

Chapter 4.12

WATER SYSTEM

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4.12.010 Town Council Action on Rules of Operation, Rates, Charges or Classifications: The Town Council is hereby authorized to adopt, establish, or change the rules of operation, rates, charges or classifications imposed on the customers of the Town water utility in the manner of and pursuant to the procedures imposed upon and allowed to municipal utility services by the laws of the state, and also in compliance with the Charter for the Town of Superior. The decision of the Town Council to adopt, establish, or change said rules, rates, charges, or classifications shall be made by resolution duly adopted and approved and filed with the Town Clerk.

4.12.020 Availability of Rules of Operation and Schedule of Rates, Charges and Classifications: A schedule of rates, charges, or classifications imposed upon the customers of the town water utility and a copy of the rules established for the operation of said utility shall be kept and maintained in the Town Clerk's office and the same shall be made available for public inspection at any time during regular office hours.

4.12.030 Repairs and Meter Reading: The water department may shut off water at any time to make repairs without liability for damage. Employees of the water department shall have access to all premises during daylight hours for the purpose of, and limited to, inspection, servicing and repairing, and reading of meters.

4.12.040 Water Meters—Misdemeanor Generally. Every person who , with intent to injure or defraud, or who shall:

- a) Break or deface the seal on any meter; or
- b) Obstruct, alter, injure, or prevent the action of any meter or other instrument used to measure or register the quantity of water supplied to a consumer thereof; or

- c) Make any connection by means of a pipe, or otherwise, with any main or pipe used for delivery of water to a consumer thereof, in such manner as to take water from the main or pipe without its passage through or other instrument provided for registering the amount or quantity consumed, or use any water so obtained; or
- d) Make any connection or reconnection with such main or pipe, or turn off or on, or in any manner interfere with any valve, stopcock, or other appliance connected therewith; or
- e) Prevent by the erection of any device or construction, or by any other means, free access to any meter or other instrument for registering or measuring the amount of water consumed, or to interfere with, obstruct, or prevent, by any means, the reading or inspection of such meter or instrument by any of the employees of the water department shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished as provided in Section 1.08.010, and full restitution to the Town for damages or losses incurred, by filing a complaint in a court of competent jurisdiction.

4.12.050 Unlawful to Interfere, etc., with Property of Water Department, etc.: It shall be unlawful for any person to open, close, turn, or interfere with, or attach to, or connect with any fire hydrant, main, curb cock, or valve, without permission from the water department, or to disturb or damage any pipe, machinery, tools, or other property of the water department, or to throw any substance into any reservoir or water main or to bathe in any reservoir, or to deface or injure any buildings belonging to or connected with such water system.

4.12.060 Town Water Pipes—Injuring, etc.: No person shall alter, change, molest, connect with, or in any manner interfere with any Town water pipes placed in position for conducting water, or through which water is conducted or held, without the written consent having been previously obtained from the town.

4.12.070 Water—Misappropriation: It shall be unlawful for any person wrongfully or unlawfully to take or in any manner appropriate any water from any water pipe.

4.12.080 Two or More Residence or Business Buildings NOT to be Supplied Through One Connection—Exception: It shall be unlawful for any owner, agent, or tenant to supply, or permit to be supplied, any water to two or more residence or business buildings through one connection except on special contract with the water department.

4.12.090 Hook Up to Town Water System Required: All improved property adjacent to, or right-of-way access route adjacent to, a Town water main shall be required to hook up to the Town water system, except as provided by the rules and regulations.

4.12.100 Notice of Noncompliance: If the town determines that a residence is not in compliance with the terms of this ordinance pursuant to section 4.12.100 notice shall be given to the property owner of record specifying the date by which he must hook up to the town water system. Said Notice shall be at least thirty (30) days before the date of compliance. If the property owner does not comply with the ordinance and the notice given, within thirty (30) days of the date of the Notice, the owner shall be in violation of this ordinance. The Notice shall be dated with the actual date of attempted delivery in person or by mail to the property owner. A violation of section 4.12.100 shall be deemed a misdemeanor, and upon conviction thereof, shall be punishable as provided in Section 1.08.010 of the Town Code. In addition, the town may recover the cost of hooking up the residence to town water by filing a complaint in a court of competent jurisdiction.

4.12.110 Wells and Pumps: (1) No new water wells shall be authorized for the purpose of human consumption or irrigation on all property adjacent to, or Right-of-way adjacent access, Town water main. There shall not be any cross-connections between any individual well and pump and the town water system, except as provided by the rules and regulations.

(2) Property with an existing private water well, with water service available within 75' of the property boundary line, must connect to the Town water system, cap the private water well and abandon all water rights associated with the private well when the property owner transfers ownership. Within 60 days of the transfer of ownership, unless the Council grants an extension for reasons of hardship or inability to schedule the work, the new property owner shall advise the Town Clerk of their election of one of the following options:

- Credit will be given on the new owner's utility account for the water well at fair market value as of the date of transfer.
- Cash for the water well at original cost of well
- Hookup by Town in lieu of cash or credit not to exceed original cost of well

The new property owner shall, upon making the election above, also signify abandonment of all water rights associated with the abandoned well on a form provided by the Town Clerk.

(3) Notwithstanding the foregoing, the provisions of this Ordinance shall not apply to the following existing irrigation wells which were installed prior to the Town's acquisition of the Municipal Water System:

- (a) those wells belonging to the River Ridge Subdivision and/or its developers so long as said wells are transferred to the River Ridge Subdivision Homeowner's Association for maintenance of the subdivision ponds and open space only;
- (b) existing wells belonging to the Town;
- (c) existing wells belonging to the Mineral County Hospital used for irrigation purposes;
- (d) existing wells belonging to the Superior School District used for irrigation purposes.

4.12.120 Laying Water Mains: Hereafter any water company or contractor authorized to lay mains and make service taps with the town shall lay all mains and service pipes so that the top of the pipe under streets, alleys and public places, in each instance will be at least four feet below the established grade of the street, alley, or public places along which they are laid.

4.12.130 Curb Boxes—Placement: All curb boxes, where service pipes come in from the street, alley, or public places within the business district of the town, shall be placed not to exceed one foot within the outer edge of the curb, or where the curb would be, and in the residence sections of the town be placed against the sidewalk line, or where the sidewalk line would be, and in each instance the top of the curb boxes shall be placed not to exceed one foot from the property line and the top of the curb boxes shall be on the established grade.

4.12.140 Rules and Regulations Generally: Rules and regulations provided in this chapter shall constitute a part of a contract entered into by every consumer of town water and the failure to know the rules will not excuse anyone from the penalty for their infringement.

4.12.150 Violations; Penalty: Any person who shall violate any of the provisions of this chapter shall, upon conviction, thereof, be punishable as provided in Section 1.08.010 of the Town Code.

4.12.160 Severability: If any section, subsection, sentence, clause, phrase or word of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, phrase, and words thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or words have been declared invalid or unconstitutional, and if for any reason any provisions of this ordinance should be declared invalid or unconstitutional, then the remaining ordinance provision will be in full force and effect.

Ord 188, 194, 208