIAN:** Means a person who is certified in accordance with the provisions of Article 12 of the Colorado Primary Drinking Water Regulations.
- F. **COLORADO CROSS-CONNECTION CONTROL MANUAL:** Means the most recent edition of a manual that has been published by the state addressing cross-connection control practices which will be used as a guidance document for the utility in implementing a cross-connection control program as outlined.
- G. **CONTAINMENT:** Means the installation of an approved backflow prevention device, or method, on the water service line(s), so that water delivered to the service line cannot return to the Town's potable water distribution system due to any backpressure and/or back siphoning condition which might arise
- H. **CONTAMINATION:** Means an impairment of the quality of the potable water by sewage, industrial fluids or waste liquids, compounds or other minerals to a degree which creates and actual hazard to the public health through poisoning or through the spread of disease.
- I. **CROSS-CONNECTION:** Means any physical arrangement whereby a public water supply is connected, directly or indirectly, with any other water supply system, sewer, drain conduit, pool, storage reservoir, plumbing fixture or other device which contains, or may contain, contaminated water, sewage, or other waste or liquid of unknown or unsafe quality which may be capable of imparting contamination to the public water supply as a result of backflow. Bypass arrangements, jumper connections, removable sections, swivel or changeover devices, four-way valve connections, and other temporary or permanent devices through which, or because of which, backflow could occur are considered to be cross-connections.
- J. **DIRECTOR:** Means the Superintendent of the Public Work of the Town of Rockvale.
- K. **HAZARD, DEGREE OF:** Means an evaluation of the potential risk to public health and the adverse effect of the hazard upon the potable water system.
- L. **ISOLATION:** Means a backflow device installed on a branch of the internal plumbing to protect the customer's waster system.
- M. **NON-POTABLE WATER:** Means water that is not safe for human consumption or that is of questionable quality.

- N. **POLLUTION:** Means the presence of any foreign substance (organic, inorganic, radiological or biological) in the water that may degrade the water quality so as to constitute a hazard or impair its usefulness.
- O. **POTABLE WATER:** Means water free from impurities in amounts sufficient to cause disease or harmful physiological effects. The bacteriological, chemical and radiological quality shall conform to the State of Colorado Department of Public Health and Environment Primary Drinking Water Regulations
- P. **UTILITY:** Means the Town of Rockvale Water Department, which is a water activity enterprise.
- Q. **WATER SERVICE CONNECTION:** Means the terminal end of the Town's service connection from the public potable water system; i.e., where the Town loses jurisdiction and sanitary control over the water at its point of delivery to the customer's stop box or shut-off valve or meter, whichever comes first, from the utility water main. If a meter is installed at the end of the service connection, then the service connection shall mean the downstream end of the meter. There shall be no unprotected takeoffs from the service line ahead of any meter or backflow prevention device located at the point of delivery to the customer's water system. Service connection shall also include and water service connection from a fire hydrant and all other temporary or emergency water service connections from the public potable water system.

SECTION 6.5: REQUIREMENTS OF A CROSS-CONNECTION CONTROL PROGRAM:

- A. Implementation and Enforcement of a Cross-Connection Control Program: The Public Works Superintendent is vested with the authority and responsibility for implementing and enforcing an effective cross-connection control program in accordance with the provisions of this section.
- B. Backflow preventers Required at all Service Connections: An approved backflow preventer shall be required at each and every service connection to a water service customer's premises for the safety and protection of the Town of Rockvale water supply system and water uses connected to that system.
- C. The Superintendent shall have the authority to specify the type of backflow preventer installed at each service connection. The Superintendent's decision with respect to the type of backflow preventer that will be required in any specific situation shall be based on the degree of hazard posed by the facility connected or to be connected to the Town water supply system. The degree of hazard shall be determined on a case-by-case basis, depending upon the circumstances of each particular case. IN making determinations as to the degree of hazard and the type of device required, the Superintendent shall rely upon the latest published edition of the Colorado Cross Connection Control Manual for guidance and may rely upon other generally accepted authorities, including but not limited to the official publications of the American Society of Sanitary Engineering. The Superintendent shall give notice in writing to the customer to install such an approved backflow prevention device at each service connection on the customer's premises.
- R. Inspection and Testing Procedures: The Superintendent has the authority to inspect any system owned and maintained by the utility customer to determine the extent and degree of hazard.
- S. The utility shall notify the utility customer at any premises when containment backflow preventers are installed to have a certified inspection and operational tests made upon installation of the containment device and at least once per year thereafter. The superintendent

may require certified tests at more than frequent intervals if he deems the potential hazard to be great enough. These inspections and tests shall be performed by a certified technician.

- T. The superintendent reserves the right to inspect or require the inspection of installed backflow preventers at any time to ensure the devices are in proper working order. The devices shall be repaired, overhauled or replaced whenever they are found to be defective. These inspection, tests and repairs will be done at the town's expense. Records of such tests, repairs and overhaul, including materials and parts changed, shall be filed with the superintendent within ten (10) days of such activity. The utility will keep and maintain such records in accordance with the requirements of applicable law.
1. Containment devices will be tested annually according to the Colorado Revised Statutes and Colorado Department of Public Health and Environment Primary Drinking Water Regulations.
 2. If such devices are allowed by the Superintendent as an acceptable alternative to total containment, isolation devices used to isolate and lower the overall degree of hazard for a property will be tested and on a schedule determined by the superintendent.
 3. Installation devices used on lawn irrigations sprinkler devices will be tested upon installation, repair or relocation, but in any event no less than once annually.

SECTION 6.6: POLICY:

1. No water service connection to any premises shall be installed or maintained unless the water supply is protected as required by Colorado Revised Statutes, the regulations of the Colorado Department of Public Health and Environment and by this regulation.
2. Water Service to any premises shall be denied or discontinued , as the case may be, by the utility if:
 - a. A backflow preventer required by this regulation is not installed within the time period specified by the superintendent.
 - b. An approved backflow preventer has been removed or bypassed; or
 - c. An unprotected cross-connection exists on the premises
 - d. An approved backflow preventer is not maintained
3. Whenever service is denied or discontinued, it shall not be provided or restored until the condition or defect identified has been corrected.
4. The customer's system shall be open for inspection at all reasonable times to authorized representatives of the superintendent to determine whether cross-connections or other structural or sanitary hazards, including violations of this section, exist.
5. When, as a result of an inspection, a condition involving a violation of this regulation in a health or sanitary hazard is determined to exist, or a utility customer fails to properly test, repair, or otherwise maintain a backflow preventer as required, the superintendent will have the option of immediate discontinuance of water service to the premises until the conditions has been corrected, or the superintendent may specify a date for compliance after which time he may discontinue service until the customer has corrected the condition.

SECTION 6.7: INSTALLATIONS OF BACKFLOW DEVICES:

1. Backflow preventers shall be installed immediately downstream of the water service customer's water meter, whether the meter is a pit set or an interior set. In all cases, backflow preventers must be installed before the first branch line leading off the service line.

2. With the superintendent's approval, a backflow preventer may be installed to isolate a hazard and lower the degree of hazard for containment. Such approval shall not be given unless the superintendent is convinced that the use of the isolation device will not pose a threat to the public water supply system.
3. All backflow preventers shall be located and installed according to the manufacturer's specifications and in accordance with this section and the Town of Rockvale Design Standards and Construction Specifications or the Colorado Cross-Connection Control Manual. The superintendent shall review and approve all plans as to the type, location and installation of backflow prevention devices.
4. Utility customers shall be responsible for the design, installation and maintenance of properly size and located drains and drain systems whenever the type of backflow preventer specified or approved by the superintendent requires a drain.
5. Plans shall not be modified relative to the type, location or installation of any backflow preventer approved by the superintendent without the superintendent's prior knowledge and written authorization.
6. If the location or approval of the backflow preventer results in the meter becoming contaminated, the customer shall bear the cost of decontamination.

SECTION 6.8: DEVICE TESTING EQUIPMENT:

1. The acceptability of any testing gauge or apparatus shall be determined by the utility.
2. Any testing gauge, apparatus or scientific instrument utilized for the testing of backflow prevention devices shall be checked for accuracy at least yearly and be in calibration. The director may require certificates or other proof of calibration for such items to be filed with the utility.
3. At a minimum, all test gauges must meet ASSE-1064 Standards for Gauges.
4. All certified Cross-Connection Technicians who perform work in the Town of Rockvale shall file copies of their licenses with the utility.

SECTION 6.9: COMPLIANCE PROCEDURES:

- A. Installation of Required Devices:
 1. Upon completion of inspection of the premises, or, in the case of new construction, on review of the construction plans, the superintendent shall notify the owner in writing of the type of device that will be required at each service connection within the owner's facility.
 2. The Town of Rockvale, will purchase and install the device and any necessary plumbing or construction. Such plumbing and construction shall meet all provisions of the Colorado Cross-Connection Control Manual and the Town of Rockvale Design Standards and Construction specifications and must be inspected and approved by the utility. The device, including any device installed prior to the effective date of this regulation, shall be property of the owner.
- B. Compliance Required:
 1. The utility will take necessary action to ensure compliance with the Colorado Department of Health, Primary Drinking Water Regulations', 5 CCR 1003-1, and more specifically Article 12 thereof, and the Colorado Revised Statutes, Section 25-1-114, as amended.
 2. The owner of the premises is required to permit entry to the premises for inspection, testing and maintenance purposes at reasonable time. Failure to permit entry to the

- premises will result in the premises being regarded as a high hazard, and a reduced-pressure-principal device will be required to protect the Town's water supply system.
3. Failure to provide such required plumbing and construction will result in action being taken as provided in Violation – Penalties).

SECTION 6.10: APPEALS:

- A. Any decision of the water superintendent regarding the type of backflow preventer required with respect to any water service connection may be appealed to the Board of Trustees, provided that a notice of appeal is filed with the office of the Town Administrator no later than twenty (20) days following the date upon which the superintendent's written notice specifying the type of device is delivered to the property owner or its agent.
- B. The notice of appeal shall identify the property owner by name, mailing address, telephone number, e-mail address if any, and include the address of the owner's facility. Such notice shall:
 1. Identify the director's decision that is being appealed.
 2. Identify the type of backflow preventer that the owner believes should be installed at the owner's facility, and.
 3. Include the owners' reasons for preferring such backflow preventer, instead of the backflow preventer prescribed by the superintendent, with or without written documentation supporting the owner's position.
- C. Within ten (10) days following the filing of the notice of appeal, the Board of Trustees, by written notice specifying the date, time and place of the hearing, shall schedule a hearing. Such hearing shall be conducted no later than thirty (30) days following the date upon which the notice of appeal was filed, unless the owner and the Board of Trustees both agree to a later hearing date. At the hearing, the owner may present testimony, evidence, and arguments in support of the owner's position and the superintendent may present testimony, evidence, and arguments in support of the superintendent's decision.
- D. The Superintendent's decision shall be affirmed unless the Board of Trustees finds that the superintendent's decision was arbitrary or capricious or that such decision violates applicable federal, state, or local law. The Board of Trustees' decision shall be final.
- E. The paramount issue with respect to any appeal will be whether the type of backflow preventer authorized will adequately protect the public water supply.
- F. Before deciding any appeal, the Board of Trustees shall consider:
 1. Whether the backflow preventer specified by the director is necessary to adequately protect the Town's water supply system;
 2. Whether the backflow preventer preferred by the owner would adequately protect the Town's water supply system;
 3. Whether the use of the backflow preventer preferred by the owner, when compared to the backflow preventer designated by the superintendent, is likely to result in material decrease in the level of protection to the public water system.
- G. In cases where an existing structure is being remodeled or reconstructed or where a change in the use of an existing structure will or may create a greater degree of hazard to the public water supply system than previously existed, the Board of Trustees may consider:

1. Differences in the cost of devices and backflow prevention assemblies, when comparing the type of backflow preventer specified by the Superintendent to the type of backflow preferred by the owner;
2. Differences in the cost of installing and maintaining the two types of backflow preventers being compared.
3. Other significant cost differences or practical difficulties associated with the use, installation and or maintenance of the backflow preventers being compared;
4. Other relevant life or health concerns raised by the superintendent or the owner.

SECTION 6.11: JURISDICTIONAL ISSUES AND CONFLICTS: In the event the provisions of this regulation is in conflict with the requirements of any plumbing code or regulation applicable in the Town of Rockvale, Colorado, the provisions of this regulation will apply to the extent necessary to resolve the conflict and will be binding upon all plumbing officials performing official duties within the town limits.

SECTION 6.12: VIOLATION – PENALTIES: The superintendent will notify the owner, or authorized agent, of the building or premises of a violation. The superintendent will set a specific time for the owner to have the violation corrected. If the owner fails to correct the violation, the superintendent, may if his/her judgment an immanent health hazard exists, suspend service to the premises. Additional fines or penalties may be invoked following suspension of service.

1. Violations of this regulation may be prosecuted in municipal court and, upon conviction thereof, aviolator may be fined an amount not to exceed \$1000.00 per violation, per day.

CHAPTER VII POTABLE WATER CISTERNS

SECTION 7.1: PURPOSE AND AUTHORITY: The Board of Trustees, sitting as the Board of Health for the Town of Rockvale, Colorado has declared the purpose of the regulation is to protect the public health and to eliminate and control the cause of disease, infection and contamination and declare it to be in the public interest to establish minimum standards, rules and regulations for the use of cisterns for a drinking water source.

SECTION 7.2: SCOPE: This regulation will apply to any cistern proposed or used as a drinking water source for any building or structure within the corporate limits of the Town of Rockvale, which has not received a building permit (and maintained the building permit in effect) from the Town of Rockvale prior to April 13, 2011.

SECTION 7.3: GENERAL REQUIREMENTS: The use of a cistern for a drinking or potable water source for humans is prohibited within the corporate limits of the Town of Rockvale unless a tap is not available, and until, the owner or occupant of the structure using the cistern can obtain water tap from the Town of Rockvale. The owner of said property has a maximum of one hundred and eighty (180) days to comply from the time a water tap is available. The owner of said property must obtain a permit from the Town of Rockvale before installation of a cistern and comply with all requirements of this regulation.

SECTION 7.4: INSPECTION AND RIGHT OF ENTRY: The Superintendent of Public Works, for the purpose of inspection and enforcement, is authorized to enter upon private property to determine whether or not cisterns are being used in compliance with this regulation. The owner or occupant of every property having a cistern subject to this regulation will permit the Superintendent of Public Works access to the property to conduct the required test, take samples, monitor compliance and make inspections. If access is denied, the Superintendent of Public Works may apply to the Municipal Court for an order authorizing entry.

SECTION 7.5: PERMIT APPLICATION: Any person who wishes to install, alter or repair a cistern within the corporate limits of the Town of Rockvale will first obtain, prior to commencement of installation, a permit from the Town of Rockvale. The following information must be provided in the permit application:

- A. Legal description of the property and physical address.
- B. Name of the owner of the property.
- C. Owner's mailing address and telephone number.
- D. Type of building by use.
- E. Type of water supply to the cistern.
- F. Type of services required in the structure.
- G. Owner's signature or agent's signature if he or she has written permission to sign for the owner.
- H. Plans and specifications for the cistern.
- I. Number of persons to be served by the Cistern.

SECTION 7.6: PERMIT FEES: A permit fee, as set by the Board of Trustees, shall be required of applicants for a new CUP (cistern use permit) payable at the time of application submission. Permit fees are nonrefundable, and permit applications are nontransferable. The issuance of a permit does not denote compliance with any zoning or building code requirement. A permit fee, as set by the Board of Trustees will be charged for the alteration or repair of an existing cistern.

SECTION 7.7: PRELIMINARY PERMIT INVESTIGATION: After receiving an application for a CUP, an evaluation of the proposed cistern will be conducted by the Planning and Zoning Board. The

evaluation may include inspection, review of building plans and specifications. The Planning and Zoning Board will make recommendations to the Board of Trustees.

A.CRITERIA FOR REVIEW OF APPLICATION: The following will be considered in reviewing an application for a CUP.

1. The lack of availability of another approved source of drinking water such as public water system.
2. Demonstrated need for individual water supply.
3. Availability of an approved water source for filling the cistern.
4. Compliance with standards of this regulation.

B. APPROVAL PROCEDURE: After reviewing all the required information and the recommendations of the Planning and Zoning Board, the Board of Trustees may give conditional approval, or it may disapprove the application and denial of the CUP if the proposed system cannot be made to comply with this regulation. The conditional approval will set forth conditions precedent to the issuance of the permit, including but not limited to:

1. Confirmation of approved water source to supply the cistern, and
2. Conformance with performance standards in this regulation.

NOTE: No permit will be issued to the applicant or a subsequent owner until the conditions have been met.

SECTION 7.8: INSPECTION AFTER CONSTRUCTION; When construction or installation of a cistern has been completed, the contractor or owner shall notify the Town or Rockvale and the Superintendent of Public Works will make a final inspection within seventy-two (72) hours, or at an agreed time, after receipt of notice, with Saturdays, Sundays and holidays excepted from the calculation of the seventy-two hour time period.

SECTION 7.9: APPROVAL OF CONSTRUCTION OR INSTALLATION; If upon final inspection of the cistern, the Superintendent of Public Works finds it is installed in accordance with this regulation and the CUP, the Superintendent will issue final approval for the completed system. If the inspection discloses any significant departure from the description or design of the system as stated in the application for permit, or if any aspect of the system fails to comply with this regulation, approval will be withheld and written notice of the deficiencies causing the disapproval will be given to the contractor or owner. Another inspection will be made upon notification from the contractor or owner that the deficiencies have been corrected and the system brought into compliance.

SECTION 7.10: DENIAL OF PERMIT OR PLAN DISAPPROVAL:

- A. Notice of Denial: Written notice of denial of the permit or disapproval of the plan will be served upon the applicant as provided by the Colorado Rules of Civil Procedure or by certified mail, return receipt requested. Service by mail will be complete upon receipt by the Town of Rockvale of the return receipt or upon refusal of the party to accept delivery.
- B. Appeal to the Board of Trustees. Any person who is denied a permit or whose plans for a cistern are disapproved may appeal to the Board of Trustees as herein provided. The applicant must file a written appeal within ten (10) days of denial or disapproval.
- C. Variance. Upon a finding that strict enforcement of regulations contained in this regulation would cause undue hardship to the applicant and further finding of the variance would not be injurious to the occupant's health or the public health, the Board of Trustees may authorize the issuance of a variance. Burden of proof is upon the applicant to show the variance will not conflict with the purposes of this regulation and will not adversely affect the health of any person.

SECTION 7.11: PERFORMANCE STANDARDS: The cistern will be designed to conform to the following performance standards:

- A. Location of Cistern: The cistern shall be located and constructed so as to prevent freezing and in such a manner that neither underground nor surface contamination occurs from any septic tank, seepage pit, disposal field, corral, flooding or other possible source of pollution. The horizontal distance from any such source of pollution should be as great as possible, but in no case will it be less than one hundred (100) feet. The cistern must be a fixed non mobile facility.
- B. Construction. The cistern shall be of watertight construction, such as concrete, fiberglass or plastic, with smooth interior surfaces. It shall be sized based on a usage of at least fifty (50) gallons per person per day, with a minimum size of at least one thousand five hundred (1,500) gallons which constitutes approximately a thirty day supply for one person
- C. Below Ground: Should the application be for a below-ground cistern, the following requirements must be met:
 - a. Platform and manhole: The platform shall be constructed to slope away from the four inch sleeve. The manhole cover shall be of tight fitting overlapping construction. The cover shall be kept locked and opened only for cleaning or filling purposes.
 - b. Watertight construction at top of casing. The four inch sleeve will be cast in the concrete platform and should extend at least six (6) inches above the platform. A Watertight connection will be made by means of a flange and seal. Flange and seals are of one (1) piece and are available through pump manufacturers of well drillers. If the space between the concrete platform and sleeve is not tight, it must be properly sealed to prevent entrance of contamination.
 - c. The pump will be installed by a professional pump installer.
 - d. Drain Line. A drain line will be used only if the cistern can be drained to the ground surface. If the cistern cannot be drained to ground surface, it will have to be emptied by pumping and hand bailing. The floor of the cistern shall slope to the drain or to one (1) side if there is no drain.
- D. Chlorination. The cistern will be filled with water from a safe supply. Drainage collected from runoff is not considered a safe supply. Chlorination shall be carried on whenever water is added to the cistern and during the actual filling process to provide for missing chlorine. Chlorination may be done by adding one-half (1/2) to one (1) pint of any liquid laundry bleach containing five-percent (5%) available chlorine to each one thousand (1000) gallons of water in the cistern. The one-half (1/2) to one (1) pint of liquid laundry bleach should be mixed with approximately five (5) gallons of water before adding to the cistern
- E. Once public water service is authorized, there cannot be a cross connection or access to the supply line from the public water system to the cistern. Connection to the cistern must be totally severed at all points.

SECTION 7.12: TERMINATION OF CUP: A CUP will terminate if another source of drinking water is available to the property, such as a public water system.

SECTION 7.13: NOTICE OF VIOLATION: Whenever the Superintendent of Public Works determines that there has been a violation of any provision of this regulation; he or she shall give notice of such violation to the responsible person. Such notice will be in writing and give specifics of the violations, provide a reasonable time for correction and be addressed to the owner and occupant, if known, of the property concerned. Service of such notice will be as provided by the Colorado Rules of Civil Procedure or by certified mail, return receipt requested, deliverable to addressee only. Service by mail will be complete upon receipt by the Town of Rockvale of the return receipt or refusal of the addressee to take receipt of mail. If one (1) or more persons cannot be found or served after a diligent effort to do so, service may be made by posting a notice in a conspicuous place in or about the property affected by the notice, in which case the Town of Rockvale will include in a record a statement as to why the posting was necessary.

SECTION 7.14: CEASE AND DESIST ORDER: The Town Administrator may issue an order to cease and desist from the use of any cistern which is found by the Superintendent of Public Works to be improperly, constructed, maintained reconstructed, altered or used in violation of this regulation and which has not received the timely correction in accordance with the provisions of this regulation. Such an order may be issued only after a hearing which shall be conducted by the Board of Trustees of the Town of Rockvale, not less than forty-eight (48) hours after written notice thereof is given to the owner and occupant, if known, of the property on which the cistern is located and at which the owner may be present with counsel and be heard. The order will require that the owner bring the system into compliance within a reasonable period of time, not to exceed thirty (30) days, or thereafter cease and desist from the use of the cistern.

SECTION 7.15: INJUNCTION: In any case any building or structure that is or is proposed to be provided drinking water from a cistern which has been constructed, maintained, reconstructed, altered or used in violation of this regulation, The Town Administrator, in addition to any other remedies provided by law, may seek an injunction or order of abatement from the Municipal Court prohibiting such construction, use, maintenance, reconstruction or alteration without compliance with this regulation.

SECTION 7.17: CERTIFICATE OF FINAL OCCUPANCY DENIED:The building Inspector may deny a request for a certificate of final occupancy where a cistern is a source of drinking or potable water if there has not been compliance with this regulation.

SECTION 7.18: PENALTY: If it is found that a cistern is being used for a drinking or potable water source that is not in compliance with this regulation or have a CUP on record with the Town of Rockvale, it shall constitute a fine of five hundred (\$500.00) dollars and an additional fine of one hundred and fifty (\$150.00) dollars for each day after notice is given or received by the homeowner that the cistern is in use.

**CHAPTER VIII
TOWN OF ROCKVALE, COLORADO
WATER RIGHTS'**

The Town of Rockvale has obtained **water rights** from numerous sources; the information pertaining to the Town of Rockvale's Water Rights is contained in several documents as listed below. A copy of each of these documents is on file at the Town Administrators Office and establish Rockvale's source of water.

1. Quit Claim Deed, dated April 12, 1892, granting the Town of Rockvale the water rights of William H. May.
2. The W.H. May ditch is entitled to Arkansas River Priorities #34 and 161, which are also Oak Creek Priorities #1 and #2. Shown as pages 93 and 94.
3. Ditch #2, the W. H. May Ditch and Reservoirs No's 3 and 14, and the Town Water Works, includes Arkansas River Priorities #8 (May 31, 1867) and #16 (December 30, 1875), which are Oak Creek Priorities #1 and 3. The Town Water Works includes four wells. This includes priority #16 and #26 (December 10, 1892), priority #46 (February 1, 1911). Colorado Water District Court Case No. 12, recorded February 3, 1894. Shown as pages 742, 743, 744 and 745.
4. Case No. 1556, District Court Water Division No. 2, June 15, 1972, RE: Water Rights, Priority #34 and 161, showing six wells are included.
5. Case No. 90CW33, District Court, Water Division No. 2, Correcting location of wells No. 1 and 2.

A copy of the above listed documents are on file and available for public view, by appointment, at the office of the Town Administrator, Town of Rockvale, Colorado.