

Title 13

PUBLIC UTILITIES

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- 13.04 Electric, Water and Sewer Systems
- 13.08 Pretreatment Program, Industrial User, and Sewage System Supplemental Regulations
- 13.10 Backflow Prevention and Cross-Control Program Regulations
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Chapter 13.04

ELECTRIC, WATER AND SEWER SYSTEMS

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13.04.010 General provisions..

A. All customers of City electric, water or sewer services shall be subject to the terms and conditions as set out in this Chapter and shall be subject to all applicable regulations of the City Code and other ordinances, resolutions and regulations of the City, as now existing or hereafter amended.

B. The owner, lessee, party in possession and party actually using electric, water or sewer service, of any property served by City electric, water or sewer service, shall be jointly and severally liable for all fees, charges and penalties imposed by this Chapter and for compliance with other requirements of this Chapter, notwithstanding any agreement among themselves.

C. Unless the context indicates otherwise, the following definitions, as used in this Chapter, shall have the meanings hereinafter designated:

1. "BOD" or "biochemical oxygen demand" means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty degrees Celsius (20°C), expressed in milligrams per liter.

2. "COD" or "chemical oxygen demand" means the measure of the oxygen equivalent of that portion of organic matter in a sample that is susceptible to oxidation by a strong chemical oxidant under laboratory procedures.

3. "C.C.R." means the Colorado Code of Regulations.

4. "C.F.R." means the Code of Federal Regulations.

5. "City electric system" means all devices, facilities, structures, equipment, or works owned by the City for the purpose of the production, generation, transmission, distribution, or regulation of electricity. This definition also includes the terms "electric system," "electric line," "electric service," "overhead electric service," and "underground electric service."

6. "City sewer system" means all facilities and distribution mains owned and operated by the City of

Delta that carry domestic and/or non-domestic wastewater or sewage and to which storm, surface, and ground waters are not intentionally admitted, including the pipe or conduit system and appurtenances, for the collection, transportation, pumping, and treatment of sewage. This definition also includes the terms "public sewer," "sewer system," "sewer main," "sewer," and "sewer service."

7. "City water system" means all facilities and distribution mains owned and operated by the City of Delta that carry water ... This definition also includes the terms "public water," "water system," "water main," "water," and "water service."

8. "Collection line" means that portion of the wastewater treatment system which collects and transmits wastewater from users to the City of Delta Wastewater Treatment Plant, excluding service lines.

9. "Commercial customer" means any person whose use of the electric, water, or sewer system is in connection with the operation of a business, trade, or occupation, whether or not for profit, or any other non-single-family residential purpose. This definition includes, but is not limited to, homeowners' associations, clubs, fraternities, sororities, lodges, hotels, apartment and rooming houses, tourist camps and cottages, multi-family dwellings where more than one dwelling unit is served through one meter, all common areas of multi-family dwellings when separately metered, schools, military facilities, industrial facilities, governmental buildings, and churches.

10. "Critical Action" means any action that would create or extend the useful life of the following facilities: (a) facilities that produce, use, or store highly volatile, flammable, explosive, toxic, or water reactive materials; (b) schools, hospitals, and nursing homes that are likely to contain occupants who may not be sufficiently mobile to avoid the loss of life or injury during flood and storm events; (c) emergency operation centers or data storage centers that contain records or services that may become lost or inoperative during flood and storm events; and (d) multi family housing facilities designed primarily (over 50%) for individuals with disabilities.

11. "Designated flood hazard area" means a floodway or floodplain, so determined by FEMA or another responsible agency of Federal, State, or local government, involving a 500-year frequency flood hazard in the case of a Critical Action or involving a 100-year frequency flood hazard in all other instances.

12. "Distribution main" means that portion of the water supply system which transmits and distributes water from treatment or storage to users, excluding service lines.

13. "HP" means horsepower, or a unit of measurement of power, usually in reference to the output of engines or motors.

14. "KWH" means kilowatt-hour, or a unit of energy equal to one (1) kilowatt of power sustained for one (1) hour.

15. "Nonpotable water" means water that is not safe for human consumption or that is of questionable potability.

16. "pH" means a measure of the acidity or alkalinity of a solution, expressed in Standard Units (SU) and is calculated by taking the logarithm of the reciprocal of the hydrogen ion concentration expressed in moles per liter of solution.

17. "Pollutant" means any dredged spoil, solids, incinerator residue, filter backwash, sewage, garbage, sewage sludge, explosives, munitions, medical waste, chemical wastes, corrosive substance, biological material, biological nutrient, toxic substance, radioactive material, heat, malodorous substance, wrecked or discharged equipment, rock, sand, slurry, cellar dirt, untreatable waste, or industrial, domestic, or agricultural wastes and certain characteristics of wastewater (e.g., pH, temperature, SS, turbidity, color, BOD, COD, toxicity, or odor) discharged into or with water.

18. "Potable water" means water free from impurities in amounts sufficient to cause disease or harmful physiological effects, conforming with State of Colorado drinking water regulations.

19. "Residential customer" means any person whose use of the electric, water, or sewer system is exclusively for domestic purposes in a private home or individual dwelling unit where not more than one (1) dwelling unit is served through one (1) meter.

20. "Service line" in the context of water means the water line extending from the property, building, establishment, or grounds up to and including the connection to the distribution main. "Service line" in the context of sewer means the wastewater collector line extending from the wastewater disposal facilities of the premises up to and including the connection line.

21. "SS" or "suspended solids" means the total suspended matter, expressed in milligrams per Liter, that floats on the surface of, or is suspended in, water, wastewater, or other liquids, and which is removable by laboratory filtering in accordance with procedures approved in 40 C.F.R § 136, as amended.

22. "Tap" means the connection of a service line to the water system or sewer system, either directly to a distribution main or connection line or indirectly through a service line.

23. "Tap fee" or "tapping fee" means a fee charged to a customer of water or sewer service, which fee represents an investment and capital contribution to the City's present and future physical water or sewer systems and includes such items as collection, treatment, and storage, but does not include extension of the City water or sewer system to provide service, nor payment for acquisition, adjudication, or changes in water rights necessary to provide water service or to protect the City's water rights.

24. "Toxic pollutants" means any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the EPA under the provisions of 33 U.S.C. § 1317(a), or as otherwise listed at 40 C.F.R. § 122, Appendix D.

25. "U.S.C." means the United States Code.

26. "Wastewater" means liquid and water-carried industrial wastes and/or sewage from residential

dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the City of Delta Wastewater Treatment Plant.

D. Technical specifications used in this Chapter, including back-flow prevention device, curb box, curb stop valve, meter, pit, and yoke, are as defined in the City's Standards and Specifications. (Ord. 4, §5, 2020; Ord. 23, §1(part), 1984; Ord. 4, 2022)

13.04.020 Application for service.

A. An application for City electric, water or sewer service shall be made upon forms provided by the City, which forms shall require information as may be necessary for the proper billing and management of the electric, water or sewer system, and shall be accompanied by:

1. The system improvement and other fees imposed by this Chapter;
2. A plan of the property to be served; and
3. Evidence of title to, and legal description of, the property to be served.

B. If the property to be served is outside the City limits, the application shall be accompanied by:

1. A title memorandum furnished by a reputable title company, a copy of the applicant's deed or a copy of a title insurance policy showing the title status of the property, the owner of record, and the legal description of the property to be served; and

2. An agreement executed by the applicant and the owner which contains the following conditions and other conditions consistent with this Chapter:

- a) All service lines between the City lines or mains and the building served shall be constructed and maintained in compliance with the City's Standards and Specifications and applicable regulations.

- b) Such other terms and conditions for service outside the City limits as the City Council may determine in its sole discretion, which may

include a requirement to process a petition for annexation to the City as a condition of continued service if and when the property is eligible for annexation. The approval of any utility service outside the City limits is entirely at the discretion of the City Council.

c) The owner and applicant agree to comply with all provisions of this Chapter, as amended from time to time.

C. Applications for connection to the City electric, water or sewer system shall be accompanied by properly executed documents granting the City all easements reasonably necessary for electric, water or sewer lines and facilities.

D. The City may grant permission for the use of electric, water or sewer service only upon receipt of the proper application and payment of all applicable fees, charges and deposits.

E. Applications for all connections must be reviewed and approved by the City Manager. If any City main or line extension is required, the connection shall not be approved unless the terms of the extension have been approved by the City. The application shall be denied if capacity is not available for utility related reasons.

F. The City Council may declare a moratorium on new connections at any time due to limitations on system capacity or other circumstances which require such action in their opinion.

G. No application for the connection of any private line, private electric, water or sewer company, or feeder district shall be approved; provided, however, this shall not preclude approving connection for water service to a mobile home park, travel home park, apartment building or condominium building, through a master water meter. Existing water companies or other private lines served by the City shall submit an application for connection for any additional customers, dwelling units, buildings, or taps to be serviced by such companies accompanied by fees as set out in Section 13.04.040, on the same basis as if the connection was to be directly to a City main. (Ord. 4, 2022)

13.04.030 Connection required within 400 feet of City sewer main.

A. Whenever a City sewer main is installed within four hundred (400) feet of the premises upon which a structure requiring plumbing is located, the occupant or owner will, upon request of the City, connect to such sewer line and pay all system improvement and other fees, therefore, in accordance with City ordinances and regulations, as they may be amended from time to time. (Ord. 4, 2022)

13.04.040 Water and sewer taps, fees and charges.

A. General provisions applicable to water and sewer taps fees charges :

1. Fees and charges imposed by this Section shall be due when any customer presently served by water or sewer extends the facilities or changes the customer's use, if the expansion or change in use necessitates a larger connection increases the number of units, or when a new connection to the system is required except a connection solely for the purposes of repair of an existing adequately sized connection, in which case only actual costs of City material and labor will be charged. Such fees and charges shall be paid prior to any expansion or connection or issuance of any permit therefore.

2. No connection to the City or existing private system shall be allowed that is smaller than reasonably necessary to serve the proposed use, as provided in City codes and specifications. No customer may make any changes or additions to property served that would substantially increase the amount of water used or sewage produced without obtaining an enlarged tap sufficient to accommodate such use.

3. If an existing connection is not of reasonably adequate size, a credit shall be allowed toward the fees imposed by this Chapter for an amount equivalent to the charge that would be imposed by this Chapter for a connection the same size as the one to be replaced by a new connection and taken out of service. Such credit may be applied only toward charges imposed by this Chapter. Provided, however, in all cases the applicant shall be charged at least for actual costs of material and labor expended by the City.

4. Private water or sewer systems shall be assessed the fees and charges both for the connection of the private line to the City system and for each customer, building or dwelling unit served by such line, prior to connecting such customers. Private companies or systems shall also remit unit charges for each additional unit added to a multi-unit facility as specified in Subsections B and C below.

5. System Improvement Fees imposed upon property located outside the City limits shall be twice the fees for property inside the City limits. This shall not apply to Water Tapping Fees.

6. If, at the time service is first initiated following connection, the amount of System Improvement Fees or Tapping Fees has been increased by the City from what the applicant paid previously at the time such applicant obtained the permit for connection or actually made the connection, the applicant shall remit such additional amount at the time of initial service; provided, however, this subsection is not applicable to taps approved by the City before January 1, 2009.

7. Separate buildings shall require separate taps to a City water main and a City sewer main, or in the case of service provided through a water or sewer company, district or privately owned main, separate taps to the company, district or privately owned main. Provided, however, a garage, regularly used to house vehicles accessory only to a residence within the City, may have plumbing and plumbing fixtures served off of the residence's taps, if not intended to change the existing use. Separate system improvement and other fees shall be due for each tap onto a City, company, district or privately owned main, regardless of building ownership. Separate dwelling units in a travel home park or mobile home park shall require separate sewer taps to a City owned sewer lateral or main. The purchaser may purchase more than one tap to serve any building or dwelling unit. New summer irrigation water taps shall not be authorized.

8. All existing authorized summer taps shall be used solely for irrigation purposes. Any other use shall

terminate the right to use such tap. The City shall turn such taps on and off at the customer's request.

9. Taps may be used to serve only that property for which the tap was purchased and approved to serve.

B. Water connection fees and charges:

1. Fees and charges are as established by the City's annual fee schedule and shall be imposed and collected prior to connection to the water system, prior to the time of any occupancy permit, prior to the use of any such unit or dwelling, or as otherwise required, pursuant to this Section.

2. No water tap larger than two inches (2") shall be approved, except solely for a fire line, unless the City determines that adequate capacity is available to serve the use without adverse effects, or unless the applicant pays for the cost of installing necessary system capacity.

3. In addition to Water System Improvement Fees, a Water Tapping Fee shall be paid as set by the City's annual fee schedule to cover City expenses incurred in tapping the main and installing pipe, meter and curb boxes, except when these facilities are provided by the developer, pursuant to the City Subdivision Regulations. Tapping fees shall be paid at the time the tap is purchased except when said tap has been purchased previously or credited through other means.

C. Sewer connection fees and charges:

1. Fees and Charges are as established by the City's annual fee schedule and shall be imposed and collected prior to any connection to the sewer system, prior to the time of any occupancy permit, prior to the use of any such unit or dwelling, or as otherwise required, pursuant to this Section.

2. No sewer tap larger than six inches (6") shall be approved unless the City determines that adequate capacity is available to serve the proposed use without adverse effects, or unless the applicant pays for the cost of installing necessary system capacity.

(Ord. 23, §1(part), 1984; Ord. 1, §1, 1998; Ord. 20, §1 & §3, 1998; Ord. 16, §1, 2001; Ord. 34, §1, 2002; Ord. 9, §20, 2004; Ord. 21 §1, 2004; Ord. 8, §4, 2006; Ord. §12, 2008; Ord. 4, 2022)

13.04.050 Installation and maintenance responsibilities.

A. Water system - The City shall make and maintain all connections to the City water system, shall provide and maintain 3/4-inch meters with related pits and yokes, shall install and maintain water service lines from the City main to the customer's curb box, and shall install and maintain the curb box, except as otherwise provided by contract for existing private companies, or pursuant to City Subdivision Regulations. The owner shall purchase from the City all water meters larger than 3/4-inch, along with a yoke and a pit and related materials, including asphalt replacement, if required, at the time the tap is purchased. The City will install the tap, all meters and service line from the main to the meter. The owner shall install and maintain all other water lines and facilities, including curb stop valve, to serve owner's property. The location of all meters must be approved by the City prior to installation. No occupancy permit shall be issued by the City for any building requiring water service until a meter has been installed, inspected and approved in accordance with these provisions. The City will own and maintain all water meters after proper installation. All meters shall be obtained through the City.

B. Sewer system - The customer shall be responsible for the connection, installation and maintenance of all sewer lines and facilities, including the entire length of service line between the City owned main and the customer's premises and for plumbing facilities serving the customer's property.

C. Electric system

1. The City shall install, own, and maintain all lines, facilities, and service connections up to the customer's service point, unless otherwise specified by written agreement. The service point for an overhead electric service is the point where the service conductor connects to the structure. The connection point shall be decided by the City. The service point for an underground electrical service shall be at the meter box line side connectors. All costs the City incurs in extending the service to the customer's building or facility shall be paid to the City by the customer, except that the City shall bear

the first \$300.00 of costs to extend service to permanent individually owned residential dwelling units and commercial units. The City's estimated costs of extending service shall be paid by the customer in advance, unless otherwise provided by the contract. The City shall own and maintain the electric meter itself regardless of its location in relation to the service point and shall have a right of access to said meter.

2. Subdividers shall, at their cost, establish the permanent "rough grade" prior to installation of underground facilities.

3. The City may convert overhead facilities to underground facilities where practical, as determined by the City, at the customer's request and expense.

4. All customers with motors 20 HP or greater shall install compensating starters and obtain a permit therefore prior to operation, unless other adequate protection is demonstrated to the City's satisfaction.

5. All customers shall maintain a Power Factor above 85. The Power Factor (PF) is the ratio between real power measured in kilowatts (kW) and apparent power measured in kilovolt amperes (kVA), or the following formula: $PF = kW / kVA$. If at any time the City's Electric department finds a customer's Power Factor below 85%, the City shall notify the customer that the Power Factor will need to be corrected within 90 days, or the City will install the corrective measures and retain the right to bill the customer for time and materials needed to correct the Power Factor. (Ord. 4, §6 & 7, 2020; Ord. 4, 2022)

D. If any portion of the water, electric, or sewer lines or other facilities for which the customer is responsible is in need of repair and the customer fails to make such repairs following notice from the City, the City may either terminate service or make repairs and bill them to the customer. Such charges shall become a lien upon the property and may be collected as other charges imposed by this Chapter.

E. Separate Non-Residential Irrigation Meters. The City will install, own and maintain all meters and related back-flow

prevention devices requested by a customer to utilize the landscape irrigation rate of subsection 13.04.110(F). The customer shall reimburse the City for the cost of such installation and shall be responsible for the installation and ownership of all landscape irrigation facilities downstream of the back-flow prevention devices. (Ord. 23, §1(part), 1984; Ord. 11, §2, 1994; Ord. 1, §2, 1998; Ord. 16, §1, 2001; Ord. 9, §2 & 3, 2016; Ord. 4, 2022)

13.04.060 Electric, water and sewer use charges-General provisions.

A. Charges for water, sewer and electric service shall be payable, assessed and billed at periodic intervals specified by the City Council.

B. Monthly water, electric and sewer charges shall commence when service is first utilized.

C. Sewer and electric charges may be billed with the water bills or otherwise, as determined by the City Manager.

D. All bills shall specify a due date. Bills not paid by the due date shall be subject to a late payment fee as set by the City's annual fee schedule.

E. Minimum charges for minimum periods of less than one (1) month shall be prorated. (Ord. 23, §1(part), 1984; (Ord. 5, §1, 2001; Ord. 4, 2022)

13.04.070 Remedies for nonpayment. In addition to any other remedies which the City may have, the City may take the following action upon failure to pay any charges or fees by the date specified as due upon the bill, or when they are otherwise due:

A. The City may foreclose the lien imposed by this Chapter in accordance with law.

B. The City may maintain an action for the amount of charges due in a court of competent jurisdiction including interest and attorney's fees and costs as allowed by law.

C. The City may certify the amount of any charge due to the County Treasurer to become an assessment upon such property served to be collected as taxes upon such property are collected.

D. All fees and charges imposed by this Chapter shall become a lien upon the property served as of the date they are billed or due.

E. The City may shut off water or electricity to any premises for which the bill is not paid in accordance with the procedures set forth in Section 13.04.140. (Ord. 23, §1(part), 1984; Ord. 4, 2022)

13.04.080 Specifications and standards. The materials used and installation of all components of the City electric, water and sewer system, service lines and plumbing systems connected thereto and served thereby shall be in accordance with standards, regulations, and specifications approved by the City, and in accordance with all City building, electrical and plumbing regulations and other applicable regulations. Such City standards, specifications and regulations may include but not be limited to the installation, location, and type of material of water and sewer mains, electric lines, service lines, curb boxes, valves, corporation stops, meters, meter pits, meter yokes, and other fixtures and facilities. All such facilities shall also comply with all applicable State and Federal regulations and the State of Adopted Electrical Code. (Ord. 23, §1(part), 1984; Ord. 8, §2, 2021)

13.04.090 Electric, water and sewer extensions.

A. No water or sewer main, or electrical lines or facilities of the City may be extended without the approval of the City.

B. The City may, at its own expense, extend its water or sewer mains and electric lines as deemed feasible or necessary. The City may provide for such extensions in accordance with its Subdivision Regulations or by contract with any customer desiring such extensions or by improvement district. Any such contract shall be on terms approved by the City and may provide for the size of the mains or lines to be extended, the apportionment of the costs of the extensions, reimbursement provisions for subsequent taps onto such extension, or such other provisions as the City Council deems in the public interest..

C. All such mains, lines and facilities connected to the City system, except service lines, shall be conveyed and dedicated to the City, and the appurtenance easements shall be conveyed to the City, free and clear of all liens and

encumbrances. (Ord. 4, §8, 2020; Ord. 23, §1(part), 1984; Ord. 4, 2022)

13.04.100 Right of entry.

A. Whenever necessary to make an inspection or investigation to perform any duty, or to enforce any of the provisions of this Chapter, any authorized City representative may enter upon any building or premises served by City electric, water or sewer at any reasonable time for such purposes. If the building is occupied, the City representative shall present proper credentials and request entry.

If such building is unoccupied, the City representative shall make reasonable efforts to locate the owners or persons in possession of the premises and request entry. If entry is refused, the City shall have recourse to all remedies provided by law to secure entry, including issuance of an inspection warrant by the Municipal Court.

B. The right of entry shall apply but not be limited to the following functions: To determine the location and conditions of all hydrants, pipes, fixtures, electrical facilities and meters, to read meters, to make repairs, to perform dye and smoke tests, and to investigate violations of this Chapter. (Ord. 23, §1(part), 1984)

13.04.110 Monthly water rates.

A. Single family homes, parsonages, duplexes, apartments, condominiums, rooming houses, mobile home parks and other multiple unit dwelling facilities providing permanent residences shall be subject to the monthly rates established by the City's annual fee schedule for each meter serving the customer; provided, however, use through an authorized summer irrigation tap shall be combined with use through the household meter for purposes of the application of rates in accordance with the City's annual fee schedule.

B. Existing authorized summer irrigation taps shall pay charges as set by the City's annual fee schedule for each month the tap is in use.

C. Existing customers for which the City has determined that the installation of a meter is physically unfeasible shall pay the $\frac{3}{4}$ " or smaller fee per commercial unit per month as set out in Section 13.04.240.

D. The rates for water sold at the City dispenser shall be as set by the City's annual fee schedule

E. All other customers, including churches and apartments that so elect, shall be charged, unless otherwise provided by an existing contract, in accordance with the City's annual fee schedule.

F. Customers with a water account subject to the rates in subsection (E) who have installed a separate two inch (2") or smaller meter to supply water exclusively for irrigation of lawn, trees, shrubs and other decorative landscaping plantings shall be charged an irrigation water rate for each such meter, two inches (2") in size or less, in accordance with City's annual fee schedule.

G. Water used by the City shall be charged to the appropriate City fund at the rate in accordance with the City's annual fee schedule.

H. Water used by construction meter shall be charged in accordance with the City's annual fee schedule.

(Ord. 23, \$1(part), 1984; Ord. 13, \$1, 1988; Ord. 11, \$2, 1990; Ord. 13, 1990; Ord. 12, \$2, 1992; Ord. 11, \$1, 1994; Ord. 27, \$1, 1994; Ord. 37, \$2, 1995; Ord. 37, \$1, 1996; Ord. 1, \$3, 1998; Ord. 20, \$1, 1998; Ord.29, \$1 & 4; 1999; Ord. 34, \$2, 2002; Ord. 8, \$2, 2006; Ord. \$12, 2008; Ord. 4, 2022)

13.04.120 Monthly electric rates.

A. Monthly charges for residential customers (including single family homes, parsonages, duplexes, apartments, condominiums, apartment houses, rooming houses, mobile homes, and other multiple unit dwelling facilities providing permanent residences) shall be charged in accordance with the City's annual fee schedule for each meter serving the customer.

B. Security lights and yard lights shall be charged per light per month in accordance with the City's annual fee schedule. The City may change out High Pressure Sodium yard lights to LED yard lights as time and budget allows. A customer may request a change to an LED yard light. City staff will schedule the change and, upon the completion of the LED installation, the monthly yard light charge will be changed to the LED Security/Yard Lights charge on the utility bill. A Utility Connect fee shall be applied to all customer requested LED change out of yard lights. Street lighting, electricity for

traffic lights, and other electricity used by the City shall be charged in accordance with the City's annual fee schedule. KWH for non-metered street lights shall be determined as follows:

100 Watt High Pressure Sodium Light	40 KWH per month
Small LED Street Light	15 KWH per month
Large LED Street Light	24 KWH per month

C. All other customers, other than those provided for in subsections A and B above, shall be charged for electric service in accordance with the City's annual fee schedule. . Single phase and Three phase are defined as less than 50 KVA of installed transformer capacity. Customers with 50 KVA or more of installed transformer capacity shall pay rates indicated as Industrial in accordance with the City's annual fee schedule; provided, however, those Industrial customers whose meter is on the line side of the transformer shall receive a two percent (2%) discount on the energy charge.

D. Wholesale (City) customers shall be charged at the rates established by the City's annual fee schedule..

E. Electric customers within City limits that have been acquired from Delta-Montrose Electric Association (DMEA) after September 1, 2020 shall be subject to a Cost Recovery Charge of ten percent (10%) of the electric charges, payable each month on the regular utility bill, to recover forty percent (40%) of the costs the City is required to pay DMEA for acquisition of the customer's electric service per C.R.S. § 40-9.5-204(1)(c). This charge shall remain in effect for a period of ten (10) years from the date of the acquisition from DMEA.

(Ord. 23, §1(part), 1984; Ord. 4, §1, 1990; Ord. 14, 1991; Ord. 37, §2, 1996; Ord. 23, §1, 2002; Ord. 8, §3, 2006; Ord. §12, 2008. Ord. 5, §1, 2011 Ord. 9, §4, 2016; Ord. 4, § 9 & 10, 2020; Ord. 4, 2022)

13.04.130 Monthly sewer rates.

A. Charges for sewer service shall be established by the City's annual fee schedule.

B. A monthly surcharge for any customers other than the residential class discharging wastewater with biological oxygen demand ("BOD") or concentrations of suspended solids other than those of the average residential user* shall be computed in accordance with the formula in the City's annual fee schedule and added to the base charge provided for in subsection A.

C. 1. If any customer is discharging toxic or other pollutants in concentrations higher than that of a residential customer that causes increased treatment or system costs, an additional surcharge may be imposed based upon the excess concentrations.

2. Industrial customers who exceed limits in their Discharge Authorization Order pursuant to Chapter 13.08 may be subject to additional surcharges.

3. Any restaurant that does not have a grease trap and any service station or car wash without a sandtrap shall be subject to an additional surcharge equal to fifty percent (50%) of the BOD surcharge computed pursuant to subsection B above.

D. Each customer shall be notified at least annually in conjunction with a regular bill of the rate and that portion of the use charges which are attributable to wastewater treatment services.

E. Each customer's BOD and SS will be assigned pursuant to City regulations by the City Manager based upon available data from the Regulation 43, On-site Wastewater Treatment System Regulation, 5 C.C.R. 1002-43, or the best available engineering data, except when data based upon actual composite sampling, done in accordance with minimum State Health Department sampling procedure guidelines, is available, in which event such data shall be utilized.

F. Customers served by water utilities other than the City shall provide their actual water consumption data to the City. Failure to provide such data shall be reason to terminate City sewer service.

G. Water delivered through an authorized landscape irrigation meter shall not be utilized in determining charges due under this section.

(Ord. 2, §1(part), 1985; Ord. 4, §1, 1985; Ord. 11, §3, 1990; Ord. 12, §3, 1992; Ord. 43, §1, 1993; Ord. 11, §3, 1994; Ord. 4, §1, 1995; Ord. 37, §3, 1995; Ord. 37, §4, 1995; Ord. 1, §4, 1998; Ord. 29, §2, 1999; Ord. §12, 2008; Ord. 4, § 11, 12, 13 & 14, 2020; Ord. 4, 2022)

13.04.140 Non-payment, termination, and resumption of electric, water and sewer service.

A. In case any customer fails or refuses to pay any charges or penalties for City water, electric or sewer service

or shall fail to comply with the provisions of this Chapter or other regulations applicable to the City electric, water or sewer service, the City may shut off service to the premises.

B. Prior to shutting off service, the City shall send a notice to the address of the customer concerned, as shown on City records, stating the reason for the shut off, and the date upon which service may be shut off unless the charges are paid or other specified violation is corrected. Such date shall be at least ten (10) days after the deposit of the letter giving notice of the shut off in the United States mail. Additionally, the City shall send or deliver a pre-disconnect notice twenty-four (24) hours prior to the date of service disconnection no later than 5:00 p.m., and shall charge a pre-disconnect fee as set by the City's annual fee schedule.

C. The customer shall be entitled to a hearing with a City representative for the purpose of resolving any dispute concerning the amount due or the violation specified.

D. If the customer requests a hearing, an informal hearing shall be scheduled as soon as possible by the City.

E. If the City representative, following the hearing, determines the matter adverse to the customer, service may be shut off immediately or on the date specified in the notice of shut off, whichever is later.

F. The customer may appeal any such decision to the City Council where the customer will be allowed a hearing, providing they make a deposit with the City in the amount of any charges due.

G. If the City shuts off service pursuant to this Chapter, service will not be restored until all overdue charges, penalties, other applicable charges that have been billed, and a non-payment fee as set by the City's annual fee schedule, have been paid to the City. These charges shall be paid even if service has not been shut off.

H. Customers whose premises will be vacant may request water, sewer and electric service to be shut off. Monthly charges shall not be due during months in which service is shut off during the entire month.

I. Customers may request that utilities be shut off for

convenience at any time. Any person desiring their service be temporarily shut off or turned on shall pay the City a disconnect or shut-off fee and a reconnect or turn-on fee in accordance with the City's annual fee schedule. Consumptive charges shall not accrue during the period when the service is disconnected or shut-off.

J. The City shall impose Utility Connect and Utility Reconnect Fees as set by the City's annual fee schedule for all new customers that request electric, water, and/or refuse service, or to resume electric, water, and/or refuse services due to disconnection. (Ord. 23, §1(part), 1984; Ord. 9, §5 & 6; Ord. 4, §15, 16, 17, 18 & 19 2020; Ord. 4, 2022)

13.04.150 Restriction of water use.

A. The City Council may by resolution limit the use of City water to specific times, days and uses.

B. It shall be unlawful for any customer to sell or give water away to be used on premises other than those for which service is authorized.

C. It shall be unlawful to open or close any fire hydrant, stop or curb valve, or to turn on or turn off the water service to any property without lawful authority to do so.

D. It shall be unlawful to cause or allow any pollutant to be introduced in the City water system or to cross connect it with any irrigation water system. (Ord. 23, §1(part), 1984; Ord. 4, §20, 2020)

13.04.160 Use of fire hydrants.

A. When it is necessary to use water temporarily at a place where the water supply is inadequate, application may be made to the City for a permit to use water from a fire hydrant. It shall be unlawful to use water from, or connect any apparatus to, a fire hydrant without first obtaining a permit.

B. Each permit shall specify the terms and conditions of use and the fire hydrant or hydrants authorized to be used. No customer shall attach to the operating stem or cap of a fire hydrant any wrench or tool that is not approved by the City for use on fire hydrants. In addition to any other remedy available to the City, any wrench, connection apparatus, valve, hose, or other item attached to a fire hydrant in violation of this Chapter shall be subject to removal and confiscation by the City. (Ord. 12, §1(part), 1984; Ord. 4, §21, 2020)

13.04.170 Groundwater. All groundwater from the Dawson, Denver, Arapahoe, Laramie-Fox Hills, and Dakota aquifers, and other nontributary groundwater underlying land included within the corporate limits of the City of Delta as of January 1, 1985, is hereby incorporated in the actual municipal service plan of the City, pursuant to and in accordance with the provisions and exceptions of C.R.S. § 37-90-137. (Ord. 11, 1985)

13.04.180 Special provisions for Garnet Mesa Sewer Project

A. The provisions of this Section shall supersede any conflicting provisions in this Chapter with respect to connections to the sewer mains constructed as part of the 1995/1996 Garnet Mesa Sewer Extension Project.

B. Taps purchased that will utilize mains constructed by the Project that are not activated and subject to standard monthly charges shall be subject to a monthly base charge equal to one half of the applicable standard monthly minimum charge commencing after completion of construction. If such property has an existing septic system, it will not be required to connect to the sewer system until an individual sewage disposal system installation or repair permit is necessary to replace or repair the septic system. (Ord. 4, 2022)

13.04.190 Construction surcharge.

A. Connections to the water system constructed pursuant to the 2005 5th Street Water Main Extension Project shall be subject to a surcharge of five hundred and fifty dollars (\$550) prorated for each 3/4" connection or equivalent, until further action by City Council. Such surcharge shall be payable on the sooner of payment of a tapping fee for any tap, payment of the system investment charge for any tap, or sale of any lot in a subdivision planned to be served by such main, including Fox Hollow Subdivision Filing No. 1. (Ord. 20, §2, 1998; Ord. 20, §1, 2004; Ord. 4, 2022)

13.04.200 Additional water company requirements. Each water company served by the City shall furnish monthly to the City a list of its current customers by name and address. The company shall notify the City immediately upon any changes in the customers served or new taps. No new taps shall be authorized by any company until approved by the City with payment of applicable fees and surcharges pursuant to this Chapter. (Ord. 20, §2, 1998)

13.04.210 Special provisions for the North Delta Sewer Project.

A. The provisions of this Section shall supersede any conflicting provisions in this Chapter, with respect to connections to the sewer mains constructed as part of the 2000 North Delta Sewer Extension Project.

B. Taps purchased that will utilize mains constructed by the Project that are not activated shall be subject to a monthly base charge equal to one half of the applicable standard monthly minimum charge. If such property has an existing septic system which is operating properly, it will not be required to connect to the sewer system until an individual sewage disposal system installation or repair permit is necessary to repair or replace the septic system.

C. The City will deny future taps to property owners for significant new facility construction to be located in designated flood hazard areas, as defined in this Chapter, unless there is no practical alternative. This special mitigation measure will only pertain to newly issued taps within the impact area of the project to be financed by the Rural Utility Service Loan, and will not involve any other areas within the City of Delta's overall service area. This "impact area of the project" has been determined to be that portion of the North Delta area served by RUS-funded sewer mains, lying generally north of the Gunnison River, east of 1400 Lane extended, west of 1675 Road, and south of the North Delta Canal. (Ord. 23, §1, 20001 Ord. 4, 2022)