

TOWN OF RICO
ORDINANCE NO. 2019-06

AN ORDINANCE OF THE TOWN OF RICO REPEALING ORDINANCE 2018-07, AND REPLACING IT WITH WATER REGULATIONS REGARDING RATES, RULES PROCESS AND PROCEDURE CONCERNING RICO MUNICIPAL WATER SERVICES AND PROVIDING FOR PENALTIES FOR VIOLATION OF THE SAME.

WHEREAS, the Board of Trustees of the Town of Rico (Board) has the power to regulate municipal water services pursuant to the Rico Home Rule Charter, 10.4 and C.R.S. 31-35-401(b), as amended; and

WHEREAS, the Board desires repeal and replace Ordinance 2018-07 with more comprehensive regulations in connection with the water meter installation project.

THE BOARD OF TRUSTEES OF THE TOWN OF RICO ORDAINS, as follows:

1. Ordinance 2018-07 is hereby repealed.
2. The Town of Rico adopts the Water Regulations attached hereto as Exhibit A.
3. If any provision of this ordinance or portion thereof is held by a court of competent jurisdiction to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect any other provision which can be given effect without the invalid portion.
4. This Ordinance shall take effect upon adoption and passage of the second reading.

INTRODUCED, READ, APPROVED AS INTRODUCED, AND ORDERED PUBLISHED on first reading by Town of Rico Board of Trustees this 16th day of October, 2019.

READ, APPROVED AND ADOPTED BY FINAL READING by Town of Rico Board of Trustees this 20th day of November, 2019

TOWN OF RICO, COLORADO


Zach McManus, Mayor

ATTEST:


Linda Yellowman, Town Clerk



Exhibit A
Water Operations Rules and Regulations
Town of Rico

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Article I – General

1.1 Authority. The Town of Rico is a municipality governed by Home Rule Charter adopted May 2nd, 2000. The Town shall have and may exercise all powers, functions, rights and privileges allowed or granted to any municipalities including home rule cities or towns by law except as limited or expressly forbidden by the Charter or the Constitution of the State of Colorado or the United States. All powers of the Town shall be exercised in a manner prescribed by the Charter, or if the manner is not prescribed then as prescribed by ordinance, or if no ordinance exists which is applicable, then as prescribed by statute or other law.

1.2 Purpose. The purpose of these Rules and Regulations is to ensure an orderly and uniform administration of water operations in the Town of Rico, Colorado.

1.3 Policy. The Board of Trustees of the Town of Rico hereby declares that the Rules and Regulations hereinafter set forth will serve a public use and are necessary to promote the health, safety, prosperity, security, and general welfare of the inhabitants of the Town.

1.4 Scope. These Rules and Regulations shall be treated and considered as the comprehensive regulations governing the operations and functions of the water system for the Town of Rico.

1.5 Intent of Construction. It is intended that these Rules and Regulations shall be liberally construed to affect the general purposes set forth herein. No omission or additional material set forth in these Rules and Regulations shall be construed as an alteration, waiver or deviation from any grant of power, duty or responsibility, or limitation or restriction, imposed or conferred upon the Board of Trustees of the Town of Rico by virtue of ordinance, now existing or subsequently amended, or under any contract or agreement existing between the Town of Rico and any other entity. Nothing contained herein shall be so construed as to prejudice or affect the right of the Town to secure the full benefit and protection of any rule or regulation which is now enacted or may subsequently be enacted by the Board of Trustees pertaining to the affairs of the Town.

1.6 Amendment. It is specifically acknowledged that the Town of Rico has the power and authority to amend these Rules and Regulations from time to time to reflect those changes determined to be necessary by the Board of Trustees of the Town of Rico in their sole discretion. Prior notice of an amendment shall not be required to be provided by the Town.

Article II – Definitions

Unless the context specifically indicates otherwise, the meaning of the terms used herein shall be as follows:

2.1 Applicant. “Applicant” means any person who applies to the Town of Rico for a service connection or service disconnection or other agreement relating to the water system.

2.2 Authorized Plumber. “Authorized Plumber” means a person authorized by the Town of Rico to perform services, which physically affect the water system of the Town.

2.3 Board. “Board” or “Board of Trustees” is defined under Town of Rico Home Rule Charter, Article II.

2.4 Constructor. “Constructor” means the Owner actually paying for the construction of the lines.

2.5 Contractor. “Contractor” means any person, firm or corporation engaged to perform work on the water system on behalf of either a customer or the Town of Rico.

2.6 Customer. “Customer” means any person, company, partnership, corporation, or similar entity authorized to connect to and use the Town of Rico’s water system under a permit issued by the Town.

2.7 Dwelling Unit. “Dwelling Unit” is defined under Rico Land Use Code (RLUC) Article 910 as may be amended from time to time.

2.8 Equivalent Dwelling Unit. “Equivalent Dwelling Unit” or “Single Family Equivalent Dwelling Unit” means a use, which is estimated to have an impact upon the water system equal to that of the average dwelling unit.

2.9 Inspector. “Inspector” means that person under the direction of the Town Manager who shall inspect the water system and all facilities of the Town of Rico or customers to ensure compliance with the Rules and Regulations.

2.10 Main Line. "Main Line" or "Main" means any line used as a conduit for water in the Town of Rico's water system and owned by the Town.

2.11 Owner. "Owner" shall mean the person or persons, entity or entities, who own of record, according to the real property records of Dolores County, Colorado, fee simple title to a Site located within the Town of Rico.

2.12 Permit. "Permit" means the written permission to connect to the water system of the Town of Rico pursuant to the Rules and Regulations and shall be revocable upon the change of use of the property being served.

2.13 Person. "Person" means any individual, firm, partnership, corporation or other entity of any nature, whether public or private.

2.14 Rules and Regulations. "Rules and Regulations" means the Rules and Regulations of the Town of Rico including all amendments and policies as set forth in the minutes, ordinances and resolutions.

2.15 Service Line. "Service Line" means any pipe, line or conduit less than or equal to 4 inches in diameter, as approved by the Town of Rico, used, or to be used to provide water service from the water main to a building, whether the pipe, line or conduit is connected or not. Service lines shall be owned, maintained and repaired by the Customer(s) being served by the Service Line. Stub-outs shall become part of the respective service line at the time of payment of the Tap Fee by the Owner.

2.16 Shall / May. Whenever "shall" is used herein, it shall be construed as a mandatory direction; whenever "may" is used herein, it shall be construed as a permissible, but not mandatory, direction.

2.17 Site. "Site" shall mean each parcel of real property, together with all improvements thereon, within the Town of Rico the fee simple interest of which may be conveyed in its entirety to a third party without violating the subdivision regulations of the Town, as in effect from time to time. If authorized by the zoning, subdivision and building codes of the Town, one Accessory Housing Unit may be incorporated into the main Dwelling Unit constructed on the Site.

2.18 Stub-Out. "Stub-Out" means any connection to a main line which extends from the main line and which is intended to facilitate the connection of a Service Line to the water system. Stub-outs shall become the property of the Owner at the time of paying the Tap Fee.

2.19 Tap or Connection. "Tap" or "Connection" means the connecting of the service line to the water system, either directly to a public main line, or stub out from the main line whether or not actually connected to the structure's water system. All taps shall

- i. be buried a minimum of six (6) feet, eight (8) feet preferable below the final grade, and
- ii. be installed, bedded and compacted pursuant to Town of Rico specifications. All corporation stops (tap valves) shall be of a type "compression," 300psi maximum, ball style with lock wing. No "flair" style shall be allowed
- iii. residential service lines shall be ¾" HDPE (PEX) or equivalent approved by the Town of Rico, commercial service lines shall be sized according to needed volume of use
- iv. be equipped with a thaw wire, only for copper pipe

2.20 Tap Fee and Connection Charge.

2.20.1 "Tap Fee" means the payment to the Town of Rico of a fee for the privilege of connecting a dwelling unit to the water system.

2.20.2 "Connection Charge" means the payment to the Town of Rico of a charge for the actual physical connection by the Town of a particular use to the water system. The Connection charge is dependent upon the cost of making the actual connection.

2.20.3 "Inspection Charge" means the payment to the Town of Rico a charge for the actual inspection of the physical connection to the water system.

2.21 Town Engineer. "Town Engineer" means that person or firm that has been authorized by the Town of Rico to perform engineering services for the Town.

2.22 Town Manager. "Town Manager" is defined under the Town of Rico Home Rule Charter, Article 4.1.

2.23 Water Main. "Water Main" shall be synonymous with Main Line.

2.24 Water System. "Water System" includes but is not limited to water mains, lines, pumps, tanks, wells, valves, appurtenances, accessories or portion thereof owned and maintained by the Town of Rico.

Article III – Ownership & Operation of Facilities

3.1 Responsibilities of the Town of Rico. Except as otherwise provided by these Rules and Regulations, the Town of Rico is responsible for the water system, which operation and maintenance shall be carried out in accordance with these Rules and Regulations. The Town shall not be liable or responsible for inadequate treatment or interruption of service brought about by circumstances beyond its direct control.

3.2 Liability of Town of Rico. It is expressly stipulated that no claim for damage shall be made against the Town of Rico by reason of the following: breakage of service lines by Town personnel; interruption of water service and the conditions resulting therefrom; breaking of any main, service, pipe, cock, or meter by any employee of the Town; failure of the water supply; shutting off or turning on water mains; damage caused by water running or escaping from open or defective faucets; burst service lines or other facilities not owned by the Town; damage to water heaters, boilers, or other appliances resulting from shutting water off or turning it on, or from inadequate or sporadic pressures or calcification and other problems resulting from hard water or other water chemistry; or for doing anything to the water system deemed necessary by the Board of Trustees or its agents. The Town shall have no responsibility for notification to customers of any of the foregoing conditions. The Town hereby reserves the right to temporarily discontinue service to any Site, at any time, for any reason deemed appropriate by the Board of Trustees or the Mayor or Manager. The Town shall have the right to revoke service to any Site for violations of these Rules and Regulations in accordance with the procedures set forth in these Rules and Regulations.

3.3 Ownership of Facilities.

3.3.1 Town of Rico System. All existing and future mains and treatment works connected with and forming an integral part of the water system shall become and are the property of the Town of Rico unless any contract with the owner or customer provides otherwise. Ownership of the water system will remain valid whether the mains and treatment works are constructed, financed, paid for, or otherwise acquired by the Town, or any other persons.

3.3.2 Customers' Ownership. That portion of all existing or future services lines, including stub-outs, extending from the main line to a Site or dwelling unit that is connected to the Town of Rico's water system is and shall remain the property of the customer. This principle shall not be changed by the fact the Town construct, finance, repair, maintain or otherwise affect the service line and shall not entitle the customer to make unauthorized uses of the Town's systems once the service line has been connected to main line. All uses of the service line or any appurtenances thereto at any time after the initial connection to the Town system shall be subject to these Rules and Regulations.

3.4 Water Meters and Shut-off Valves. Notwithstanding the above Article 3-3, all water meters and shut-off valves shall become and are the property of the Town of Rico. Said ownership shall remain valid whether the meter and/or shut-off valves are installed, financed, paid for, repaired or maintained by an Owner or another person or whether the meters and/or valves are located on a Site. The cost of maintaining, repairing or replacing any meter or valve shall be the obligation of the Owner of the site served by meter or valve and the Town shall have no responsibility or liability for damage to person or property that results from the use or breakage of a meter or shut-off valve.

3.5 Inspection Powers and Authority of Town of Rico Agents. The Town Manager, and other duly authorized employees of the Town of Rico, bearing proper credentials and identification, shall be permitted to enter upon all sites for the purpose of inspecting, observing, measuring, sampling, disconnecting service, testing and performing any other function authorized by the provisions of these Rules and Regulations. Failure to permit such inspections, observations, measurements, sampling and/or testing upon the request the Town shall result in the immediate disconnection of service to the Site of the party failing to permit such activity.

3.5 Modification, Waiver and Suspension of Rules. The Board or Mayor acting on instruction of the Rico Board of Trustees shall have the sole authority to waive, suspend or modify these Rules and Regulations, and any such waiver, suspension or modification must be in writing, signed by the Board or the Mayor. Such waiver shall not be deemed an amendment of the Rules and Regulations. No waiver shall be deemed a continuing waiver or the basis for other waivers to either the customer or any other customer.

Article IV – Use of Water System

4.1 Unauthorized Tampering with System

4.1.1 Written Permission Required. No person shall uncover, make any connection with or opening onto, use, alter, or disturb the water system without first obtaining a written permit from the Town of Rico. Unauthorized uses of the water system include, but are not limited to, tapping, connecting, an unauthorized turn-on or turn-off of water service, or a tampering or in any way modifying any meter, even though the same may be located on a privately-owned Site.

4.1.2 No Tampering. No person shall tamper with any portion of the Town of Rico's systems.

4.1.3 Prosecution. Any person who shall violate the provisions of these Rules and Regulations shall be prosecuted to the full extent of the law. Any person violating any of the provisions of these Rules and Regulations shall become liable to the Town of Rico for any expense, loss or damage occasioned by the reason of such violation.

4.2 Responsibilities of Customer

4.2.1 Usage/Maintenance/Repair. Each customer shall notify the Town of Rico prior to any change in the customer's equipment, ownership service or use of the property served by the water system. Each customer shall be responsible for constructing, repairing and maintaining, and all costs thereof, the entire length of the service line serving his property. Service lines shall be constructed in accordance with these Rules and Regulations. Leaks or breaks in the service line shall be repaired within sixteen (16) hours of obtaining knowledge of a leak or from the time of notification of such condition by the Town of Rico. The Town shall shut off the service until the

leaks or breaks have been repaired, and the cost therefor shall constitute a lien on or against the property of such customer to secure payment of such costs.

4.2.2 Cross-Connection and Backflow. Each customer is responsible for complying with the Colorado Department of Health and Environment Cross-Connection and Backflow Regulations.

4.2.3 Stop and Waste Valves. Stop and waste valves are not permitted.

4.2.4 Uninterrupted Pressure. Each person having boilers and/or other appliances on his premises depending on pressure or water in pipes, or on a continual supply of water, shall provide, at his own expense, suitable safety devices to protect himself and his property against a stoppage of water supply or 4.2.5 loss of pressure. The Town of Rico expressly disclaims any liability or responsibility for any damage resulting from a customer's failure to so equip his property.

4.2.5 Loss of Pressure. The Town of Rico expressly disclaims any liability or responsibility for any damage resulting from a customer's failure to so equip his property.

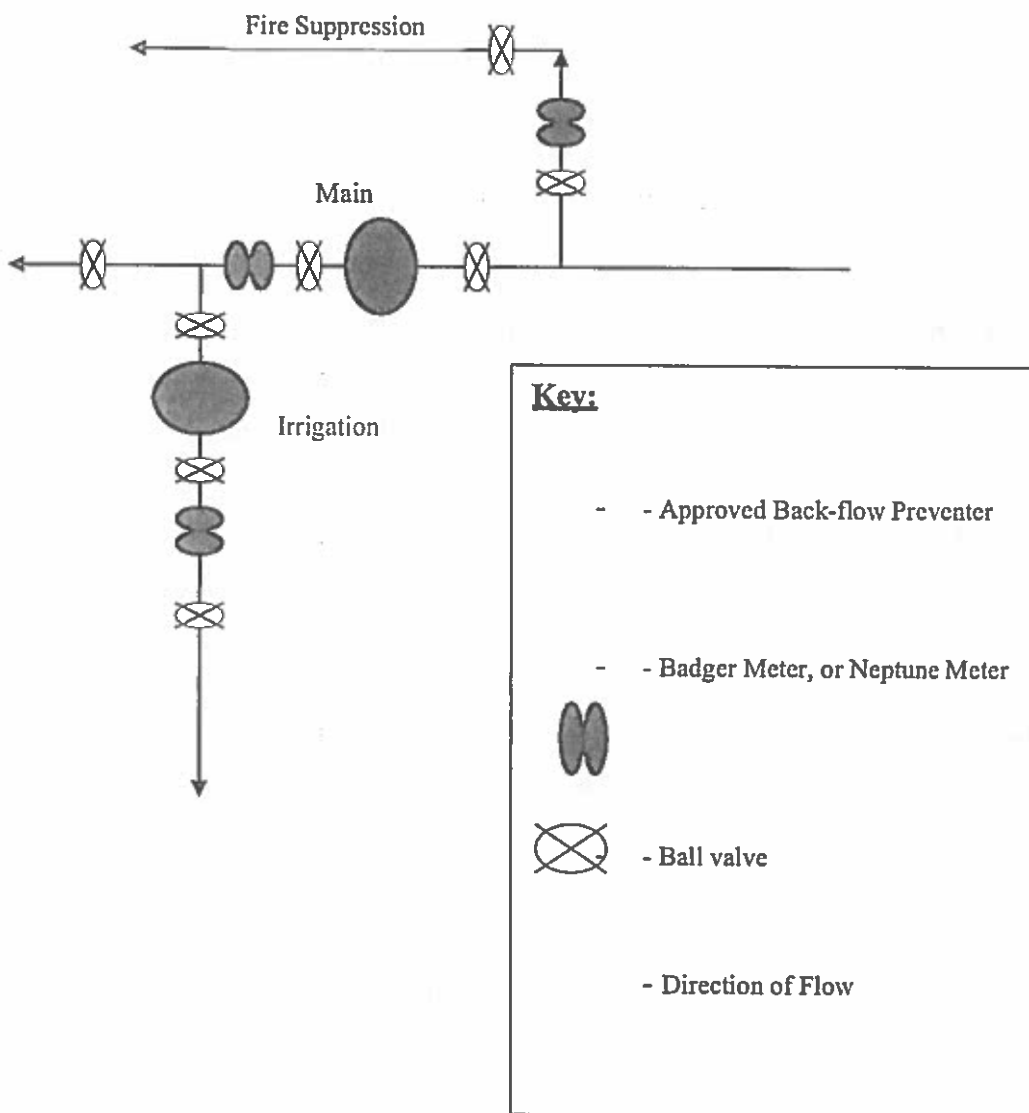
4.2.6 Valve Keys and Hydrant Wrenches. It shall be unlawful for any person other than authorized personnel to have in his possession a hydrant wrench or valve shut-off key. Any personnel of the Town of Rico or the Rico Fire Department is hereby authorized to confiscate any hydrant wrench or valve shut-off key found in the possession of any unauthorized person. Use of fire hydrants is prohibited at all times to anyone except authorized personnel.

4.2.7 Water Meters, Pressure Reducing Valves and Check Valves Required. No connection shall be made to the Town of Rico's system without a pressure reducing valve, water meter and check valve having been installed to serve the subject unit. All water meters shall have devices for remote reading. Meters shall be of the type manufactured by Neptune Meters or an equivalent to coincide with our remote read-out capabilities. All irrigation systems must have a water meter with remote readout in addition to house main water meter with remote readout. Irrigation system meters shall be located downstream of the main meter and shall be separated from the main meter by a shut off valve, plumbed in series, not in parallel as shown in Exhibit 4.2.5a. Prior to installation, the Town shall approve the type of pressure reducing valve and water meter and location of the meter. All water meters shall become and are the property of the Town; ownership

shall remain valid whether the meters are installed, financed, paid for, repaired, or maintained by another person.

4.2.8. Reading Meters. The Town shall, at the customer's expense, have the right to read, test, remove, repair or replace any and all water meters and remotes. It shall be the duty of each customer to notify the Town if his water meter is operating defectively. If any meter shall fail to register in any period, the customer shall be charged the average period consumption during the two highest preceding periods as shown by the meter when deemed by the Town to have been in working order. The Town has the authority to require any meter to be replaced at the customer's expense at any time. Meters showing greater than 1,000,000 gallons shall be replaced.

Exhibit 4.2.5 Meter, Back-flow, shut-off diagram,



*Note: Diagram is meant only as a guide. All plumbing fixtures shall follow International Plumbing Codes and be in accordance with State and Local Guidelines.

Article 5 – Application for Service

5.1 Water Saving Device Required. All new connections are required to install water saving devices as follows:

5.1.1 Toilets. All toilets shall have maximum flush of 1.6 gallons.

5.1.2 Showers. All showers shall have a shower restrictor device installed, which shall have a measured flow, at 60 pounds per square inch, of not greater than 3.20 gallons per minute. The type of toilet and shower restrictor shall be specified on the permit, shall be subject to approval by the Rico Board of Trustees, and may not be modified or replaced without the approval of the Board of Trustees.

5.1.3 Rain Sensing Device. All irrigation systems shall have a rain-sensing device in use. The type of rain sensing device shall be specified on the permit, shall be subject to approval by the Board, and may not be modified or replaced without the approval of the Rico Board of Trustees.

5.1.4 Water Conservation. Water Conservation efforts such as xeriscaping, native landscaping, and using runoff water as a source for direct irrigation are encouraged. All efforts shall be consistent with Federal, State, and Local guidelines.

5.2 Service Outside the Town of Rico. No service shall ever be provided to property outside of the Town of Rico, except upon the express written approval of the Rico Board of Trustees. Charges for furnishing service outside of the Town of Rico shall be established by contract at the discretion of the Rico Board of Trustees.

5.3 Application for Service. Applications for service must be filed with the Town of Rico on forms provided by the Town and accompanied by appropriate fees prior to any action to connect to the system.

No applications for service or taps shall be approved without the acquisition of a building permit. Only upon authorized written approval of the application and a receipt thereof may a connection to the system be made. The precise location of the water meter and the remote reading device shall be indicated on all applications for service. In addition, the following applies if applicable:

5.3.1 Sprinkler System Applications. If a fire protection water sprinkler system is to be used, a plan of the system is to accompany the application and is subject to the approval of the Town of Rico. All fire sprinkler systems shall meet NFPA requirements and additionally shall meet the requirements of all applicable County and State building and fire protection codes.

5.3.2 Tapping Period. No taps will be permitted or made between November 1 and April 15, without specific, written approval from the Town of Rico; the Town may deny approval for any reasonable purpose.

5.3.3 Accuracy of Information. All information requested on the tap application form must be completed, and a diagram of the stop box location and service lines included. Should any information disclosed on the application prove at any time to be false, or should the applicant omit any information, the Town of Rico shall have the right to:

i re-assess the tap fee originally charged at the rate at which the discovery by the Town of Rico of the false or omitted information occurred,

ii disconnect the service in question,

iii back-charge the Site in question for service fees that may be due and owing, and,

iv charge any other or additional fee or penalty specified in these regulations and any reassessment shall be due and payable, together with any penalties or other additional fees charged, and together with interest at the rate of 12% per annum, calculated per day, on the entire balance, upon and from the date of the original application.

5.4 Denial of Application. The Town of Rico reserves the right to revoke any prior approval of an application before service has been provided, and thereafter for any violation of these Rules and Regulations.

5.5 Moved or Destroyed Buildings. When buildings are moved or destroyed, the original tap authorization shall terminate and reauthorization shall be required prior to re-tapping. Credit shall be authorized for tap fees previously paid with respect to said building. The original tap shall remain in good standing provided uninterrupted payment of the Town of Rico's minimum service charge (as the same may be amended from time to time) is made. If payment of the minimum service charge ceases for any reason, said tap shall be in violation of these Rules and Regulations and the tap shall be terminated. Non-payment after twenty (20) days of the billing shall be considered cessation of payment of the minimum service charge.

5.6 Change in Customer's Equipment, Service or Use of Property. No change in the customer's equipment, service or use of property served shall be made without the prior notification of and approval by the Town of Rico. Any such change in the Town's sole discretion, will increase the burden placed on the water system by the customer shall require a redetermination of the tap fee and monthly service-charge, and a payment by the customer of any additional tap fee and monthly service charge resulting from the redetermination. Subject to Article 5.5 above, tap fees previously paid with respect to the property in question shall be credited against the re-determined tap fee so that only the unpaid portion of any re-determined tap fee shall be due; provided, however, that redetermination resulting in a conclusion that the tap fee, if assessed currently, would be in an amount less than the originally paid shall not result in a refund or credit of any kind to the customer.

5.6.1 Notice and Action. Any customer believed to have changed the equipment, service or use of their property in violation of this section shall be notified of such belief by the Town of Rico and shall be notified of the Town's intent to assess any additional tap, service or unauthorized connection fees, and shall be afforded ten (10) days in which to respond to the Town's notice. Failure to respond as required herein within the ten (10) day period shall be deemed to establish the Town's belief concerning the nature and extent of the change, and such additional tap, service and unauthorized connection fees as are deemed appropriate by the Town shall be assessed against the property in question and shall be collected as provided under these Rules and Regulations. To defer the collection of said fees, and as a prerequisite to the right to hearing as provided for and described in Section XI of these Rules and Regulations, any response by the

customer must, in addition to being provided in ten (10) days, include permission to make an inspection of the property in question as the Town's representatives deem necessary to clearly establish the nature of equipment, service and use of the property in question; any such inspection shall occur with seventy-two (72) hours of the receipt of the customer's response by the Town. Any connection, enlargement, or change shall be deemed an unauthorized connection.

5.6.2 Requirement to Upgrade. Any customer requesting renovation through the Town of Rico, change in equipment, service or use of their property shall be required to upgrade meters, meter readouts or radio transmitters, backflow prevention devices, and PRVs to current rules and regulations standards. Customers shall notify the Town Manager in writing and be inspected by water system personnel before permission is granted.

5.7 Unauthorized Connections and Fees. No person shall be allowed to connect onto the water systems or to enlarge or otherwise change equipment, service or use of property without prior payment of tap fees, approval of application for service, and adequate supervision and inspection of the tap by the Town of Rico employees. Upon the discovery of any unauthorized connection, the then current tap fee for the unauthorized connection shall become immediately due and payable and the property shall automatically be assessed an unauthorized connection fee. The unauthorized connection fee ("Penalty Fee") is an amount equal to three times the then-current tap fee that would be due for property including both the authorized and unauthorized portion of the connection. The Town shall send written notice to the owner(s) of the property benefitted by such connection stating that an unauthorized connection has been made between the owner(s)' property and the water system. The owner(s) shall then have ten (10) days from the date of the notice to pay the Penalty fee. In the event the Penalty Fee is not paid within the ten (10) days, a notice of revocation of service shall be sent and service shall be immediately disconnected pursuant to these Rules and Regulations. Once discontinued, service may be returned to the property only upon receipt by the Town of both the Penalty Fee and any turn-on/turn-off service charges and any other charges that may be provided for the collection of unpaid fees costs and charges of the Town.

5.8 Revocation of Service. Service shall be revocable by the Town of Rico upon non-payment of any valid fees or charges owing to the Town. In the event of non-payment, the customer shall be given written notice of the revocation, which notice shall set forth the reason for the revocation and the amount due. If payment of the outstanding obligation or a request for a hearing with the accompanying deposit is not received by the Town within ten (10) days of the date of mailing of the revocation notice, the Town shall

disconnect the service and the customer shall be assessed the cost of the disconnection. Any deposit for service held by the Town, if any, shall be applied against the outstanding obligation.

5.9 Revocation of Tap Rights. The right to connect to the Town of Rico's system and receive services shall be revocable by the Town upon non-payment of any Town fees owing to the Town, whether or not related to the water system, and remaining unpaid for a period of sixty (60) days, and whether or not the customer owning the right to connect has actually connected to the Town system. Such revocations shall be conducted in accordance with Section 5.8. If the right to connect to the Town's system is revoked, then the customer may reacquire such tap rights only by reapplying for service in accordance with Section 5.3 above and after paying all fees due and owing the Town and the then-current tap fees charged by the Town under these Rules and Regulations.

5.10 Turn-ons/Turn-offs of Service. All turn-ons or turn-offs of water service through a shut-off valve on a service line that has been connected to the Town of Rico's water system shall be performed only by Rico public works personnel regardless of the ownership of the shutoff valve or service line and regardless of the circumstances respecting the turn-on or turn-off. The Town shall assess a single charge of \$75.00 for each such turn-off and turn-on performed. The Town will provide this service only for the following and be notified a minimum of one (1) working day (Monday – Friday) in advance:

5.10.1 for a tap for new construction, one time prior to the occupancy of the building served; or,

5.10.2 for customers requiring service to be turned off for maintenance or repair of a service line. All other requests for a turn-off or turn-on of Town of Rico service may be granted or denied by the Town of Rico in its sole discretion.

Article IV – Construction of Service Lines

6.1 Compliance with Rules and Regulations. The requirements of these Rules and Regulations are applicable to the construction of all service lines.

6.2 Inspection and Tapping Charges. All taps shall be made under the supervision of the Town of Rico, and prior to tapping all service lines shall be inspected by a representative of the Town. All water service lines are to be tested under normal operating pressure. The owners of service lines shall call the

Town for an open ditch inspection of all service lines prior to burying. There shall be a charge for all inspections as determined from time to time by the Rico Board of Trustees.

6.3 Separate Service Lines Required. A separate and independent service line shall be provided for every Site and shall be installed at the expense of the Site owner. Existing service lines may be used in connection with new buildings only when determined by the Town, in its sole discretion, to meet all requirements of these Rules and Regulations. Separately-owned units within a building must have individual shut offs and meters.

6.4 Construction and Connection. Only persons approved by the Town of Rico shall do construction and connection of all service lines. Service stub-ins for residential installations shall terminate with a curb stop at the property line unless the Town approves another location. Meter and yoke shall be located inside buildings with a remote reader on the outside wall designated by a Public Works Representative. The applicant for the connection permit shall notify the Town when the service line is ready for inspection and connection to the Town's main. Agents of the Owner approved by the Town shall make the connection. All contractors, plumbers, and others doing work on any main, service lines, or structures shall comply with applicable Federal, County, State, and local regulations on excavation, backfill, compaction, and restoration of surfacing.

6.5 Revocation of Authorization. The violation of any of these Rules and Regulations, or the Town of Rico's installation specifications, shall constitute sufficient grounds for revocation of the authorization to do work in the Town.

6.6 Water Service Line Construction.

6.6.1 General. All water service line construction shall be done in accordance with these specifications and all other Rules and Regulations of the Town of Rico. The scope of these specifications shall include all water service line installations from the Town's mains to the associated plumbing of the building or any other facility requiring water use.

6.6.2 Licenses and Permits Required. Contractors approved by the Town of Rico shall do all water service installations. A connection permit shall be secured from the Town a minimum of three (3) days prior to construction, at which time the contractor shall:

- i. familiarize himself with the standards and specifications,
- ii. select and obtain approval of the appropriate standard water service installation for the building or facility,
- iii. submit an appropriate set of mechanical plans and
- iv. inform the Town's staff of the intended schedule for construction.

6.6.3 Road Cuts. When a road cut is required for water service, the Owner shall rebuild the road base in accordance with applicable the Town of Rico specifications on excavation, back fill, compaction, restoration of servicing and paving.

6.6.4 Inspections. All work shall be inspected by the Town's Enforcement Official as defined under RLUC, who shall have the authority to halt construction when, in their opinion, the Town's Rules and Regulations for proper construction practices are not being adhered to. Whenever such violation occurs, the Town's Enforcement Official shall order further construction to cease until all deficiencies are corrected; the Town shall give written notice of the deficiencies within forty-eight (48) hours of stopping the work.

6.6.5 Approved for Backfilling. No pipe or service line shall be covered without a Town of Rico representative's approval. Any person making an installation without such approval shall be required, at his expense, to remove all fill, topsoil or any other covering placed over the facility to be inspected.

6.7 Installation

6.7.1 Remote Readout. All water service installation shall include a remote readout meter located above an improved maintained area. The readout shall be of the manufacturer type Neptune, compatible with Neptune Pocket ProReader RF and Neptune MIU radio transmitters or the equivalent. The readout unit shall be installed on the building at a height above the ground and snowpack approved by the Town of Rico. The Town must approve the remote distance from the meter.

6.7.2 Location and Alignment of Service. Water service lines shall be constructed in locations approved by the Town Manager. The water lines shall not be located under any paved driveway or service road without the Town's approval. All water service lines shall have a minimum cover of six (6) feet, preferably eight (8) feet and must be located a minimum of 10' from any sewer service or soil treatment area. No service lines shall be laid parallel to, or within, three (3) feet of any bearing wall, which might be thereby weakened.

6.7.3 Inspection of Meters and Remote Readouts. All meters and remote readouts shall be installed in the presence of a Town of Rico representative. The operational testing of the meter and readout shall be demonstrated at this time. Under supervision of the Town's representative, the water service line is to be pressure tested at normal operating pressure from the water main and checked for leaks.

6.7.4 Service Line and Control Valves. The water service line shall be (HDPE) PEX polyethylene or copper or approved material by an authorized Town of Rico representative. The service line shall have a control valve to which Town of Rico staff will have easy access. The curb stop shall be located on an appropriate improvements survey, a copy of which shall be forwarded to the Town Manager. All service lines and fittings shall be installed to withstand 200 psi.

6.7.4 Pressure Reducing Valves. Individual pressure reducing valves are required on all service lines shall be 400 psi. Pressure reducing valves shall be placed in a location approved by the Town of Rico in front of the homeowner's service equipment.

6.7.5 Excavation. All excavations required for the installation of water service shall be open trench work unless otherwise approved by the Town of Rico. Pipe laying and backfill shall be performed in the manner described in these Rules and Regulations. All excavations for water service installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Roads, access ways and other public or private property disturbed in the course of the work shall be restored in the manner satisfactory to the Town.

6.7.6 Tapping the Main. The Town of Rico is the sole entity authorized to supervise or make taps on to the Town's water mains. No later than 48 hours prior to tapping, the owner shall notify the Town when the service is ready for inspection and connection to the main.

6.7.7 Backfill Materials. All materials for utility trenches shall meet specified requirements for gradation and other factors defining suitability for intended use. All classes of suitable material shall be free of frozen material, stumps, roots, brush and other organic matter and debris. In addition, material shall meet requirements as detailed below.

- i. **Upper Portion of Trench.** Material placed within one (1) foot of pavement subgrade or the finished surface in unpaved areas shall be soil free from rocks and stones larger than 2½ inches in any dimension.
- ii. **Remainder of Trench.** Soil may contain a limited number of stones smaller than 6 inches in any dimension provided they are dispersed in the surrounding material in a manner to allow specified compaction.
- iii. **Public Highways and Streets.** Materials placed within the limits of paved surfacing, gravel shoulders or shoulder slopes shall be approved by the agency having jurisdiction over highway/street maintenance.
- iv. **Structural Fill and Backfill.** Materials used for structural fill under or around structures shall consist of materials described above and free of stones with any dimension greater than one-half of the specified loose layer thickness. Material shall also be capable of being compacted to a specific density.

6.7.8 Surface Restoration. Paving and improved surfaces or other street improvements removed, damaged or destroyed during construction shall be replaced to the same elevation and alignment with the same type and dimensions as units removed and shall be equal to and consistent with the undisturbed portions of the improvements existing prior to trench excavation. Debris shall be removed from the site of work at the expense of the owner.

6.7.8 Maintenance of Backfill and Surface Warranty. All backfill and surfaces shall be maintained in a satisfactory condition and all places showing signs of settlement shall be filled and maintained during construction and for a period of two (2) years following the completion of construction. When the Town of Rico notifies the applicant that any backfill is hazardous, he shall correct such hazardous condition within 48 hours.

Article VII – Main Line Extensions

7.1 Compliance with Rules and Regulations. The requirements of these Rules and Regulations are applicable to the construction of all main line extensions.

7.2 Main Line Extensions by the Town of Rico. The Town of Rico or a contractor authorized by the Town is solely authorized to construct all main lines within the Town.

7.3 Procedure for Main Line Extension by the Town of Rico. The Town of Rico may construct any main line if the Rico Board of Trustees deems it in the best interest of the Town to do so. All main line extensions, which are so authorized, shall be constructed by the Town or bid and contracted for by the Rico Board of Trustees, with the contractor installing the main lines being responsible to the Board. The Town through its engineer shall supervise all work pertaining to the completion of the subject project including periodic and final payments to the contractor, inspection, and as-constructed drawings.

7.4 Main Line Sizes. Plans for main line extension shall be reviewed by a the Town or the Town designated engineer.

7.4.1 Pipe Size and Spacing. Distribution mains shall be a minimum of 6-inch pipe where the length of the main between branches is less than 800 feet; otherwise a minimum of 8-inch pipe shall be used. All piping shall be looped whenever possible. Where approved by the public works representative, however dead ends may be provided on lengths of less than 300 feet with a permanent blow-off or fire hydrant at the dead-end. Dead-ends on any line that will be tapped for service shall be provided with a temporary blow-off or fire hydrant before being extended. Dead-ends on lines that will not be extended shall be provided with permanent blow-offs or fire hydrants. All properties to be served water shall have a main adjacent to the property. In general, water main shall have a minimum of cover between top of pipe and finished ground surface.

7.4.2 Valve Spacing. Gate valves on all mains shall be placed so that no more than 800 feet of line will be out of service at one time. Valves shall also be placed at each fire hydrant and permanent blow-off. Typically every tee at an intersection will have valves at each branch to allow for the least number of homes to be out of service at one time.

7.4.3 Fire Hydrants. Fire hydrants shall be placed no more the 300 feet apart as measured within the right-of-way, so that each hydrant is easily accessible to fire fighting equipment. In general, locate fire hydrants on street corners. The minimum allowable pipe sizes delivering water to fire hydrants shall be a 6-inch diameter line of a looped network, or an 8-inch diameter on a dead-end system. Design calculations shall be submitted to demonstrate flow and residual pressure at each fire hydrant during a maximum day demand meets Rico Fire Protection Distict requirements.

Article VIII – Rates and Charges

8.1 General. The information contained in this article applies to all rates, fees, or charges to be levied for the provision of water services. Rates, fees, and charges as herein established are in existence and effect at this time, and shall remain in effect until modified by the Rico Board of Trustees under the provisions of this Ordinance.

8.2 Application of this Article. The rates, fees, and charges, and other information shown herein shall apply only to customers inside the Town, and shall in no way obligate the Town of Rico with respect to services provided outside Rico boundaries.

8.3 Tap Fee. A tap fee shall be a charge to all customers of the Town of Rico, which shall be assessed and paid before a building permit is issued. Tap fees in the Town of Rico shall be as follows:

i. 3/4" water tap	\$ 5,000.00
ii. 1" water tap	\$ 6,000.00
iii. 1 ¼" water tap	\$ 7,000.00
iv. 1½" water tap	\$ 9,000.00
v. 2" water tap	\$10,500.00

8.3.1 Modification. Any tap fee may be modified in any way by the Rico Board of Trustees in their sole discretion.

8.4 Transfer of Tap Fees. No tap fee paid on behalf of one Site, or any portion thereof, may be transferred to any other Site unless:

8.4.1 Common Owner. The owner requesting the transfer is the common owner of the Site for which the tap fee has been paid and the Site to which the transfer of the tap fee, or portion thereof, is being requested.

8.4.2 Accounts Current. The owner requesting the transfer has no outstanding unpaid accounts with the Town of Rico and has previously maintained a good credit record with the Town.

8.4.3 No Prior Connection. The Site to which the tap fee initially applied has never been connected to the Town of Rico's water system

8.4.4 Current Fee Equivalent Due. The owner requesting the transfer shall pay to the Town of Rico the difference between the tap fee which would otherwise be charged on the date the transfer is being sought, and the tap fee previously paid, but in no event shall the Town make a credit or refund. An owner cannot transfer only a portion of the total sum previously paid as a tap fee.

8.4.5 Town of Rico's Discretion. Nothing to the contrary withstanding, approval or denial of a request for a transfer of a tap or fees shall be in the sole discretion of the Town.

8.4.6 Building Permit Required. No water taps may be purchased unless a building permit is issued contemporaneous with the tap purchase.

8.4.7 Right to Municipal Water. The right to Rico municipal water shall vest upon the issuance of the building permit associated with the tap but the tap must be paid within one year of the issuance of the building permit. Money paid for revoked tap fees shall be refunded. The Town reserves the right to deny connection to the Rico municipal water system based upon capacity issues.

8.5 Service Charge. Monthly service charges shall be as follows and may be amended from time to time at the will of the Rico Board of Trustees. Service charges shall begin at the time the connection is made to the system.

8.5.1 Three Hundred Ninety-Six U.S. dollars (\$396) per year minimum for each residential tap holder within the Town of Rico. The \$396 per year minimum residential payment may be paid

monthly at the rate of Thirty-Three dollars (\$33) per month. The minimum payment shall entitle each tap holder to the use of three thousand (3,000) gallons per calendar month.

8.5.2 Seven Hundred Fifty-Six (\$756.00) per year minimum for each commercial tap holder within the Town of Rico. The \$756.00 per year minimum commercial payment may be paid monthly at the rate of Sixty-Three Dollars (\$63.00) per month. The minimum payment shall entitle each tap holder to the use of seven thousand (7,000) gallons per calendar month.

8.5.3 Each residential tap holder shall pay in addition to the minimum monthly fee Five Dollars (\$5) per one thousand (1,000) gallons of water usage above the entitled three thousand (3,000) gallons of water usage for each calendar month.

8.5.4 Each commercial tap holder shall pay in addition to the minimum monthly fee set forth above, Six Dollars (\$6.00) per thousand (1,000) gallons of water usage above the entitled seven thousand (7,000) gallons of water usage for each calendar month.

8.5.5 Each tap holder outside the municipal limits of the Town of Rico shall pay fees for water service at the rate of two times the prevailing rates in the Town.

8.5.6 Monthly service charges shall be suspended during any month(s) in which service through a newly constructed tap to a building prior to its occupancy has been turned-off in accordance with these Rules and Regulations.

8.5.7. Monthly service charges are assessed on a pro-rata per day basis.

8.6 Meter Reading and Billing. Meters shall be read on a monthly basis and bills issued the month following the reading, except during periods of deep snow when meter reading may be impractical. During this period users will be billed a minimum monthly rate based upon that usage for the last 12 months divided by 12 and shall be adjusted when the readings are continued. Bills are payable at the office of the Town Clerk. Bills are delinquent 20 days after the bill is issued by the Town Clerk. An administrative late charge of \$50.00 to defray the cost of additional accounting and record keeping plus interest at 12% per annum on the total outstanding balance and compounded daily, will be charged on all delinquent accounts. The Town of Rico has the right to assess to any customer who is late in payment of

his account, all legal, court, foreclosure, disconnection and other costs necessary to or incidental to the collection of said account.

8.7 Discontinued Service. Water service to a tap holder may be discontinued by the Town when the water assessment for such tap holder is 60 days delinquent.

8.8 Waiver. The Board of Trustees may waive any water fee due, or portion thereof, after holding a public hearing thereon, if the Board of Trustees finds that such waiver promotes the overall intent and purpose of this Ordinance and relieves undue hardship. Reasons to allow waiver of fees include, but are not limited to, reasonable failure to detect a leak causing excessive usage and water usage to flush lines of debris and sediment.

8.9 Lien and Foreclosure. All water assessments and fees, including the minimum monthly charge, shall be a lien against the premises to which said water was delivered from the date the same becomes delinquent until paid and the property owner shall be liable for all water delivered to or taken and used upon that premises. Said lien shall be in addition to any other statutory or equitable lien to which the Town may be entitled. A lien attaching to said premises may be enforced by the Town of Rico in an action at law or in equity and the Town may foreclose such premises and sell the same to satisfy said lien. Tenants in possession shall not relieve the owner or tap holder from any obligation to pay water assessments, and the same shall be the sole responsibility of the property owner. The Town shall not be required to look to any person or entity other than the property owner for the payment of these charges. In the event that legal action must be brought for the enforcement of this Ordinance, the foreclosure of any lien or action, the Town shall be entitled to reasonable attorney's fees and costs of collection and litigation. In its sole discretion, the Town may certify the amount of any water monies owed, penalties and interest owed to the County Treasurer as a delinquent charge to be collected as property taxes against such property.

Article IX – Check Valves, Backflow Preventers and Backflow Prevention

9.1 Check Valve, Backflow Preventer and Backflow Prevention. "Check Valve" shall mean a self-closing device, which is designed to permit the flow of fluids in one direction and to close if there is a reversal of flow.

9.1.2 Backflow Preventer. The Town of Rico requires an approved, testable, Reduced Pressure Backflow Assembly (RPBA) be installed on all new construction and remodels. This requirement may be reduced to an approved, testable, Double Check Valve Assembly (DCVA) at the discretion of a Town representative. All main irrigation lines and pressurized fire suppression systems shall follow UPC code.

9.1.3 Approved Air Gap. Approved Air Gap shall mean a physical separation between the free-flowing end of a potable water supply pipeline and the overflow rim of an open or non-pressurized receiving vessel. To be an air gap approved by the department, the separation must be at least:

i Twice the diameter of the supply piping measured vertically from the overflow rim of the receiving vessel, and in no case be less than one inch, when unaffected by vertical surfaces (sidewalls); and:

ii Three times the diameter of the supply piping, if the horizontal distance between the supply pipe and a vertical surface (sidewall) is less than or equal to three times the diameter of the supply pipe, or if the horizontal distance between the supply pipe and intersecting vertical surfaces (sidewalls) is less than or equal to four times the diameter of the supply pipe and in no case less than one and one-half inches.

9.1.4 Installation. All backflow preventers shall be installed as per the manufactures recommendations and in a manner to prevent freezing. RPBA's shall be fitted with a leak shroud and drained to an approved air gap

9.1.5 Testing. All testable backflow preventers shall be tested upon installation, after maintenance or moving of the preventer, and yearly by a certified Backflow Assembly Tester. A copy of these tests shall be submitted to the Town of Rico. The requirement for yearly testing may be waived at the sole discretion of a Town water system representative.

9.1.6 Unapproved Auxiliary Water Supply. At no time shall an unapproved water supply be piped directly into the Town of Rico water system or into a homeowner's home.

Article X - Limitation on Use

10.1 Limitation. The Rico Board of Trustees, in its sole discretion, may require an Owner or Owners to limit the number of gallons of water usage. The limitation on usage shall extend for such period of time as determined by the Rico Board of Trustees. The affected Owner or Owners shall be notified either in person, by telephone or in writing at the address shown in the existing records of the Rico Board of Trustees. Failure to comply with any usage limitation shall result in a fine determined by the Board of Trustees in its sole discretion; the fine shall not exceed the equivalent of \$250.00 per day or 10 cents per gallon, whichever is greater.

Article XI – Hearing and Appeal Procedures

11.1 Application. The hearing and appeal procedures established by this section shall apply to all complaints concerning the interpretation, application or enforcement of the Rules and Regulations of the Town of Rico, as they now exist or may hereafter be amended. The hearing and appeal procedures established by this section shall not apply to the following complaints:

11.1.1 Town of Rico Contracts. Complaints, which arise out of the interpretation of the terms of the Town of Rico contracts.

11.1.2 Personnel Matters. Complaints, which arise with regard to personnel matters, which complaints shall be governed exclusively by the Town of Rico's personnel rules as the same may be amended from time to time.

11.1.3 Other. Any other complaint, which does not concern the interpretation, application or enforcement of these Rules and Regulations of the Town of Rico.

11.2 Initial Complaint-Informal Resolution. Complaints concerning the interpretation, application or enforcement of these Rules and Regulations must be presented in writing to the Town Manager, or such representative as he or she may designate. Upon receipt of a complaint, the Town Manager or their representative, after a full and complete review of the allegation contained in the complaint, shall take such action and/or make such determination as may be warranted and shall notify the complainant of the action or determination by mail within thirty (30) days after receipt of the complaint.

11.3 Formal Hearing. In the event the decision of the Rico Town Manager concerning the complaint is deemed unsatisfactory to the complainant, a written request for Formal Hearing may be submitted to the Rico Board of Trustees within fifteen (15) days from the date written notice of the decision mailed. Upon receipt of the request, if it is timely and if any and all other prerequisites prescribed by these Rules and Regulations have been met, the Board of Trustees shall conduct a Hearing at the Board's convenience but in any event not later than sixty (60) days after the submission of the request for Formal Hearing. The Formal Hearing shall be conducted in accordance with and subject to all pertinent provisions of these Rules and Regulations.

11.4 Alter/Amend/Defer or Cancel Interpretation. The Town of Rico Board of Trustees shall determine whether clear and convincing grounds exist to alter, amend, defer or cancel the interpretation, application and/or enforcement of the Rules and regulations that are the subject of the appeal. The decision shall be based upon evidence presented at the hearing. The burden of showing that the required grounds exist to alter, amend, defer or cancel the action shall be upon the complainant.

11.5 Findings. The Rico Board of Trustees shall make written findings and an order disposing of the matter and shall mail a copy thereof to the complainant not later than forty-five (45) days after the date of the Formal Hearing. The decision of the Board shall be final and not subject to appeal.

11.6 No Hearing Required. If the Town of Rico determines that a user is in violation of any of the provisions of these regulations then it may act in any way consistent with these regulations and no hearing shall be required to proceed or authorize such action.

Article XII – Unlawful Acts and Penalties

12.1 Unlawful Acts. It shall be unlawful for any person to tamper with any meter, or to install or use any bypass or other device whereby Rico municipal water may be drawn from the service pipe without being registered by the meter. It shall also be unlawful for anyone other than a Town employee to remove or open any meter vault lid, to lock or seal any meter shutoff or meter vault lid. It shall be unlawful to service more than one dwelling, premises or building with one meter unless permitted by the Board of Trustees.

12.1.2 Tampering. It shall be unlawful for any person to tamper with, climb upon or commit any form of trespass upon any structure or facility of the Town water works, including the diversion tunnel, chlorinating structure and water tanks, or commit any act that could disrupt or contaminate the municipal water supply.

12.1.3 Motor Vehicle Damage. It shall be unlawful for any person to drive motor vehicles upon any section of water line right-of-way from the intake to the supply tank, when the same is posted against such use.

12.1.4 Contamination of System. It shall be unlawful for any person to place, dump, throw, discharge or deposit any material which will in any manner pollute or contaminate the waters of Silver Creek above the intake of the Town of Rico water system, or to allow any polluting or contaminating substance to remain in such a position that such substance may be carried by natural causes into Silver Creek, or fail to comply with any regulations placed in effect by the United States Forest Service for the protection of the municipal watershed.

12.1.5 Transfer of Water Tap. It shall be unlawful for any person, partnership, corporation or other entity to sell, offer for sale, grant option to sell or to lease, rent, encumber or in any manner, dispose of or transfer a water tap separate and apart from the real estate and appurtenant buildings which the tap services.

12.1.6 Water Tap Purchase. Failure to have the water tap connected within one year of the issuance of the building permit associated with the water tap shall result in a forfeiture of any and all amounts paid pursuant this Ordinance.

12.1.7 Other Violations. Notwithstanding the above, any violation of this Code is unlawful and subject to penalties.

12.1.8 Entities. It shall be unlawful for any person, partnership, corporation, limited liability company, or entity to violate any provision of this Ordinance.

12.1.9 Penalties. The violation of any provision of this Ordinance, except non-payment of water fees according to Article VIII, is declared to be a misdemeanor and shall be punished by a fine not to exceed \$1,000 per day for each occurrence. Unless otherwise indicated, each day or portion thereof in

violation of this Ordinance shall constitute a separate offense. Any penalties assessed for violation of this Code is in addition to the turn-on/turn-off fee, or any other fees required under this Code.

12.1.8 Discretion. The Town may, in its discretion, also proceed against any violation or violations of this Ordinance by any person, partnership, corporation, limited liability company, or entity, in a civil action for abatement, injunction, remedies, and these remedies shall be in addition to the criminal penalties provided in this section, damages, specific performance or by a lien, foreclosure, or through other equitable remedies, and these remedies shall be in addition to the criminal penalties provided in this section.