

Ordinance Number 114

AN ORDINANCE REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS; PRIVATE SEWAGE DISPOSAL; THE INSTALLATION AND CONNECTION OF BUILDING SEWERS; THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEMS; REQUIRING BACKFLOW AND CROSS-CONNECTION DEVICES AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF; IN THE TOWN OF ARriba, COUNTY OF LINCOLN, STATE OF COLORADO.

BE IT ORDAINED by the Board of Trustees of the Town of Arriba, Colorado as follows:

SECTION 1. DEFINITIONS. For the purpose of this ordinance, the following words and phrases shall have the meanings respectively ascribed them by this section:

1.1 Non-acceptable wastes. The following wastes:

- a. Any liquid or vapor having a temperature higher than one hundred fifty (150) degrees Fahrenheit.
- b. Any water or waste having a five (5) day biological oxygen demand which may contain more than five hundred (500) parts per million by weight as averaged during any twelve (12) hour period.
- c. Any gasoline, benzine, naptha, fuel, oil or other flammable or explosive liquid, solid or gas.
- d. Any garbage that has not been properly shredded.
- e. Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, grit, brick, cement, onyx, carbide or any other solid or viscous substance capable of obstruction of the flow of the sewers or other interference with the proper operation of the sewage works.
- f. Any water or waste having a pH lower than five and one-half (5 1/2) or higher than nine (9) or having any other corrosive property capable of causing damage or hazard to structures, equipment or personnel of the sewage works.
- g. Any water or waste containing a toxic or poisonous substance in sufficient quantities to injure or interfere with sewage process, constituting a hazard to humans or animals or creating any hazard in the receiving waters of the sewage treatment plant.
- h. Water from roof downspouts, exterior foundation drains, areaway drains, groundwater, or other sources of surface run-off.

1. Any water or wastes containing suspended solids of 500 parts per milligram (ppm) is required to handle such materials at the sewage treatment plant.
2. Any noxious or malodorous gas or substance capable of creating a public nuisance.

SECTION 2. SANITARY SEWAGE. The waste from water closets urinals, lavatories, sinks, bathtubs, showers, household laundries, cellar floor drains, bars, soda fountains, cuspidors, refrigeration drips, drinking fountains and any other waterborne waste not constituting an industrial waste.

SECTION 3. Connection with Sanitary Sewer Required; Exception; Use of Private Sewage Disposal System.

- 3.1 It shall be unlawful for any person to hold or maintain within the Town of Arriba, Colorado any privy, privy vault, septic tank, cesspool or other facility intended for use for the disposal of sewage.
- 3.2 It shall be unlawful for any person to open, uncover or in any manner make connection with any sewer main or line of the Town, or to lay drain or sewer pipes on any premises or in any street or alley in the Town.
- 3.3 It shall be unlawful for any property owner within the Town of Arriba, Colorado, to rent, lease or hold such property as a shelter, residence, house or domicile of human inhabitants, unless said property is connected to the Town of Arriba, Colorado's sewer system.

SECTION 4. Tapping Fee. A tapping fee of Five Hundred Dollars (\$500.00) will be charged for the connection to the sewer of any property within the corporate limits of the Town of Arriba, Colorado.

- 4.1 No sewer connections, other than those in existence prior to the final passage of this Ordinance # 114, will be made to any property outside the corporate limits of the Town of Arriba, Colorado.
- 4.2 Any property outside the corporate limits of the Town of Arriba, Colorado, whose owner desires the property to be connected to the sewer system of the Town of Arriba, Colorado, will give written notice of desires to the Board of Trustees of the Town of Arriba, Colorado and said notice shall be considered by all parties to be a request for annexation of the property and a waiver of all exceptions to annexation of the property to the Town of Arriba, Colorado.

SECTION 5. RATE SCHEDULE.

- 5.1 The sewer rate charge will be Fourteen dollars (\$14.00) per capita account per month with those outside the city

- limits paying a double minimum.
- 5.2 The rest area will pay three hundred and fifty dollars (\$350.00) per month.
- 5.3 Trailer Court rates will be Four dollars (\$4.00) per month per sewer input on non-occupied spaces. Any trailer which resides in the court for over 30 days and is offered or held for human habitation will be charged a regular sewer rate of Fourteen dollars (\$14.00) per month.

SECTION 6. Discharge of Non-acceptable Wastes into Sewer Prohibited.

- 6.1 The discharge of non-acceptable wastes into the Town of Arriba, Colorado's sewer system whether directly or indirectly, is a violation of this Ordinance and is prohibited, and where investigation reveals the presence in the system of non-acceptable wastes emanating from any lot, land, building or premises, the owner, lessor, renter or occupant of such lot, land, building or premises shall be at his own expense required to treat, neutralize or in other ways prepare the noxious substance therein to the satisfaction of the Board of Trustees of the Town of Arriba, Colorado in order to convert the same into acceptable wastes.
- 6.2 Equipment necessary to prevent backflow of untreated sewage into the water supply lines, anti-siphone devises, and cross connection devises will be installed on each sewer tap at the discretion of the Board of Trustees of the Town of Arriba, Colorado and the entire expense of the device plus installation will be assessed to the property owner.

SECTION 7. Use of Grease, Oil, Sand, etc., Interceptors.

- 7.1 Grease, oil and sand interceptors shall be provided when, in the opinion of the Board of Trustees of the Town of Arriba, Colorado, they are necessary for the proper handling of any liquid waste containing grease in excessive amounts or any flammable waste, sand or other harmful ingredients; except that such interceptor shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Board of Trustees of the Town of Arriba, Colorado, and shall be located as to be readily and easily accessible for cleaning and inspection.

SECTION 8. Control Manhole Required.

- 8.1 When required by the Board of Trustees of the Town of Arriba, Colorado, the owner of any property served by a building sewer carrying industrial waste shall install a suitable control manhole in the building sewer to facilitate observation and sampling of the waste. Such

manholes, when required, shall be accessible and safely located and shall be constructed in accordance with the plans approved by the Board of Trustees of the Town of Arriba, Colorado. The manholes shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.

SECTION 9. Abandonment of Connection.

- 9.1 No person shall abandon any building connection without first obtaining written permission from the Board of Trustees of the Town of Arriba, Colorado.

SECTION 10. Interference with Town Employees.

- 10.1 No person shall in any way interfere with, molest, hinder or obstruct in any manner, the employees of the Town of Arriba, Colorado in any discharge of their duties either in the tapping of any sewer pipe, main or lateral, obtaining tap counts or the repair of the sewer system. No person shall dig up or cause to be dug up any street or alley in the Town for the purpose of connecting with the sewer system of the Town.

SECTION 11. Deposit of Unsanitary Wastes on Property Prohibited.

- 11.1 No person shall deposit or permit to be deposited in any unsanitary manner upon public or private property within the Town of Arriba, Colorado or within any area within the jurisdiction of the Town of Arriba, Colorado, any human or animal excrement wastes.

SECTION 12. Deposit of Untreated Industrial Wastes into Natural Outlets Prohibited.

- 12.1 No person shall discharge into any natural outlet within the Town, or any area within the jurisdiction of the Town, any sanitary sewer industrial waste or other polluted waste, except where suitable treatment has been provided.

SECTION 13. Damaging or Tampering with Sewers Prohibited.

- 13.1 No person shall maliciously, willfully or negligently damage or destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the Town sanitary sewer system.

SECTION 14. Billing; Payment.

- 14.1 The sewer charges levied pursuant to this ordinance shall be payable monthly and shall be added to and made a part of the monthly water bill of the various

properties in the Town. Properties outside the Town shall pay double minimum monthly. If any such bill is not paid within ten (10) days after the second billing, service will be disconnected and a re-connect fee will be charged.

SECTION 15. Collection of Unpaid and Overdue Charges.

15.1 Each sewer charge levied pursuant to this ordinance shall be a lien therewith and if the same is not paid by the 1st of October of each calendar year the Town Clerk of the Town of Arriba, Colorado shall certify such unpaid rates or charges to the County Treasurer of Lincoln County, Colorado to be placed by him upon the tax list for the current year, to be collected in the same manner as other taxes are collected, with twelve (12%) per cent penalty thereon to defray the cost of collection, and the same shall be collected and paid over by the County Treasurer to the Town in the same manner as taxes are authorized to be paid by Article 37, Chapter 139, of the Colorado Revised Statutes, 1963, and all laws of the State for the assessment of general taxes, including the laws for the sale of property taxes and redemption of the same, shall apply thereto.

15.2 Such rates and charges may also be certified to the County Commissioners of Lincoln County, Colorado and shall become a lien upon the real property served by such sewer connections and collected in the same manner as though they were part of the taxes.

SECTION 16. Disposition and Use of Funds.

16.1 The funds received from the collection of charges and rentals authorized by this ordinance shall be deposited, paid out and applied only in the manner and form provided for the issuance of sanitary sewer refunding and improvement revenue bonds for the Town of Arriba, Colorado for the purpose of refunding and paying outstanding sanitary sewer revenue bonds of the Town of Arriba, Colorado and for extending and improving the Town of Arriba, Colorado's sanitary sewer system and treatment plant, such funds to be known and established as the "Sewer Fund", but nothing contained in this ordinance shall be construed in any way to prevent the Board of Trustees of the Town of Arriba, Colorado from applying and crediting to such fund, available money derived from any other sources.

SECTION 17. Discontinuance of Sewer Service.

17.1 In addition to the remedies provided in this ordinance, the Town of Arriba, Colorado may, without notice,

discontinue sanitary sewer service to any premises as to which the sanitary sewer system charges are delinquent for a period of Forty (40) days. The Town of Arriba, Colorado may, without notice, discontinue the sanitary sewer service to any premises discharging non-acceptable wastes into the sanitary sewer system.

SECTION 18. Adoption of Rules and Regulations Governing Sewers.

- 18.1 The Board of Trustees of the Town of Arriba, Colorado shall make and enforce such rules and regulations as it may deem necessary for the safe, efficient and economical management of the Town sewer system. Such rules and regulations, when not repugnant to any other ordinances of the Town of Arriba, Colorado and laws of the State of Colorado shall have the same force and effect as Ordinances of the Town of Arriba, Colorado.

SECTION 19. PENALTY. Any person, firm, or corporation violating any of the provisions of this ordinance shall, upon conviction in the Municipal Court for the Town of Arriba, Colorado be assessed according to the following schedule of fines:

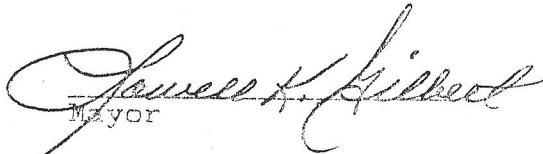
- 19.1 The first offense, a fine of not less than ten (10) dollars nor more than three hundred (300) dollars.
19.2 The second offense within any consecutive 365 day period, a fine of not less than twenty (20) dollars nor more than three hundred (300) dollars.
19.3 The third offense within any consecutive 365 day period, a fine of not less than forty (40) dollars nor more than three hundred (300) dollars.
19.4 For each subsequent offense over and above the third offense within any consecutive 365 day period, the minimum fine will be increased in increments of fifty (50) dollars.
19.5 The minimum fines prescribed herein for violations of any of the provisions of this Ordinance shall be mandatory and no Court shall grant a suspension thereof in whole or in part.

SECTION 20. REPEALER. All acts, orders, resolutions, Ordinances or parts thereof, of the Town of Arriba, Colorado that are inconsistent or in conflict with any of the provisions of this ordinance are hereby repealed. Ordinance No. 101 is specifically repealed in its entirety.

IT IS THE OPINION OF THE BOARD OF TRUSTEES OF THE TOWN OF ARRIBA, COLORADO THAT this ordinance is necessary for the immediate protection and preservation of the public health, safety, and welfare and is enacted for that purpose and shall be in full force and effect after final passage and

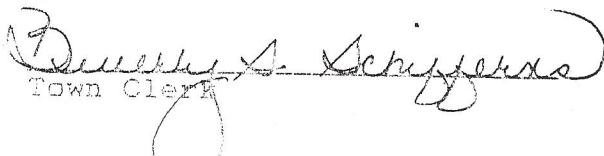
publication.

APPROVED, ADOPTED, AND ORDERED published on 2nd. reading
by the Board of Trustees of the Town of Arriba, Colorado on
this 9th day of September 1991.


Mayor

(SEAL)

ATTEST:


Town Clerk