

13.04 - Utilities Department and Waterworks System

Chapter 13.04 - UTILITIES DEPARTMENT AND WATERWORKS SYSTEM

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13.04.010 Establishment of City of Evans, Colorado, Water Utilities Enterprise.

- A. The City Council hereby recognizes and confirms the operation of the Municipal Water System as an "Enterprise" within the meaning of Section 20 of Article X of the Colorado Constitution.
- B. The City Council hereby formally establishes the City of Evans, Colorado, Water Utilities Enterprise (the "Enterprise"), pursuant to the Act, for the purpose of continuing the operation of the Municipal Water System as a Water Activity Enterprise under the Act and as an "Enterprise" within the meaning of Section 20 of Article X of the Colorado Constitution. (Ord. 1030-97; Ord. 788-91; Ord. 552 82; 12.08.010)

13.04.020 City Council as Governing Body - Enterprise Funds.

- A. The City Council hereby designates itself as the governing body of the Enterprise, pursuant to the Act.
- B. To the extent it deems necessary, the governing body of the Enterprise shall exercise the City's legal authority relating to the Municipal Water System, but shall not levy a tax, which is subject to Section 20(4) of Article X of the State Constitution.
- C. The Enterprise shall have no power to impose or levy any tax.
- D. Funds of the Enterprise and funds of the City may be commingled for purposes of investment so long as accurate records are kept of the amount of such funds allocable to the Enterprise and to the City.
- E. All action (not inconsistent with the provisions of this section) heretofore taken by the City Council or by the officers and employees of the City directed toward the operation of the Municipal Water System as an "Enterprise" under Section 20 of Article X of the Colorado Constitution is hereby ratified, approved and confirmed. (Ord. 1030-97, 1997: Ord. 788-91, 1991: Ord. 552 82, 1982: prior code 12.08.020)

13.04.030 Authorization Required for use of water. It is unlawful for any owner, lessee, user or other person to turn on, or cause to be turned on, water for any premises, or to take and use water on any premises, without first obtaining written authorization from the utilities director or his appointed designee. (Ord. 788-91, 1991: Ord. 552

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82, 1982: prior code 12.08.030)

13.04.040 Meters Use required.

A. It is unlawful for any owner, lessee, user or other person to take or use water except through a water meter and without first obtaining authorization from the utilities director or his appointed designee.

B. It is unlawful for any owner, lessee, user or other person to take, use or in any other manner obtain water from the city water system when the meter has been removed; or when the service has been shut-off by the city or otherwise designated unauthorized for use. (Ord. 788-91, 1991: Ord. 552 82, 1982: prior code 12.08.120, 12.08.130)

13.04.050 Service and meters Installation, specifications, maintenance and repairs.

A. The city may install water meters for the individual users, and charge actual costs to the property and/or owner, including, but not limited to: the meter, service line, shut-off valve, all other necessary materials, equipment time, labor, and repairs to the street, alley, and/or easement which may be caused by the installation as determined by the city. In the case of undeveloped property, the owner, lessee or user of any water shall have the option of requesting that the system development fee established in section 13.04.170 and 13.04.180 of this chapter be paid at the time application is made for building permit(s). The meter, valve, service line and all other materials shall become and remain the property of the city.

B. The city may grant authorization to or require that the installation of the meter, service line, shut-off valve and other necessary construction be performed by contractors who possess the required permits from the city of Evans or by persons authorized by employment through the city. All connections or taps shall be installed as prescribed by ordinance, resolution and the International Plumbing Code as currently adopted by the city.

C. Meters, valves, services lines and all other materials used in the water service installation shall meet specifications outlined in material standards approved by the city. The method and manner in which installations are accomplished shall be subject to city approval and shall meet construction standards as approved by the city. All materials used and construction performed shall be under the supervision of the utilities director, inspected and accepted by the city prior to the water service being turned on.

D. The utilities director shall have the authority to disconnect or shut-off the water from any main or service line for the purpose of repairing, causing the owner to repair the same when on private property and for making connections or extensions or for the servicing of any part of the water works system. The city shall be responsible for the general maintenance and repair of the meter, shut-off valve, and service lines located on city right of way and easements established for city utilities. Responsibility for repair and maintenance problems experienced with the service lines, shut-off valve or meters which are determined, by the city, to have occurred on private property and not right of way and easements established for city utilities, shall be that of the property owner. The maintenance and repairs responsibility of property owners shall include problems caused by freezing. All maintenance, repairs and replacements performed are subject to the procedures and requirements established in subsection (A), (B) and (C) of this section. (Ord. 788-91, 1991: Ord. 552 82, 1982: prior code 12.08.110, 12.08.120, 12.08.170, 12.08.180)

13.04.060 Compound taps, more than one service line per tap and taps from service line extension prohibited-- Corrections--Exceptions.

A. 1. Existing services. The use of compound water taps or more than one service line for each tap is prohibited, and in case any such connection has been heretofore made it shall be the duty of the utilities director to disconnect the same and separate such service lines in order that each service line be served by a separate tap. The owner of lots or premises being served shall pay the full cost of making the taps and installing new service lines, and shall be required to pay system development fees. The current system development fee schedule shall be the basis of such payment. The owner may apply to the utilities director for an exemption to the requirement of payment of system development fees. If the utilities director determines that the compound tap was legal at the time it was made and that separation will not increase demand on the system, he shall grant the exemption. If the decision of utility director is to deny such a waiver, the owner may appeal the matter to the Water and Sewer Board. The decision by the Water and Sewer Board shall be final.

2. Proposed services. A separate and independent water service shall be provided for every building; except where a building is located or is proposed to be located at the rear of another on the same lot or parcel and, with the prior written approval of the utilities director, the service line may be extended to the rear building provided that all buildings and properties are under the same ownership and are being used as accessory uses associated with the primary building (i.e. detached garages, warehouses).

B. No connection to the water system or use of water there from shall be made through any extension of the service lines of any other premise.

C. The utilities director may grant exceptions to the compound tap restriction in certain cases where the water lines

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and service laterals have been installed and additional utility service is required as a result of rezoning or subdivision of land which increases the number of dwelling units to be served by existing taps. The use of a common service by abutting property owners shall not alter the maintenance responsibility by the users of the common building service. The common service shall not constitute a public responsibility and the utilities director shall not perform maintenance or repair on the separate or combined service lines that may serve abutting properties.

D. If the request for compound taps is denied, the utilities director shall give his reason for the denial in writing, upon request of the applicant. If the request is denied and if the applicant desires a review of the matter by the water board, the applicant shall apply to the city clerk, no later than thirty days after notice of denial, to have the matter scheduled as early as reasonably possible for consideration by the water board at a regular or special meeting. The water board shall make its findings and recommendations regarding the compound tap to the city council for its final decision. (Ord. 1022-96, 1997: Ord. 788-91, 1991)

13.04.070 Paving of streets- Service lines to be laid and charges paid before paving. Before a street is paved, the owner of every lot constituting separate premises, abutting upon the street where a water main is laid, shall pay the proper connection charges as applicable and the utilities director shall ensure that service lines are installed or replaced to meet current specifications prior to the street paving. (Ord. 788-91, 1991)

13.04.080 Service charges Set by city council.

A. There shall be assessments and charges for the use of water. Rates, rents, delivery costs and system development fees shall be established by city council by resolution.

B. Prior to acting upon any change in water rates, rents, delivery costs or system development fees, the Council shall first receive the report and recommendation of the water and sewer board, as provided in Chapter 2.24 of this code. (Ord. 788-91, 1991: Ord. 613 85, 1985: Ord. 552 82, 1982: prior code 12.08.140)

13.04.090 (Repealed).

13.04.100 (Repealed).

13.04.110 (Repealed).

13.04.120 Procedures and assessment For notice, past due account, turn on and shut-off.

A. Water usage is billed to the property owner or property manager of a service address, at the end of a billing period, for water usage during the billing period. A service account is considered past due when the billing for the current period reflects an unpaid balance from previous billing period(s).

B. Holders of interest, as shown on the Finance Department records, of service accounts 30 days or more past due shall be notified by separate first class mailing or on the utility billing statement. Notification shall include the date after which water is scheduled to be shut-off and the amount that must be paid . A notification fee will be added to the account balance.

D. The failure of any such person to receive notification of impending shut-off shall not affect the validity of any actions taken under this section and shall not relieve any person from obligations imposed on him or her by this section.

E. The city shall discontinue water service for non-payment after the specified date. When payment of a past due balance is not received prior to the scheduled shut-off date, a delinquency fee will be added to the past due balance to cover costs to the city in activating shut-off procedures, regardless of actual water shut-off.

F. Whenever it is necessary to make a shut-off of water service from inside a users building or premises, the utilities director or authorized representative may enter such building or premises, but shall present proper credentials and request entry. If such building or premises is unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If such entry is refused, the utilities director or his authorized representative shall have recourse to every remedy provided by law to secure entry.

When the utilities director or authorized representative shall have first obtained a warrant or other remedy provided by law to secure entry, no owner, occupant or any other person having charge, care or control of any building or premises shall fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the utilities director or his authorized representative.

G. Water service which has been shut-off for non-payment shall be restored when the total past due balance plus all assessments including interest, notification fees, attorney fees and court costs have been paid in full.

H. The utilities director may recommend the continuation of water service to a customer who can verify exigent circumstances. The recommendation shall include a written alternative arrangement for payment of past due

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balances, assessments and fees. (Ord. 221-03, 2003: Ord. 1124-98, 1998; Ord. 788-91, 1991: Ord. 552 82, 1982: prior code 12.08.040)

13.04.130 Charges when meter or remote reader not functioning.

A. If any meter fails to register water usage in any billing period the service account shall be charged the average usage which occurred during the corresponding billing period of the previous three years, or a reasonable estimated usage when prior usage data is not available, as determined by the utilities director.

B. If a water meter remote reader indicates a water usage less than usage indicated by the water meter, the water meter shall be removed and tested. If the test results indicate that a meter operates within reasonable limits as certified by the manufacturer and established by the utilities director, the meter reading shall be used to calculate water usage to be billed for the billing period in which it is discovered the remote reader malfunctioned. The average usage of the corresponding billing periods of the previous three years shall be charged at the current rate. Excess usage shall be charged at the weighted average rate in effect during the three years prior to the billing period during which the discrepancy between the meter and the remote reader was discovered. The service account may be granted an additional three months to pay the charges for excess usage.

C. If a water meter remote reader indicates a water usage greater than usage indicated by the water meter, the water meter shall be removed and tested. If the test results indicate that a meter operates within reasonable limits as certified by the manufacturer and established by the utilities director, the meter reading shall be used to calculate water usage to be billed for the billing period in which it is discovered the remote reader malfunctioned. The average usage of the corresponding billing periods of the previous three years shall be charged at the current rate. Excess usage previously billed, shall be credited at the weighted average rate in effect during the three years prior to the billing period during which the discrepancy between the meter and the remote reader was discovered.

D. If a situation regarding charges arise and it is a result of a malfunctioning water meter or remote reader and is not addressed by this ordinance or other resolution adopted by city council, then the utilities director shall make a recommendation to the water and sewer board which shall approve or modify and approve the recommendation for water usage to be charged. (Ord. 788-91, 1991: Ord. 552 82, 1982: prior code 12.08.190)

13.04.140 Payment of charges Treasurers duties. All charges for the use of water shall be paid to the city treasurer. The city treasurer shall make a monthly report to the utilities director of all funds collected, customer billings, unpaid bills, amount of water billed for, and such other information as required by the director. (Ord. 788-91; Ord. 552 82; prior code 12.08.070)

13.04.150 Unpaid Charges made Lien on Premises.

A. All water rates and rents shall be a charge and lien upon the premises to which water is delivered, from the date the same become due and until paid, and the owner of every building, premises, 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 city by action at law or suit to enforce the lien. In case the tenant in possession of the premises or building pays the water rent or rates, it shall relieve his or her landlord from such obligation and lien; but the city shall not be required to look to any person whatsoever other than the owner for the payment of water rents and rates as provided in this chapter.

B. If such water rates and rents remain unpaid after a thirty (30) day demand for payment of the same has been made, such water rates and rents may be certified by the City Clerk to the County Treasurer to be placed upon the tax list for the current year to be collected in the same manner as other taxes are collected with a 10% penalty to defray the cost of collection. (Ord. 943-94; Ord. 788-91; Ord. 552 82; prior code 12.08.160)

13.04.160 Owner requested meter testing and shut-offs--Procedures and assessments.

A. Water service may be discontinued upon request of the owner, lessee or user of water. The city may require an affidavit signed by the owner, lessee, or user prior to shut-off. The affidavit shall include the service address, reason for shut-off request and whether property is owner occupied, tenant occupied or vacant. Water shall not be discontinued if reasons for the requested shut-off is related to a landlord tenant dispute. If the shut-off is granted, there will be a fee assessed to restore the water service.

B. Meter testing at owner, lessee, or user request shall be granted for the purpose of verifying the accuracy of the meter. If the meter is found to be operating within tolerable limits as certified by the manufacturer and as established by the utilities director there will be a fee assessed for the testing provided. If the meter is found to be malfunctioning there will be no charge for the meter testing service. (Ord. 1124-98; Ord. 788-91)

13.04.170 (Repealed)

13.04.180 (Repealed)

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13.04.190 Waterworks fund. There shall be established a "waterworks fund," and all fees, rates, rents and charges for water shall be deposited and expended from such fund; no part of the fund may be transferred to any other fund or used for purposes other than operations and maintenance and the payment of bonds and interest of waterworks bonds. (Ord. 788-91; Ord. 552 82; prior code 12.08.150)

13.04.200 Water Conservation Measures.

A. The use of water for sprinkling of lawns, gardens, and trees will be permitted on scheduled days except between the hours of 12:00 and 5:00 p.m. For fixing the date upon which water may be used for sprinkling, the water customers of the City of Evans are divided into two divisions as follows:

1. Single family residences with even-numbered building addresses shall use water for sprinkling on Sunday, Tuesday, and Thursday of each week, and single family residences with odd-numbered building addresses shall use water for sprinkling on Monday, Wednesday, and Saturday of each week.
2. All other properties including commercial, multi-family residents, apartments, government, and non-profit organizations shall use water for sprinkling on Sunday, Tuesday, and Friday of each week.
3. The use of water for sprinkling of lawns, gardens, and trees on certain grounds served by the Evans water system will be permitted during the twenty-four (24) hour periods of each day of the week. The grounds to which this paragraph refers include, but are not limited to, the following:

(a) City of Evans public grounds, School District 6 grounds, and other private properties with multiple addresses having large irrigated areas.

B. The above listed restrictions shall become effective at 12:01 a.m. on April 15 of each calendar year and shall be in effect until October 15 of each calendar year, except that heavy use athletic fields, as determined by the City, may begin watering as early as March 15 of each calendar year. (Ord. 536-12: Ord. 515-11: Ord. 490-10: Ord. 438-08: Ord. 400-07: Ord. 376-06: Ord. 371-06: Ord. 232-05: Ord. 289-04: Ord. 263-04: Ord. 216-03: Ord. 171-02: Ord. 162-02; Ord. 788-91: Ord. 552 82; prior code 12.08.090)

13.04.210 thru 13.04.250 (Repealed)

13.04.260 Violation Penalty. Any person who violates any of the provisions of this chapter is guilty of a violation of this chapter and shall be punished as provided in Section 1.16.010. (Ord. 842-92; Ord. 788-91; Ord. 552-81; prior code 12.08.250)

Code Documents



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