



Meeting Agenda

4:30 – 6:00 PM, Wednesday, Sep 7th, 2016

Lyons Town Hall

I. Roll Call, Agenda, Minutes

- Amendments to Agenda
- Approve Minutes from Aug 17th
- Upcoming Meetings

II. Audience Business

III. Liaison Updates

- Board of Trustees Update
- Staff, Engineering Update

IV. Continued Business

- Water Backflow Prevention Cross Connection Control (BPCCC) Ordinance Amend "Cross Connection" definition, go over Ramey's suggestions.
- Tap/Connection Fee policy for subsidized housing/ADU

V. New Business

- JUB Presentation on Sewer Extension into Apple Valley and South St. Vrain
-

VI. Parking Lot

- Wastewater Pretreatment Policy
- Reserve/Rate Stabilization Funds
- LRAP INF 2.2.1
- Municipal Code Corrections
- Town Utility Account Tracking
- Pipe Water Rates



UEB Meeting Minutes, 17 Aug 2016

Meeting Time and Location: Began at 4:30 at Lyons Town Hall

Attendance:, Aaron Caplan, Lee Hall, Coco Gordon, Dan Reitz, Steve Wratten, CHhuck Keim

Staff: Jim Blankenship, Kyle Miller, Lagenia Reimer **Liaisons:** **Guests:**

Previous Minutes: . Reviewed and approved Aug 3rd minutes.

BOT Update: **Staff Update:**

Backflow Prevention and Cross Connection Control (BPCCC) Policy: The UEB voted to use the example ordinance supplied by the state with the following modifications: Section 3 to include municipal and change City to Town, and section 5a to include municipal. There was mention that ADU's fall under the definition a multi-family dwelling and would be subject to review for an BPCCC concerns. **Aaron will make the changes and forward to Jim B and Kyle so it can be reviewed by Ramey Environmental before submission to the Lyons Board of Trustees.** (A copy of the draft ordinance follows these minutes.)

CSU Energy Assessment Presentation: Cary Weiner from CSU passed out a copy of the Community Energy Assessment they did for the Town of Lyons. After their initial meeting with the stakeholders CSU's Rural Energy Center put together a report to help Lyons understand some of its options for energy efficiency and some action items that the town could do to take advantage of the options. If Lyons would like to move forward on any of the action items, CSU can help us move forward on them. Funding, financing and educational opportunities were looked at. Page 4 of the report includes a community energy profile obtained from the National Renewable Energy Laboratory (NREL). Lyons has already done more in this area than any of the other municipalities studied. there were 3 items that ranked high in the report: Receive updated energy code training, Pursue grant for alternative fuel vehicles, Provide realtor training on Green MLS. There were also a number of medium level opportunities the main one of which was discussed is the upgrade of municipal facility lighting. The report covers options on the Public Works/ County Sheriff offices, Town Hall and the Lyons Visitor Center. Because the town pays for these at the wholesale electric rate the payback on savings indicates the Visitor Center as the top location to work on. **Cary was asked if he could provide the raw data that was used for these studies.** There was some interest in the updated energy code training by Lagenia, since she works with the building permits, and looking into offering realtor Green MLS training. **Coco will provide a copy of the report to the SFC and Aaron will provide one to Toby Russell, the town sustainability coordinator and to Deb Russell, the town documents clerk.** (A copy of the report follows these minutes.)

Accessory Dwelling Unit (ADU) Tap Fees: We started the discussion by reviewing the joint PCDC/UEB meeting. It was explained that at the joint meeting the general desire appeared to be to add an exclusion for ADU's in the Lyons Municipal Code (LMC) so that ADU's would not be required to pay tap fees. It was explained that even 2 years after an ADU policy was adopted by Lyons no one has applied for a legal ADU. There was mention of Fire and Law wanting to have better knowledge of what locations have people living in them. It was asked what the difference was between having a family of 5 move into a house that previously had 2 people or an ADU where there might be only 2 more people and might be reduced irrigation if the ADU replaced a lawn.

At our UEB meeting it was asked why the utilities are being used to subsidize the expensive cost of housing in Lyons. Shouldn't the Board of Trustees develop specific policy to subsidize the cost of housing in Lyons? The town could develop a policy that in the event an additional dwelling meets certain criteria the town will cover the tap, or more properly called community investment or impact fees, or for that matter building permit fees or any other fees they might want to cover from the general fund to promote affordable housing. Community Investment or Impact fees are fees collected to cover the cost of public improvements to a utility made necessary by new development. Not collecting these fees will be a lost revenue. If additional funds are needed for public improvements because of increased use of the utility all rate payers will need to make up the additional funds that are needed and which would have been offset by any uncollected fees.

ADU's appear to be the same as any other dwelling or lot with multiple units. Changing the Lyons Municipal Code to make exceptions for ADU's could have unintended consequences. Some possible undesired scenarios were discussed and some of them were shown to be prevented by ADU zoning code. Things like requiring the primary dwelling unit be owner occupied and size limitations would prevent some possible loopholes, but we do not know the unknowns that may come from this exception.

Some options that were mentioned, other than completely dropping these fees for ADU'S were reduced connection fees, having the fees paid over time from rent proceeds, having the general fund pay the fees to the utility funds.

The UEB discussed whether ADU's should be required to have separate physical connections into the utility or if they should be required to use the primary dwellings physical connection. We discussed that there is a difference between an attached and a detached unit in this aspect. Building codes may require a separate physical connection for separate buildings.

Aaron will work on a few options for modifying the Lyons Municipal Code to present at the next UEB meeting.

Meeting ended: 6:15 pm. **Minutes Submitted by:** Aaron Caplan

Draft BPCCC Ordinance

(1) Purpose

The purpose of this Ordinance is to protect the public water system from contaminants or pollutants that could enter the distribution system by backflow from a customer's water supply system through the service connection.

(2) Authority

The authority to implement this program is contained in the following statute, legislation and regulations and acts:

- a. Article 1-114 and Article 1-114.1 of Title 25 of the Colorado Revised Statutes (CRS)
- b. Section 39 of 5 CCR 1002-11, Colorado Primary Drinking Water Regulations
- c. Colorado Plumbing Code

The public water system shall have the authority to survey all service connections within the distribution system to determine if the connection is a cross-connection.

The public water system shall have the authority to control all service connections within the distribution system if the connection is a cross-connection.

The public water system may control any service connections within the distribution system in lieu of a survey as long as the service connection is controlled with an air gap or reduced pressure zone backflow prevention assembly.

The public water system may collect fees for the administration of this program.

The public water system shall maintain records of cross-connection surveys and the installation, testing and repair of all backflow prevention assemblies installed for containment and containment by isolation purposes.

Except as otherwise provided herein, the public water system shall administer, implement and enforce the provisions of this Ordinance.

(3) Applicability

This Ordinance applies to all commercial, industrial, municipal and multi-family residential service connections within the public water system and to any persons outside the Town who are, by contract or agreement with the public water system, users of the public water system. This Ordinance does not apply to single-family-residential service connections unless the public water system becomes aware of a cross connection at the single family connection.

(4) Definitions

- a. “ACTIVE DATE” means the first day that a backflow prevention assembly or backflow prevention method is used to control a cross-connection in each calendar year.
- b. “AIR GAP” is a physical separation between the free flowing discharge end of a potable water supply pipeline and an open or non-pressure receiving vessel installed in accordance with standard AMSE A112.1.2.
- c. “BACKFLOW” means the undesirable reversal of flow of water or mixtures of water and other liquids, gases or other substances into the public water systems distribution system from any source or sources other than its intended source.
- d. “BACKFLOW CONTAMINATION EVENT” means backflow into a public water system from an uncontrolled cross connection such that the water quality no longer meets the Colorado Primary Drinking Water Regulations or presents an immediate health and/or safety risk to the public.
- e. “BACKFLOW PREVENTION ASSEMBLY” means any mechanical assembly installed at a water service line or at a plumbing fixture to prevent a backflow contamination event, provided that the mechanical assembly is appropriate for the identified contaminant at the cross connection and is an in-line field-testable assembly.
- f. “BACKFLOW PREVENTION METHOD” means any method and/or non-testable device installed at a water service line or at a plumbing fixture to prevent a backflow contamination event, provided that the method or non-testable device is appropriate for the identified contaminant at the cross connection.
- g. “CERTIFIED CROSS-CONNECTION CONTROL TECHNICIAN” means a person who possesses a valid Backflow Prevention Assembly Tester certification from one of the following approved organizations: American Society of Sanitary Engineering (ASSE) or the American Backflow Prevention Association (ABPA). If a certification has expired, the certification is invalid.
- h. “CONTAINMENT” means the installation of a backflow prevention assembly or a backflow prevention method at any connection to the public water system that supplies an auxiliary water system, location, facility, or area such that backflow from a cross connection into the public water system is prevented.
- i. “CONTAINMENT BY ISOLATION” means the installation of backflow prevention assemblies or backflow prevention methods at all cross connections identified within a customer’s water system such that backflow from a cross connection into the public water system is prevented.
- j. “CONTROLLED” means having a properly installed, maintained, and tested or inspected backflow prevention assembly or backflow prevention method that prevents backflow through a cross connection.
- k. “CROSS CONNECTION” means any connection that could allow any water, fluid, or gas such that the water quality could present an unacceptable health and/or safety risk to the public, to flow from any pipe, plumbing fixture, or a customer’s water system into a public water system’s distribution system or any other part of the public water system through backflow.

- l. “MULTI-FAMILY” means a single residential connection to the public water system’s distribution system from which two or more separate dwelling units are supplied water.
- m. “SINGLE-FAMILY” means:
 - i. A single dwelling which is occupied by a single family and is supplied by a separate service line; or
 - ii. A single dwelling comprised of multiple living units where each living unit is supplied by a separate service line.
- n. “UNCONTROLLED” means not having a properly installed and maintained and tested or inspected backflow prevention assembly or backflow prevention method, or the backflow prevention assembly or backflow prevention method does not prevent backflow through a cross connection.
- o. “WATER SUPPLY SYSTEM” means a water distribution system, piping, connection fittings, valves and appurtenances within a building, structure, or premises. Water supply systems are also referred to commonly as premise plumbing systems.

(5) Requirements

- a. Commercial, industrial, municipal and multi-family service connections shall be subject to a survey for cross connections. If a cross connection has been identified an appropriate backflow prevention assembly and or method shall be installed at the customer’s water service connection within 120 days of its discovery. The assembly shall be installed downstream of the water meter or as close to that location as deemed practical by the public water system. If the assembly or method cannot be installed within 120 days the public water system must take action to control or remove the cross connection, suspended service to the cross connection or receive an alternative compliance schedule from the Colorado Department of Public Health and Environment.
- b. In no case shall it be permissible to have connections or tees between the meter and the containment backflow prevention assembly.
 - i. In instances where a reduced pressure principle backflow preventer cannot be installed, the owner must install approved backflow prevention devices or methods at all cross-connections within the owner’s plumbing system.
- c. Backflow prevention assemblies and methods shall be installed in a location which provides access for maintenance, testing and repair.
- d. Reduced pressure principle backflow preventers shall not be installed in manner subject to flooding.
- e. Provisions shall be made to provide adequate drainage from the discharge of water from reduced pressure principle backflow prevention assemblies. Such discharge shall be conveyed in a mater which does not impact waters of the state.
- f. All assemblies and methods shall be protected to prevent freezing. Those assemblies and methods used for seasonal services may be removed in lieu of being protected from

freezing. The assemblies and methods must be reinstalled and then tested by a certified cross-connection control technician upon reinstallation.

- g. Where a backflow prevention assembly or method is installed on a water supply system using storage water heating equipment such that thermal expansion causes an increase in pressure, a device for controlling pressure shall be installed.
- h. All backflow prevention assemblies shall be tested at the time of installation and on an annual schedule thereafter. Such tests must be conducted by a Certified Cross-Connection Control Technician.
- i. The public water system shall require inspection, testing, maintenance and as needed repairs and replacement of all backflow prevention assemblies and methods, and of all required installations within the owner's plumbing system in the cases where containment assemblies and or methods cannot be installed.
- j. All costs for design, installation, maintenance, testing and as needed repair and replacement are to be borne by the customer.
- k. No grandfather clauses exist except for fire sprinkler systems where the installation of a backflow prevention assembly or method will compromise the integrity of the fire sprinkler system.
- l. For new buildings, all building plans must be submitted to the public water system and approved prior to the issuance of water service. Building plans must show:
 - i. Water service type, size and location
 - ii. Meter size and location
 - iii. Backflow prevention assembly size, type and location
 - iv. Fire sprinkler system(s) service line, size and type of backflow prevention assembly.
 - i. All fire sprinkling lines shall have a minimum protection of an approved double check valve assembly for containment of the system.
 - ii. All glycol (ethylene or propylene), or antifreeze systems shall have an approved reduced pressure principle backflow preventer for containment.
 - iii. Dry fire systems shall have an approved double check valve assembly installed upstream of the air pressure valve.
 - iv. In cases where the installation of a backflow prevention assembly or method will compromise the integrity of the fire sprinkler system the public water system can chose to not require the backflow protection. The public water system will measure chlorine residual at location representative of the service connection once a month and perform periodic bacteriological testing at the site. If the public water system suspects water quality issues the public water system will evaluate the practicability of requiring that the fire sprinkler system be flushed periodically.

(6) Inspection, Testing and Repair

- a. Backflow prevention assemblies or methods shall be tested by a Certified Cross-Connection Control Technician upon installation and tested at least annually, thereafter. The tests shall be made at the expense of the customer.
 - i. Any backflow prevention assemblies or methods that are non-testable, shall be inspected at least once annually by a certified cross-connection control technician. The inspections shall be made at the expense of the customer.
- b. As necessary, backflow prevention assemblies or methods shall be repaired and retested or replaced and tested at the expense of the customer whenever the assemblies or methods are found to be defective.
- c. Testing gauges shall be tested and calibrated for accuracy at least once annually.

(7) Reporting and Recordkeeping

- a. Copies of records of test reports, repairs and retests, or replacements shall be kept by the customer for a minimum of three (3) years.
- b. Copies of records of test reports, repairs and retests shall be submitted to the public water system by mail, facsimile or e-mail by the testing company or testing technician.
- c. Information on test reports shall include, but may not be limited to,
 - i. Assembly or method type
 - ii. Assembly or method location
 - iii. Assembly make, model and serial number
 - iv. Assembly size
 - v. Test date; and
 - vi. Test results including all results that would justify a pass or fail outcome
 - vii. Certified cross-connection control technician certification agency
 - viii. Technician's certification number
 - ix. Technician's certification expiration date
 - x. Test kit manufacturer, model and serial number
 - xi. Test kit calibration date

(8) Right of entry

- a. A properly credentialed representative of the public water system shall have the right of entry to survey any and all buildings and premises for the presence of cross-connections for possible contamination risk to and for determining compliance with this section. This right of entry shall be a condition of water service in order to

protect the health, safety and welfare of customers throughout the public water system's distribution system.

(9) Compliance

- a. Customers shall cooperate with the installation, inspection, testing, maintenance, and as needed repair and replacement of backflow prevention assemblies and with the survey process. For any identified uncontrolled cross-connections, the public water system shall complete one of the following actions within 120 days of its discovery:
 - i. Control the cross connection
 - ii. Remove the cross connection
 - iii. Suspend service to the cross connection
- b. The public water system shall give notice in writing to any owner whose plumbing system has been found to present a risk to the public waters system's distribution system through an uncontrolled cross connection. The notice and order shall state that the owner must install a backflow prevention assembly or method at each service connection to the owner's premises to contain the water service. The notice and order will give a date by which the owner must comply.
 - i. In instances where a backflow prevention assembly or method cannot be installed, the owner must install approved backflow prevention assemblies or methods at all cross-connections within the owner's water supply system. The notice and order will give a date by which the owner must comply.

(9) Violations and Penalties.

- a. Any violation of the provisions of this ordinance, shall, upon conviction be punishable as provided in all applicable statutes, laws, and regulations.

(10) Conflict with other codes.

- a. If a dispute or conflict arises between the Colorado Plumbing Code as adopted herein, and any plumbing, mechanical, building, electrical, fire or other code adopted by the State, then the most stringent provisions of each respective code shall prevail.

Golden

The City of Golden called back. They DO NOT charge utility connection fees for ADU's. They require you to be on the same tap as the primary residence and they have you sign an agreement saying you will not subdivide and sell off your ADU as a primary unit.

Longmont's Policy:

We require that ADUs connect to the primary dwelling on the lot for water and sewer; no separate taps are allowed for ADUs. As far as I know (check this with PWNR) the only extra "fees" we'd charge for an ADU running off the main house would be if the property owner had to upgrade their property's service to meet the new demand. For example, if the ADU required the property owner to upgrade from a ¾ inch tap to a 1 inch tap, we'd charge them the difference in tap fees.

Fort Collins

Additional Dwelling Units located on the same parcel are not required to be on separate taps; we do, however, require a Covenant Agreement if the ADU is physically a separate building on the parcel. This agreement ensures the property not be split until the separate unit gains its own individual tap & service. When an ADU is added to the property tying into the existing service, we charge the difference of fees between a Single Family & Duplex.

Lakewood

The City of Lakewood is served by 29 water and sewer districts. That being said, all of my conversations with the larger providers indicate that if it is a detached ADU (which we allow), a separate tap must be purchased for both water & sewer facilities; because it is a separate building. If it is part of the primary dwelling (remodel, or addition), they can tap into existing lines that are part of the home.

Montrose

The City of Montrose gives ADUs on the same lot as the primary dwelling unit a significant break on taps--we only charge \$300 for both water and sewer. This amount is based on the approximate city cost for the water meter and installation. The water needs to be on separate lines for each unit, although the secondary line can tee off the primary dwelling's line.

Steamboat Springs

ADUs do not tap into the water main separately from the home but are metered separately. We charge additional tap fees for all taps within the ADU. We do not allow nightly rentals of ADUs.

Boulder

The City of Boulder requires an ADU to be on the same physical tap as the primary dwelling unit (not considered a separate dwelling unit). There are no additional tap or connection fees associated with an ADU. Our utility staff verify that the existing water tap is adequately sized to accommodate the proposed number of water fixtures.

The following 2 sections of current code give the BoT the option to waive the fees when good cause is shown to do so. Allowing these to be the mechanism for ADU's to not pay the fees would seem to be the safest option. Then any time the fees want to be waived the BoT can verify a particular plan is appropriate for waiving fees. All that would be needed is to add a paragraph to the section on the electric fee.

Water

Section 13-3-90 (d) The Board of Trustees may, for good cause shown, increase, reduce, waive or modify any of the conditions or requirements of this Section. Any action by the Board of Trustees to increase, reduce, waive or modify any of the conditions or requirements of this Section shall be made by resolution.

Wastewater

13-4-80 (f) The Board of Trustees may reduce or waive the amount of any wastewater connection charges required by this Section on a case-by-case basis upon written request of an applicant. Approval of a reduction or waiver shall require that the Board of Trustees find that the reduction or waiver will encourage, advance, establish or permit desired land uses (such as development of affordable housing) or significant employment opportunities or provide a significant public benefit.

We could add a paragraph like this to Electric section creating

13-2-110 (d4) The Board of Trustees may reduce or waive the amount of any wastewater connection charges required by this Section on a case-by-case basis upon written request of an applicant. Approval of a reduction or waiver shall require that the Board of Trustees find that the reduction or waiver will encourage, advance, establish or permit desired land uses (such as development of affordable housing) or significant employment opportunities or provide a significant public benefit.

Is there a desire to make all of these paragraphs the same for consistency? We could use.

The Board of Trustees may reduce or waive the amount of any wastewater connection charges required by this Section on a case-by-case basis upon written request of an applicant. Approval of a reduction or waiver shall require that the Board of Trustees find that the reduction or waiver will encourage, advance, establish or permit desired land uses (such as development of affordable housing) or significant employment opportunities or provide a significant public benefit. Any action by the Board of Trustees to increase, reduce, waive or modify any of the conditions or requirements of this Section shall be made by resolution.

If the BoT would prefer to have a more standardized code with an exception to paying connection fees for accessory dwelling units, the following changes could be made to 4 sections of Chapter 13 of the LMC.

In Section 13-1-10 Definitions

Change "Unit" to "Primary Dwelling Unit" means, unless otherwise specifically defined by another section of this Chapter: (1) in reference to a residential use, a residential dwelling, mobile home, apartment house or motel, designed primarily for occupancy by one (1) person, one (1) family or otherwise intended as a single living or sleeping area, whether temporary or permanent; or (2) in reference to a nonresidential use, the property or the use controlled by a consumer."

Add "Accessory Dwelling Unit". Using the definition the PCDC gives it in Section 16-10-70 which may be modified as part of this code revision.

Include a utility service requirements. "Accessory dwelling units must be connected to the water, wastewater and electric utilities of the principal dwelling unit and may not have separate services, unless the director determines such to be infeasible."

Make the following changes found in bold for each of the 3 sections dealing with connection fees.

Sec. 13-2-110. - Electric community investment fee.

- (a) Fee required. Except as otherwise provided by this Section, no building permit for new construction shall be issued unless and until an electric community investment fee in the amount of four thousand five hundred dollars (\$4,500.00) is paid in accordance with this Section. The electric community investment fee is assessed for the purpose of maintaining and providing improvements to the electric distribution system which are necessary to permit extension of services to new construction.
- (b) For purposes of this Section only, new construction shall mean the erection, construction, fabrication or relocation of a residential or nonresidential building within the Town. New construction shall not include:
 - (1) The alteration, modification, rehabilitation or expansion of an existing building that does not increase the number of **primary** dwelling units or increase the gross floor area of the building by more than seventy-five percent (75%);
 - (2) Replacement of an existing building with a new building, provided that the new building does not increase the number of dwelling units; or
 - (3) An accessory building or structure as defined by Chapter 16 of this Code.
 - (4) Creation of an accessory dwelling unit as defined by Chapter 16, section 10.70 of this code.**
- (c) Fee is additional to others. The electric community investment fee is in addition to any other fee or charge for electrical service and construction.
- (d) Payment of fees.
 - (1) There is hereby established a sub-account within the Electrical Enterprise Fund, entitled the Electric Community Investment Fees Fund. All electric community investment fees shall be paid into such sub-account.
 - (2) The electric community investment fee shall be paid to the Town prior to the issuance of the building permit for new construction; provided, however, that the Town may, in its discretion, enter into a written agreement with the property owner to permit the payment of the fee within six (6) months of the issuance of the building permit or before the Town issues a certificate of occupancy, whichever occurs first.
 - (3) The Town shall use the Electric Community Investment Fees Fund only for electric utility capital improvements property, including but not limited to electric main feeder system improvements, electric substations, engineering design and permitting for electric Utility System improvements and construction of all necessary features of an electric utility distribution system.

(Prior code 7-2-11; Ord. 956 §1, 2014)

Sec. 13-2-110. - Electric community investment fee.

- (a) Fee required. Except as otherwise provided by this Section, no building permit for new construction shall be issued unless and until an electric community investment fee in the amount of four thousand five hundred dollars (\$4,500.00) is paid in accordance with this Section. The electric community investment fee is assessed for the purpose of maintaining and providing improvements to the electric distribution system which are necessary to permit extension of services to new construction.
- (b) For purposes of this Section only, *new construction* shall mean the erection, construction, fabrication or relocation of a residential or nonresidential building within the Town. *New construction* shall not include:
 - (1) The alteration, modification, rehabilitation or expansion of an existing building that does not increase the number of dwelling units or increase the gross floor area of the building by more than seventy-five percent (75%);
 - (2) Replacement of an existing building with a new building, provided that the new building does not increase the number of dwelling units; or
 - (3) An accessory building or structure as defined by Chapter 16 of this Code.
- (c) Fee is additional to others. The electric community investment fee is in addition to any other fee or charge for electrical service and construction.
- (d) Payment of fees.
 - (1) There is hereby established a sub-account within the Electrical Enterprise Fund, entitled the Electric Community Investment Fees Fund. All electric community investment fees shall be paid into such sub-account.
 - (2) The electric community investment fee shall be paid to the Town prior to the issuance of the building permit for new construction; provided, however, that the Town may, in its discretion, enter into a written agreement with the property owner to permit the payment of the fee within six (6) months of the issuance of the building permit or before the Town issues a certificate of occupancy, whichever occurs first.
 - (3) The Town shall use the Electric Community Investment Fees Fund only for electric utility capital improvements property, including but not limited to electric main feeder system improvements, electric substations, engineering design and permitting for electric Utility System improvements and construction of all necessary features of an electric utility distribution system.

(Prior code 7-2-11; Ord. 956 §1, 2014)

Sec. 13-3-90. - Connection or tap fees.

- (a) Connection or tap fees. Unless otherwise approved by the Board of Trustees as permitted by this Code, the following tap fees for water service from the public water system shall be collected on all new connections or taps. All consumers shall pay, in addition to the applicable connection or tap fee, all costs and expenses of installation of water service, including labor, materials, equipment, supplies, acquisition of easements and rights-of-way and a Town-approved water meter.
- (b) Connection fees for property within the Town.
 - (1) The following connection or tap fees shall be paid by a consumer within the Town prior to connection to the public water system:

Con nec tion or Tap Size	Con nec tion or Tap Fee
¾"	\$17, 500 .00
1"	35,0 00. 00
1½"	70,0 00. 00
2"	105, 000 .00

These tap or connection fees are proportionately related and based upon the following table of recommended design criteria for equivalent flow through the water meter:

Con nec tion Size	Equi vale ncy to ¾- inch
----------------------------	---

	Con nec tion or Tap Size
¾"	1
1"	2
1½"	4
2"	6

- (2) No connection or tap greater than two (2) inches in size shall be permitted within the Town unless otherwise approved by the Board of Trustees pursuant to a written agreement. Any agreement shall include provisions for construction, maintenance, connection or tap fees, mandatory meter installation and rates for water service.
- (3) **Where a building served by a single tap includes more than one (1) primary dwelling unit, the connection or tap fee provided by this Subsection shall be increased by an additional eleven thousand five hundred dollars (\$11,500.00) for each additional primary dwelling unit.**
- (c) Connection fees for property outside of the Town. It is the policy of the Town to extend its corporate boundaries in a manner that is consistent with the Town's utility service area. The Town shall not provide new connections or increases in size of existing connections for water services to properties outside of the corporate limits of the Town, unless such property is annexed into the Town prior to the provision of water service. Nothing in this Section shall affect or modify continued service to properties previously provided connection to the Town's water system in accordance with all applicable provisions of this Chapter. All use of water outside the Town's corporate limits shall be subject to the paramount rights of users within the Town's corporate limits and, in case there is insufficient water to provide for users both within and without the corporate limits, the Board of Trustees may reduce, curtail or discontinue the supply of water to consumers outside of the Town's corporate limits during such period of water shortage or scarcity.
- (d) The Board of Trustees may, for good cause shown, increase, reduce, waive or modify any of the conditions or requirements of this Section. Any action by the Board of Trustees to increase, reduce, waive or modify any of the conditions or requirements of this Section shall be made by resolution. For purposes of waiving the prohibition of providing services to properties outside of the Town's limits, good cause shown shall include a demonstration by the owner of property that the owner, or a predecessor-in-interest of the owner, provided substantial consideration or value to the Town prior to March 7, 1998, in anticipation that future service would be provided and that an emergency exists which necessitates the owner's connection to the Town's water system in order to protect the health, safety and welfare of the owner or the residents of the owner's property. The Board of Trustees may impose reasonable conditions upon the provision of services outside of the Town limits, including but not limited to the execution of an agreement by the owner which includes an obligation to annex into the Town when the owner's property is eligible for annexation.

Sec. 13-3-90. - Connection or tap fees.

(a) Connection or tap fees. Unless otherwise approved by the Board of Trustees as permitted by this Code, the following tap fees for water service from the public water system shall be collected on all new connections or taps. All consumers shall pay, in addition to the applicable connection or tap fee, all costs and expenses of installation of water service, including labor, materials, equipment, supplies, acquisition of easements and rights-of-way and a Town-approved water meter.

(b) Connection fees for property within the Town.

(1) The following connection or tap fees shall be paid by a consumer within the Town prior to connection to the public water system:

<i>Connection or Tap Size</i>	<i>Connection or Tap Fee</i>
¾"	\$17,500.00
1"	35,000.00
1½"	70,000.00
2"	105,000.00

These tap or connection fees are proportionately related and based upon the following table of recommended design criteria for equivalent flow through the water meter:

<i>Connection Size</i>	<i>Equivalency to ¾-inch Connection or Tap Size</i>
¾"	1
1"	2
1½"	4
2"	6

No connection or tap greater than two (2) inches in size shall be permitted within the Town unless otherwise approved by the Board of Trustees pursuant to a written agreement. Any agreement shall include provisions for construction, maintenance, connection or tap fees, mandatory meter installation and rates for water service.

- (3) Where a building served by a single tap includes more than one (1) residential dwelling unit, the connection or tap fee provided by this Subsection shall be increased by an additional eleven thousand five hundred dollars (\$11,500.00) for each additional dwelling unit.
- (c) Connection fees for property outside of the Town. It is the policy of the Town to extend its corporate boundaries in a manner that is consistent with the Town's utility service area. The Town shall not provide new connections or increases in size of existing connections for water services to properties outside of the corporate limits of the Town, unless such property is annexed into the Town prior to the provision of water service. Nothing in this Section shall affect or modify continued service to properties previously provided connection to the Town's water system in accordance with all applicable provisions of this Chapter. All use of water outside the Town's corporate limits shall be subject to the paramount rights of users within the Town's corporate limits and, in case there is insufficient water to provide for users both within and without the corporate limits, the Board of Trustees may reduce, curtail or discontinue the supply of water to consumers outside of the Town's corporate limits during such period of water shortage or scarcity.
- (d) The Board of Trustees may, for good cause shown, increase, reduce, waive or modify any of the conditions or requirements of this Section. Any action by the Board of Trustees to increase, reduce, waive or modify any of the conditions or requirements of this Section shall be made by resolution. For purposes of waiving the prohibition of providing services to properties outside of the Town's limits, *good cause shown* shall include a demonstration by the owner of property that the owner, or a predecessor-in-interest of the owner, provided substantial consideration or value to the Town prior to March 7, 1998, in anticipation that future service would be provided and that an emergency exists which necessitates the owner's connection to the Town's water system in order to protect the health, safety and welfare of the owner or the residents of the owner's property. The Board of Trustees may impose reasonable conditions upon the provision of services outside of the Town limits, including but not limited to the execution of an agreement by the owner which includes an obligation to annex into the Town when the owner's property is eligible for annexation.

(Prior code 7-3-9; Ord. 956 §1, 2014)

Sec. 13-3-90. - Connection or tap fees.

- (a) Connection or tap fees. Unless otherwise approved by the Board of Trustees as permitted by this Code, the following tap fees for water service from the public water system shall be collected on all new connections or taps. All consumers shall pay, in addition to the applicable connection or tap fee, all costs and expenses of installation of water service, including labor, materials, equipment, supplies, acquisition of easements and rights-of-way and a Town-approved water meter.
- (b) Connection fees for property within the Town.
 - (1) The following connection or tap fees shall be paid by a consumer within the Town prior to connection to the public water system:

Con nec tion or Tap Size	Con nec tion or Tap Fee
¾"	\$17, 500 .00
1"	35,0 00. 00
1½"	70,0 00. 00
2"	105, 000 .00

These tap or connection fees are proportionately related and based upon the following table of recommended design criteria for equivalent flow through the water meter:

Con nec tion Size	Equi vale ncy to ¾- inch
----------------------------	---

	Con nec tion or Tap Size
¾"	1
1"	2
1½"	4
2"	6

- (2) No connection or tap greater than two (2) inches in size shall be permitted within the Town unless otherwise approved by the Board of Trustees pursuant to a written agreement. Any agreement shall include provisions for construction, maintenance, connection or tap fees, mandatory meter installation and rates for water service.
- (3) **Where a building served by a single tap includes more than one (1) primary dwelling unit, the connection or tap fee provided by this Subsection shall be increased by an additional eleven thousand five hundred dollars (\$11,500.00) for each additional primary dwelling unit.**
- (c) Connection fees for property outside of the Town. It is the policy of the Town to extend its corporate boundaries in a manner that is consistent with the Town's utility service area. The Town shall not provide new connections or increases in size of existing connections for water services to properties outside of the corporate limits of the Town, unless such property is annexed into the Town prior to the provision of water service. Nothing in this Section shall affect or modify continued service to properties previously provided connection to the Town's water system in accordance with all applicable provisions of this Chapter. All use of water outside the Town's corporate limits shall be subject to the paramount rights of users within the Town's corporate limits and, in case there is insufficient water to provide for users both within and without the corporate limits, the Board of Trustees may reduce, curtail or discontinue the supply of water to consumers outside of the Town's corporate limits during such period of water shortage or scarcity.
- (d) The Board of Trustees may, for good cause shown, increase, reduce, waive or modify any of the conditions or requirements of this Section. Any action by the Board of Trustees to increase, reduce, waive or modify any of the conditions or requirements of this Section shall be made by resolution. For purposes of waiving the prohibition of providing services to properties outside of the Town's limits, good cause shown shall include a demonstration by the owner of property that the owner, or a predecessor-in-interest of the owner, provided substantial consideration or value to the Town prior to March 7, 1998, in anticipation that future service would be provided and that an emergency exists which necessitates the owner's connection to the Town's water system in order to protect the health, safety and welfare of the owner or the residents of the owner's property. The Board of Trustees may impose reasonable conditions upon the provision of services outside of the Town limits, including but not limited to the execution of an agreement by the owner which includes an obligation to annex into the Town when the owner's property is eligible for annexation.