

Title 13

PUBLIC SERVICES

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Chapter 13.04

WATER AND SEWER DEPARTMENT

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13.04.010 Creation of water department.

There is created and established a water department for the Town of Julesburg for the purpose of the management and operation of the waterworks. (Ord. 414 §1, 2004)

13.04.020 Powers of water manager.

The board of trustees shall appoint a qualified person as manager of the waterworks. This person may or may not be the town manager. This person, as manager of waterworks, shall have the immediate control and management of all things pertaining to the waterworks system and he shall perform or cause to be performed all acts that may be necessary for the prudent and efficient management and protection of the waterworks, subject however, to the ongoing approval of the board of trustees. The board of trustees shall have the power to prescribe other and further rules, duties, rates and regulations regarding the manager of waterworks in general. (Ord. 414 §2, 2004)

13.04.030 Rates, charges and plant investment fees for service.

All rates, service charges, plant investment fees, delinquency charges, deposits, tap fees and any other charges associated with the service of water shall be established by resolution from time to time by the board of trustees. A schedule of all current charges shall be on file with the town clerk and it may be modified from time to time in the board of trustees' discretion. All fees of such property stay in effect with such property, unless building is destroyed and service discontinued. (Ord. 414 §2a, 2004)

13.04.040 Water billings.

The town clerk shall keep correct account of all receipts, shall make and send out all billings for water (and related items), furnish to consumers, shall collect the same and shall deposit the same in accordance with the di-

rectives of the board of trustees. (Ord. 414 §3, 2004)

13.04.050 Applications for water usage.

Application for the use of water shall be made to the town clerk by the owner or the owner's agent of the property to be benefitted, designated the location of the property and stating the purpose for which the water may be required. (Ord. 414 §4, 2004)

13.04.060 Service taps.

No service tap shall be more than three-fourths inch in diameter; provided, that the board of trustees may grant special permission for larger taps where the water supply and service facilities are sufficient to permit such taps. The board of trustees shall fix the tapping charge for such larger taps. (Ord. 414 §5, 2004)

13.04.70 Water meters and related matters.

All water sold by the town shall be metered by meters, which shall be installed on town property in such a manner as may be directed by the board of trustees. All water meters shall be owned and kept in repair by the town.

A. It is unlawful for a person to tamper or interfere with any meter or meter seal or to arrange water service so that the use of water will not be accurately registered by the meter. The town may discontinue water service immediately to any consumer who violates this section until satisfactory payment has been made for all water use and all repairs have been made to the meter.

B. Whenever a meter fails to operate correctly and an exact reading cannot be made, a charge to the water consumer shall be made based upon the mean average quantity of water used.

C. All pipes, meters and related fixtures shall, at all reasonable hours, be subject to inspection by the waterworks manager or any other authorized agent of the town. The town shall in no event be responsible for maintaining any service line owned by the consumer, nor for damages done by water escaping therefrom, nor for defects in lines or fixtures located on the property of the consumer.

D. When more than one ultimate consumer is using the same meter, as in office buildings, apartment houses, trailer courts and other additional outlets, the town may, from time to time by resolution, establish a charge for

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such usages. (Ord. 414 §6, 2004)

13.04.080 Wasting of water.

Consumers shall prevent unnecessary waste of water. Hydrants, urinals, water closets, bath tubs and other fixtures must not be left running for any purpose other than their intended use. The water supply of a consumer violating this section may be turned off, if the water manager deems that waste has or is occurring. (Ord. 414 §7, 2004)

13.04.90 Procedure during fire alarms.

During all fire alarms, the use of hose and all outlets where a constant flow of water is maintained, is forbidden.

A. Fire Hydrants. It is unlawful for any person other than the manager of waterworks, his agent, or members of the fire department to open or attempt to draw water from any fire hydrant or in any manner to interfere with or damage any fire hydrant. The town may establish a fire hydrant for large users and give permission to a consumer to fill from such fire hydrant. The consumer will be charged a service charge plus usage as recorded by metering. (Ord. 414 §8, 2004)

13.04.100 Billing procedures.

All water sold by the town shall be sold at the rates currently in effect, which rates may be set from time to time by resolution of the board of trustees.

A. Meter Reading. Water meters shall be read on or about the twentieth day of the month and bills shall be sent out on or about the first day of the succeeding month and shall be due on or before the tenth day of that same month. If not paid within ten days from the due date, the consumer shall be charged a late fee, the amount of which shall be set by resolution of the board of trustees.

B. Late Payments. Whenever a water bill remains unpaid, the town clerk shall send by mail, a notice to the consumer advising him that the bill must be paid within stated days of the mailing of the notice or the water service will be terminated.

C. Billing Directions. All water charges shall be billed to the owner of the property, unless other arrangements have been made by the owner of the property with the

town. All notices required to be sent to water consumers prior to shut off for delinquency shall also be sent to the owner of record of the subject property.

D. Reinstating Services. If water is turned off to premises because of a delinquency, the water shall not be turned on again until all the delinquencies together with an additional charge for turning on the water have been paid, the amount of which shall be set by action of the town board from time to time.

E. Deposits. A deposit may be required in an amount established by the board of trustees for each new consumer and for each consumer whose water has been shut off for delinquency in payment. The deposit shall be required to secure the payment of water usage. Deposit money shall be applied to delinquent water accounts after water service has been shut off as provided in this chapter. Prior to resumption of services, the deposit must again be paid, in addition to any other payments before service shall continue.

F. Lien Procedure. Until paid, all fees, penalties, delinquencies and reasonable cost of collection of the same shall constitute a lien upon and against the real property served and such lien may be foreclosed as provided by the laws of the state or be collected in any other manner legally permissible, including certification to the Sedgwick County treasurer for collection. (Ord. 414 §9, 2004)

#### 13.04.110 Tap fees.

Upon application for a new tap and service connection by any consumer within the corporate limits of the town, the applicant must pay a tap to the town clerk, an amount which shall be determined from time to time by the board of trustees. The tap shall be installed by the town, or any other authorized person, if approved by the board of trustees. All charges for connection, labor, materials and other expenses associated with the tap to the meter will be at the consumer's expense. The town shall own and maintain the water line from the main to the meter and the consumer shall own and maintain the service line from the meter to the premises served. (Ord. 414 §10, 2004)

#### 13.04.120 Service restrictions.

No more than one building shall be permitted to use a water service line. Only those types of pipe as from time to time may be approved by the board of trustees shall be

used for the installation of water lines. All water lines, mains and service lines, installed from and after the effective date of the ordinance codified in this chapter shall be installed at a depth of at least fifty-two inches below the surface of the ground; this distance to be measured from that portion of the pipe nearest the surface of the ground. Each service line shall contain a stop and waste cock where the water may be turned off. (Ord. 414 §11, 2004)

13.04.130 Miscellaneous.

All regulations contained in this chapter shall be considered a part of the contract of every person taking water from the water system of the town, and every person taking water shall be considered as having expressly consented to be bound thereby.

A. Any person who desires to discontinue the use of water shall file a notice with the town clerk and pay all current and back charges for water used.

B. Two or more premises cannot be supplied from one and the same connection, unless provided a separate shut off cocks and meter located at the public street's right-of-way line.

C. No occupant or owner or other water consumer on served premises will be allowed to supply water to other persons, premises or families, by trailer or otherwise, without the express authorization of the board of trustees or the appointed manager of the waterworks.

D. In case of water shortage or scarcity, the board of trustees may, by resolution, place any restrictions which it deems necessary upon the use of water for irrigation or sprinkling purposes.

E. Use of water outside the corporate limits of the town shall be subject to the paramount rights of users within the corporate limits. In case there is insufficient water to provide for users both within and without the corporate limits, the board of trustees may reduce or shut off the users outside the corporate limits during such period of water shortage or scarcity.

F. Water service to any premises shall be turned on or off only by the manager of waterworks or his designated agent. It is unlawful for any other person to turn water on to any premises after the same has been shut off or disconnected.

G. The manager of waterworks may at times shut off the supply of water from the mains of the town, for the purpose of repairing the water system, or any portion thereof, and there shall not be any rebate or reduction of the rates. The town shall not be liable for damages for failure to supply water to any consumer.

H. All water main extensions will be at the direction of the board of trustees. All construction of such water lines shall be made only under the town's exclusive direction and control. (Ord. 414 §12, 2004)

13.04.140 Cross-connection and backflow control.

(Colorado Department of Health Law C.R.S. 1973, Titles 25-1-114 and 25-1-114.1.)

No water service connection shall be installed or maintained by the town unless the water supply is protected as required by state laws, regulations and this chapter. Service of water to any premises shall be discontinued by the town, if a backflow prevention device is not installed, tested and maintained, or if it is found that a backflow prevention device has been revoked, bypassed, or if an unprotected cross-connection exists on the premises. Service will not be restored until such conditions or defects are corrected. The consumer's system shall be open for inspection at all reasonable times to the manager of waterworks or his authorized representative to determine whether cross-connections or other structural or sanitary hazards exist. When such a condition becomes known, the manager of waterworks shall deny or immediately discontinue services to the premises by providing for a physical break in the service line until the consumer has corrected the condition or conditions in conformance with state statutes and town ordinances relating to plumbing and water supplies and any regulations adopted pursuant thereto. An approved backflow prevention device shall be installed depending on the degree of hazard. Such device shall be installed at or near the property line or immediately inside the building served, but in all cases before the first branch line leading off the service line. (Ord. 414 §13, 2004)

13.04.150 Elimination of existing cross-connections.

No later than December 31, 2006, or within thirty days of written notice to the \Consumer, whichever is earlier, existing cross-connectionf between the public water system

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and any secondary water system shall be eliminated or protected by means of an approved backflow preventer. (Ord. 414 §14, 2004)

13.04.160 Violations and penalties.

The manager of waterworks shall notify the owner or person in control of the building or premises in which there is found a violation of this chapter. The manager of waterworks shall set a specific time to have the violation removed or corrected. If the violation is not removed or corrected within the time specified, the manager of waterworks may, if in his judgment an imminent health hazard exists, terminate the water service to the building or premises. Additional fines or penalties may also be involved following termination of service.

The owner or authorized agent of the owner responsible for the maintenance of the plumbing system in any building who knowingly permits a violation to remain uncorrected after the specified time set by the manager of waterworks shall, upon conviction thereof, pay a fine of not more than three hundred dollars or be imprisoned for a period not to exceed ninety days, or both such fine and imprisonment. Everyday any violation of this chapter shall continue, shall constitute a separate offense. (Ord. 414 §15, 2004)

13.04.170 Creation of sewer department.

There is created and established a sewer department of the Town of Julesburg for the purpose of protecting, preserving and promoting the health, safety and welfare of the town's residents and to provide funds necessary for the payment of the cost of administering, managing, operating and maintaining sewage facilities and to otherwise regulate the use of the sewage system. The board of trustees shall appoint a qualified person as manager of the sewer works department, who may or may not be the town manager. This person, as manager of the sewer works, shall have the immediate control and management of all things pertaining to the sewer system subject; however to the ongoing direction and approval of the board of trustees. (Ord. 414 §16, 2004)

13.04.180 Definitions.

The following definitions shall apply in the interpretation of and in the enforcement of this chapter:

"Industrial waste" means any sewage waste from a building used for conducting a business operation that pro-

duces a sewage waste having a suspended solids or BOD (bio-chemical oxygen demand) content in excess of that found in sanitary sewage.

"Nonacceptable wastes" are:

1. Any liquid or vapor having a temperature higher than one hundred fifty degrees Fahrenheit;
2. Any water or waste having a five-day biological oxygen demand which may contain more than one thousand parts per million by weight as averaged during any twelve-hour period;
3. Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas;
4. Any garbage that has not been properly shredded;
5. Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar plastics, wood, paunch manure, grit, brick, cement, onyx, carbide, or any other solid or viscous substance capable of obstruction of the flow of the sewers or other interference with the proper operation of the sewage treatment plant;
6. Any water or waste having a pH lower than five and one-half or higher than nine or having any other corrosive property capable of causing damage or hazard to structures, equipment or personnel operating the sewage treatment plant;
7. Any water or waste containing a toxic or poisonous substance in sufficient quantities to injure or interfere with the sewage process, constituting a hazard in the receiving ponds of the sewage treatment plant;
8. Any waters or wastes containing suspended solids of such character or quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant;
9. Any noxious or malodorous gas or substance capable of creating a public nuisance. (Ord. 414 §17, 2004)

13.04.190 Connection to sanitary service required.

Except where otherwise provided, no person shall maintain within the town any privy, privy vault, septic tank, cesspool, leaching or aeration field, or other facility intended for use for the disposal of sewage. Where a public sanitary sewer is not available within the town or in any area under the jurisdiction of the town, the building sewer shall be connected to a private sewage disposal system complying with the provisions and recommendation of Colorado

Department of Public Health. Such private sewage disposal system shall be constructed, maintained and operated at all times in a sanitary manner. If a private sewage system is out of compliance where a public sanitary sewer is available or becomes available, a direct connection shall be made to the public sanitary sewer. Any private sewage system that is abandoned shall be closed as to the provisions and recommendations of Colorado Department of Public Health.

Grease, oil and sand interceptors shall be provided when, in the opinion of the manager of sewer works, they are necessary for the handling of any liquid waste. The manager of sewer works may require an owner of any property to install a suitable control manhole in the building's sewer system to facilitate observation and sampling of the waste. The manhole shall be installed by the owner at their expense and shall be maintained by the owner so as to be safe and accessible at all times.

All sewer extensions will be at the direction of the board of trustees. All construction of such sewer lines shall be made only under the town's exclusive direction and control. (Ord. 414 §18, 2004)

13.04.200 Permit required.

It is unlawful for any person to open, uncover or in any manner make connection with any sewer main or line of the town, or to lay drain or sewer pipes on any premises or in any street or alley in the town without first obtaining a permit from the board of trustees, which may delegate authority to the town clerk or the town manager for the issuance of permits.

A. The application for such permit shall be in writing and shall contain the following information:

1. Name and address of applicant;
2. Name and address of the owner of the premises where such connection is to be made, drain or line is to be laid;
3. Location of the proposed connection, drain or sewer pipes; and
4. Statement as to the type of connection and type of materials to be discharged into the sewer.

B. If the proposed connection does not violate any provisions of this chapter and does not violate any other laws of the town, the town clerk or town manager shall is-

sue a permit for such connection. Such permit shall contain all the information contained in such application and shall specify the type and kind of grease and the traps to be used.

C. The applicant shall pay a tapping fee for connection to the sewer of any property within the corporate limits. The tapping fee shall be assessed by the town clerk in the amount set by the board of trustees by resolution from time to time which shall be subject to adjustments at the discretion of the board of trustees. (Ord. 414 §19, 2004)

13.04.210 Construction of sewer.

All connections to the town's sewer system must be made by a licensed plumber or other person authorized by the board of trustees subject to the supervision and inspection by duly authorized agents of the board of trustees of the town, and in compliance with the state of Colorado Plumbing Code. (Ord. 414 §20, 2004)

13.04.220 Discharge of nonacceptable waste.

The discharge of nonacceptable wastes into the town sewer system whether directly or indirectly, is prohibited, and where investigation reveals the presence in the system of nonacceptable wastes emanating from any lot, land, building or premises, the owner, lessor, renter or occupant of such lot, land, building or premises shall be, at his own expense, required to treat, neutralize or in other ways prepare the noxious substance therein to the satisfaction of a duly authorized agent of the board of trustees in order to convert the same into acceptable wastes. (Ord. 414 §21, 2004)

13.04.230 Abandonment of connection.

No person shall abandon any building connection without first obtaining permission. Such building connection shall be effectively sealed with a stopper approved by the town manager inserted in the bell of the sewer extending to the property line. (Ord. 414 §22, 2004)

13.04.240 Interference with town employee- Prohibited.

No person shall in any way interfere with the employees of the town in any discharge of their duties either in the tapping of any sewer pipe, main or lateral. No person shall dig up or cause to be dug up any street or alley in

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the town for the purpose of connecting with the sewer system of the town, without first obtaining a permit, and no person having a permit shall dig up any portion of any street or alley of the town for the purpose of connecting with the sewer system of the town and fail or neglect to place the street or alley in its original condition. (Ord. 414 §23, 2004)

13.04.250 Deposit of unsanitary waste-Prohibited.

No person shall deposit or permit to be deposited in any unsanitary manner upon public or private property within the town or within any area within the jurisdiction of the town, any human or animal excretion with the exception of manure used for fertilizer purposes. (Ord. 414 §24, 2004)

13.04.260 Deposit of untreated industrial waste into natural outlet-Prohibited.

No person shall discharge into any natural outlet within the town, or any area within the jurisdiction of the town, any sanitary sewer, industrial waste or other polluted waste, except where suitable treatment has been provided. (Ord. 414 §25, 2004)

13.04.270 Tampering with sewers-Prohibited.

No person shall maliciously, willfully or negligently break, damage or destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the town sewer system. (Ord. 414 §26, 2004)

13.04.280 Lien on property.

Each sewer charge levied and each tapping fee levied shall be a lien upon and against the real property served and if the same is not paid, such lien may be foreclosed as provided by the laws of the state or be collected in any other manner legally permissible, including certification to the Sedgwick County Treasurer for collection. (Ord. 414 §27, 2004)

13.04.290 Sewer rates, charges and plant investment fees.

All sewer rates, charges and plant investment fees may be periodically established by resolution of the town board of trustees, which resolution shall be published or posted, upon passage, to provide notification to the public. A cur-

rent schedule of rates and charges shall be available at all business hours in the town clerk's office. (Ord. 414 §28, 2004)

13.04.300 Violations and penalties.

Any person, firm or corporation violating any provision of this chapter shall, upon conviction, be fined in an amount not to exceed three hundred dollars or be imprisoned for a period not to exceed ninety days, or by both such fine and imprisonment. Each separate day, or any portion thereof, during which any violation of this chapter occurs or continues may be deemed to constitute a separate offense. (Ord. 414 §29, 2004)

Chapter 13.08

SURPLUS WATER TO CONSUMERS OUTSIDE CORPORATE LIMITS

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- 13.08.010 Extensions designated.
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- 13.08.030 Ownership.
- 13.08.040 Control of construction.
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- 13.08.080 Rates.
- 13.08.090 Right to disconnect.
- 13.08.100 Reconnection charge.
- 13.08.110 Cash deposits.
- 13.08.120 Additional costs.
- 13.08.130 Sinking fund reserve.
- 13.08.140 Fees and rates subject to change.
- 13.08.150 Incorporated into agreements.

13.08.010 Extensions designated.

The extensions shall be known as "1969 Water Main Extensions." (Ord. 270 §1, 1970)

13.08.020 Contribution by town.

The town will contribute the sum of fourteen thousand four hundred eighty dollars, plus engineering, legal and other supervisory expenses required for the proper construction of the extensions, and **will** advance , on a tempo-

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rary basis, the additional funds over and above forty-two thousand four hundred eighty dollars for the construction, such excess to be recovered from the original outside consumers that have contributed twenty-eight thousand dollars, by hook-on fees to be charged and collected from the outside consumers, the respective amounts thereof to be determined by the board of trustees by resolution as soon as conveniently possible after the completion of the extensions, and the town has the right to withhold service from any consumer until the fee has been paid. Such original contributions and subsequent hook-on fees paid by them shall be considered as the tap-on fees for the original customers. (Ord. 270 §2, 1970)

13.08.030 Ownership.

The town has the full, unrestricted, unqualified and exclusive ownership of the entire extension systems at all times during construction and upon completion thereof, subject to its construction contract thereon relative to acceptance of the project when satisfactorily completed. (Ord. 270 §4, 1970)

13.08.040 Control of construction.

The town has full, final and complete control of the construction of the extensions. (Ord. 270 §3, 1970)

13.08.050 Liability of town.

The town shall supply outside consumers only from surplus water and shall never, at any time, be legally obligated to furnish such water, and shall have the right to discontinue such service at any time, without notice, by resolution or ordinance of the board of trustees, without liability therefor or as a result thereof. (Ord. 270 §5, 1970)

13.08.060 Obligations of consumers.

The water will be carried in the town mains and it will be the consumers' obligation and expense to provide lines, meters and other facilities to the point of consumption of the water from the mains. (Ord. 270 §6, 1970)

13.08.070 Tap-on fee.

All nonresidential consumers that desire to tap on to said extensions, except the original contributors for the

construction thereof, as a condition precedent thereto, shall pay to the town a tap-on fee of four thousand five hundred dollars. Residential consumers shall pay a tap-on fee of two thousand six hundred fifty dollars, the same as the residential rates within the town limits. (Ord. 399 § 1, 2000: Ord. 270 §7, 1970)

13.08.080 Rates.

All outside consumers, on or before the tenth day of each month, shall pay to the town a rate of thirty cents per thousand gallons of water used during the preceding metering period, which payment is subject to a delinquency charge of ten percent for late payment. (Ord. 270 §8(part), 1970)

13.08.090 Right to disconnect.

After five days from due date, the town will have the right to disconnect service from the delinquent consumer without notice. Monthly charges are subject to a minimum of three dollars. (Ord. 270 §8 (part), 1970)

13.08.100 Reconnection charge.

In the event of a disconnection resulting from nonpayment of rates, or any other cause created by the consumer, a reconnection charge of five dollars shall be paid by the consumer. Tap-on fee includes all original connections. (Ord. 270 §9, 1970)

13.08.110 Cash deposits.

In the event that the town desires to protect itself against delinquencies, it will have the right to require a cash deposit from any consumer of not to exceed the estimated water consumption for two months. (Ord. 270 §10, 1970)

13.08.120 Additional costs.

In the event of excessive costs of furnishing water by such extensions due to maintenance of pumps, lines, electrical equipment, booster stations, electric power and the like, or in the event of catastrophes causing outages, the town will have the right to call upon the outside consumers for pro rata contributions, in excess of tap-on fees and monthly rates, as a condition precedent to continuing service, the proration to be agreed upon among such consumers

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and paid over to the town before resumption of the discontinued service. (Ord. 270 §11, 1970)

13.08.130 Sinking fund reserve.

The town may, from time to time, allocate a portion of tap-on fees, water revenues and other receipts from such outside consumers to a special sinking fund reserve for the use of the extensions, in which event the funds shall not be available for any purpose other than the maintenance, construction, enlargement, replacement or other requirements of the extensions. (Ord. 270 §12, 1970)

13.08.140 Fees and rates subject to change.

The conditions, fees and rates set forth in this chapter, may be altered, amended or changed by subsequent ordinance or ordinances without notice other than the publication of the ordinance or ordinances. (Ord. 270 §13, 1970)

13.08.150 Incorporated into agreements.

This chapter and any modifications or amendments thereto shall be incorporated in and shall be a part of any agreement or agreements, oral or written, between the town and the outside consumers relative to water consumption under this chapter by specific reference as though fully set forth in full therein and agreed to in writing by the consumers. (Ord. 270 §14, 1970)

Chapter 13.16

ELECTRICITY

Sections:

- 13.16.010 Title.
- 13.16.020 Authority of board of trustees.
- 13.16.030 Town electrical inspector-Office established.
- 13.16.040 Town electrical inspector-Duties.
- 13.16.050 Town electrical inspector-Inspection.
- 13.16.060 Town electrical inspector- Power to disconnect.
- 13.16.070 Town electrical inspector-Reconnect service when.
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- 13.16.100 Charges a lien upon premises.
- 13.16.110 Due dates.
- 13.16.120 Notice of discontinuance of service for delinquency.

13.16.010 Title.

The electric light and power plant and system constructed and owned by the town, and used to supply the town with electric current for light and power purposes, shall be known as the Julesburg Electric Light and Power Plant. (Ord. 99 §1(part), 1911)

13.16.020 Authority of board of trustees.

The electric light plant and all things pertaining thereto shall be under the control of the board of trustees, who shall direct the maintenance and operation thereof, and the construction of all additions thereto, and shall in all cases where not fixed by ordinance, fix the price to be paid by consumers of electrical current for light or power purposes. (Ord. 99 §1(part), 1911)

13.16.030 Town electrical inspector- Office established.

There is created the office of town electrical inspector. The superintendent of public works shall be ex officio town electrical inspector. (Ord. 99 §2, 1911)

13.16.040 Town electrical inspector-Duties.

The superintendent of public works, under the direction of the board of trustees, has charge of the electric light and power plant, together with all buildings, grounds, appliances, engines, boilers, machines, equipment, all poles and wires, and each and every other appliance forming a part of or in any way connected with the electric light and power plant. He shall inspect or have inspected all wiring done in the town and shall enforce its installation in accordance with this chapter. (Ord. 99 §3, 1911)

13.16.050 Town electrical inspector- Inspection.

The town inspector, or deputy, is authorized to enter upon and examine all premises at all reasonable hours to ascertain if this chapter is being complied with. (Ord. 99 §11, 1911)

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13.16.60 Town electrical inspector-Power to disconnect.

A. The town inspector is authorized to have service disconnected from such wiring installations, in or on buildings and in or on streets or alleys as may, in his judgment, be hazardous to property or life, such wiring not to be again connected to service until brought into accordance with the provisions of this chapter.

B. The inspector may, at his discretion, notify any owner of the wires to have them removed, and have wiring done in accordance with this chapter within thirty days from the date of the notification. (Ord. 99 §12, 1911)

13.16.070 Town electrical inspector-Reconnect service when.

The town electrical inspector, when required to disconnect any wiring from service for any of the causes stated in this chapter, shall not connect the wiring to service again until all arrears are paid and he has collected the sum of one dollar as a fee for disconnecting and connecting the wiring, which money he shall at once pay to the town clerk. (Ord. 99 §13, 1911)

13.16.080 Rates and charges.

The board of trustees shall hereafter fix by resolution, duly adopted and spread at length upon the records, the rates and charges to be made and charged from and after February 1, 1918, for all electric current, water and steam for whatever purposes used and produced by the municipal light and water plant of the town. The rates and charges, when so fixed, shall be in full force and effect until modified by further resolution. (Ord.121 §1, 1921)

13.16.090 Repairs.

No repairs or additions shall be made to any existing wiring in or on any buildings, except on condition that mains and feeds to point of change or addition, also the change or addition itself, shall be in accordance with this chapter. Application and permit shall specify changes to accomplish in this section. (Ord. 99 §7, 1911)

13.16.100 Charges a lien upon premises.

A. All charges made for electric current supplied by the municipal electrical light and power plant shall be a charge and a lien upon the premises to which the current is

furnished from the date the charge becomes due until paid, and the owner of every building, premises, lot or house shall be liable for the payment of all charges for electric current delivered to, taken or used upon his or her premises, which lien and liability may be enforced by the town by an action at law or suit to enforce the lien.

B. In case the tenant in possession of the premises or building pays all the charges, it relieves his or her landlord from the obligation and lien, but the town is not required to look to any person whatever other than the owner for the payment of the charges mentioned in this section.

C. Commencing with the effective date of the ordinance codified in subsections C and D of this section, all new requests for utility services shall be granted only if the request is made by or billed to the owner of the real property or premises receiving the utility service. In no event shall any new requests for utility services be billed to a tenant or other occupant in possession of the premises.

D. All charges made for utilities shall be a charge and a lien upon the premises to which the utilities are furnished from the date the charge becomes due until paid and the owner of the premises shall be liable for the payment of all charges for utilities delivered to, or used upon his premises, which lien and liability may be enforced by the town by an action at law. (Ord. 375 §§1, 2, 1997; Ord. 131 §1, 1920)

13.16.110    Due dates.

From and after February 6, 1956, all electric bills owed to the town by its consumers are due on the tenth day of the month following the month for which billing is made, and after the tenth day of the month following the month for which billing is made there shall be added to the delinquent electric bills an amount equal to ten percent of the bill as a penalty for failure to pay on time. (Ord. 244 §1, 1956)

13.16.120    Notice of discontinuance of service for delinquency.

A. Upon the failure of any consumer of electricity from the town to pay his electric bill by the tenth day of the month following the month for which billing is made, it

shall be the duty of the superintendent of utilities to send the consumer a notice of intent to discontinue service.

B. The notice shall be mailed to the consumer's billing address and shall state that according to the town's records, the consumer's bill has not been paid.

C. The notice shall advise the consumer that service will be disconnected within fifteen days from the date of the notice unless payment in full is received in the town clerk's office prior to such date, or unless the customer reaches a satisfactory agreement for payment with the town prior to such date.

D. The notice shall further advise the consumer that in the event the consumer, or a member of the consumer's household, produces a certificate from a duly licensed physician certifying that a resident of the consumer's household has an existing illness or handicap which could cause an immediate and serious health hazard if utility service is disconnected, that the town will defer disconnection for a period of thirty days from receipt of the certificate.

E. If the consumer does not tender payment, produce a physician's certificate or reach a satisfactory agreement with the town regarding the delinquent electric bill by the date specified in the notice, the town has the right to discontinue service without further notice to the consumer. Service to the consumer need not be continued until the delinquent bill is paid in full together with a reasonable reconnect fee not to exceed fifty dollars for such reconnection. (Ord. 325 §1, 1983; Ord. 244 §2, 1956)

Chapter 13.20

CABLE TELEVISION

Sections:

- 13.20.010 Grant of non-exclusive franchise.
- 13.20.020 Definitions.
- 13.20.030 Grant of authority.
- 13.20.040 Compliance with applicable laws.
- 13.20.050 Compliance with FCC Regulation.
- 13.20.060 Compliance with electrical standards.
- 13.20.070 Franchise requirements for other franchise holders.

- 13.20.080 Cable system franchise required-Exclusive contracts prohibited.
- 13.20.090 Service territory.
- 13.20.100 Customer service.
- 13.20.110 Community programming.
- 13.20.120 Service to town.
- 13.20.130 Fee to town.
- 13.20.140 Conditions on street use.
- 13.20.150 Indemnification and insurance.
- 13.20.160 Transfer.
- 13.20.170 Notice.
- 13.20.180 Duration and renewal of franchise.
- 13.20.190 Emergency use of facilities.
- 13.20.200 Public records.
- 13.20.210 Forfeiture of franchise.
- 13.20.220 Equal employment opportunity compliance.
- 13.20.230 Severability.
- 13.20.240 Integration.
- 13.20.250 Rate regulation.

13.20.010 Grant of non-exclusive franchise.

The board of trustees for the town hereby grants and assigns a non-exclusive franchise to Charter Communications VI, LLC d/b/a Charter Communications, hereinafter referred to as the "franchisee," to operate and maintain a cable system for a period of five years, with an option to extend the term of the franchise pursuant to the provisions of this chapter. (Ord. 409 §1, 2003)

13.20.20 Definitions.

For the purposes of this chapter, the following terms, phrases, words and their derivations shall have the meanings given in this section. The word "shall" is mandatory and "may" is permissive. Words not defined shall be given their common and ordinary meanings.

A. "Board" means the board of trustees for the Town of Julesburg, Colorado.

B. "Cable Act" means Title VI of the Communications Act of 1934, as amended.

C. "Cable system" means a facility consisting of a set of closed transmission paths and associated signal generation, reception and control equipment that is designed to provide cable service which includes video programming and which is provided for sale to or use by the inhabitants or businesses of the town.

D. "Franchise" means the authorization to operate a cable television system, including all mutual rights, duties and obligations of the franchisee and the town as contained in this chapter.

F. "Franchisee" means Charter Communications VI, LLC d/b/a Charter Communications.

F. "Gross receipts" means those receipts received by the franchisee, from providing cable television services within the town, including basic subscriber and additional service monthly fees, pay cable fees, installation fees, converter rentals and advertising revenues; provided, however, that this shall not include any taxes or copyright fees on services furnished by the franchisee herein imposed directly upon any subscriber or user by the state, local or other governmental unit and collected by the franchisee on behalf of the government unit.

G. "Town" means the Town of Julesburg, Colorado. (Ord. 409 §2, 2003)

13.20.30 Grant of authority.

A. The franchisee shall be given the right and privilege to construct, erect, operate and maintain, in, upon, along, across, above, over and under the streets, alleys, public ways now laid out or dedicated and in compatible easements, and all extensions, thereof, and additions thereto, in the town, poles, wires, cables, underground conduits, manholes and other equipment and fixtures necessary for the maintenance and operation of a cable system.

B. The franchisee shall raise or lower wires or equipment upon the reasonable request of any third person, including any person holding a building permit. Expenses associated with raising and lowering the wires or equipment shall be paid by the person requesting the same (except in cases where the franchisee is required to bear the costs under other provisions of this franchise) and the franchisee may require advance payment. The franchisee shall be entitled to require that it be given up to ten days' advance notice by the person requesting the movement. (Ord. 409 §3, 2003)

13.20.040 Compliance with applicable laws.

The franchisee, shall, at all times during the life of this franchise, be subject, when not inconsistent with the Cable Act or this franchise, to all lawful exercise of the

police power by the town and to such reasonable lawful regulation as the town shall hereafter provide. (Ord. 409 §4, 2003)

13.20.50      Compliance with FCC Regulation.

A. The franchisee shall comply with all applicable rules and regulations of the Federal Communications Commission.

B. Copies of all petitions, applications and communications submitted by the franchisee to the Federal Communications Commission, Securities and Exchange Commission, or any other federal or state regulatory commission or agency having jurisdiction in respect of any matters directly affecting cable system operations authorized pursuant to the franchise, shall be submitted to the board upon written request. (Ord. 409 §5, 2003)

13.20.060      Compliance with electrical standards.

Construction and maintenance of the transmission and distribution system including house connections, shall be in accordance with the provisions of the National Electrical Safety Code of the National Board of Fire Underwriters, and such safety codes as now exist or which may be established in the future. In the event of a conflict among safety codes, the strictest standard shall apply. (Ord. 409 §6, 2003)

13.20.70      Franchise requirements for other franchise holders.

A. In the event that the town grants one or more franchise(s) or similar authorization(s), for the construction, operation and maintenance of any communication facility which shall offer services substantially equivalent to services offered by the cable system it shall not make the grant on more favorable or less burdensome terms. If the franchisee finds that the agreement(s) granting terms to other franchise(s) contain provisions imposing lesser obligations on the company(s) thereof than are imposed by the provisions of this franchise, the franchisee may petition the town for a modification of this franchise. The franchisee shall be entitled, with respect to the lesser obligations to such modification(s) of this franchise as may be determined to be necessary to insure fair and equal treatment by this franchise and those other agreements.

B. The board shall not unreasonably withhold granting the franchisee's petition and so amending the franchise. (Ord. 409 §7, 2003)

13.20.80 Cable system franchise required-Exclusive contracts prohibited.

A. No cable system shall be allotted to occupy or use the streets or public right-of-way of the town or be allowed to operate without a cable system franchise.

B. No franchisee or other multichannel video programming distributors shall enter into or enforce an exclusive contract for the provision of cable service or other multichannel video programming with any person, or demand the exclusive right to serve a person or location, as a condition of extending service to that or any other person or location.

C. No franchisee or other multichannel video programming distributor shall engage in acts that have the purpose or effect of limiting competition for the provision of cable service or services similar to cable service in the town, except for such actions as are expressly authorized by law. (Ord. 409 §8, 2003)

13.20.90 Service territory.

A. Franchise shall include the entire area of the town.

B. The franchisee's cable system shall be capable of providing service to all potential subscribers requesting service within the incorporated limits of the town and shall extend its distribution system to serve additional subscribers in any unserved areas of the town as of the effective date of the ordinance codified in this chapter whenever the number of unserved homes passed by such extension would exceed forty homes per cable mile; provided that such extensions are technically and economically feasible to the franchisee.

C. Where the length of a drop cable required to serve an individual resident would exceed one hundred and fifty feet, the subscriber served by such a drop cable shall pay the cost of installing a feeder cable to a point where the subscriber will receive a signal without degradation of picture quality or reliability. (Ord. 409 §9, 2003)

13.20.100 Customer service.

A. The franchisee shall comply with applicable federal, state and local laws for the protection of privacy of cable subscribers.

B. The franchisee shall render efficient repair service, and interrupt service only for good cause and for the shortest time possible. A toll-free telephone number shall be maintained so that complaints and repair requests may be received by the franchisee at any time. All non-emergency service requests and complaints shall be responded to within five days of receipt. All emergencies and/or system outages will be responded to within twenty-four hours.

C. The franchisee shall give the town thirty days prior notice of any rate increases, channel lineup or other substantive service changes.

D. The franchisee shall by appropriate means, as subscribers are connected or reconnected to the cable system, furnish information concerning the procedures for making inquiries and/or complaints, including the name, address and toll-free telephone number of the franchisee.

E. The equipment installed by the franchisee in the subscriber's home shall remain the property of the franchisee and shall be subject to reasonable inspection and service by the franchisee at reasonable hours, and removal upon non-payment or termination of the service. (Ord. 409 §10, 2003)

13.20.110 Community programming.

The franchisee shall reserve one local origination/PEG (public, education, government) access channel. (Ord. 409 §11, 2003)

13.20.120 Service to town.

A. This franchisee shall provide and maintain one free connection of basic service to the town hall and each town owned and occupied buildings, police and fire stations, public libraries and to all public and parochial primary and secondary schools (K-12) located within two hundred feet of the area served by the cable system. The costs of any internal wiring shall be borne by the institution.

B. Such obligations of free cable service shall not be extended to areas within town owned and occupied buildings where the franchisee would normally enter into a com-

mercial contract to provide such cable service. Such free outlets and cable service may only be used for lawful purposes. (Ord. 409 §12, 2003)

13.20.130 Fee to town.

A. The franchisee shall pay to the town for the privilege of operating a cable system under this franchise three percent of its gross receipts per month, in accordance with the Cable Act. Such percentage shall be payable to the town on an annual basis due no later than ninety days following the end of each calendar year.

B. The town shall have the right to inspect for up to three previous years the franchisee's records showing its gross receipts for all services from which its contracted payouts are computed. No acceptance of any payout by the town shall be construed as a release of or an accord or satisfaction of any claim the town might have for further or additional sums payable under the terms of this franchise. (Ord. 409 §13, 2003)

13.20.140 Conditions on street use.

A. The franchisee shall endeavor to obtain rights to use facilities belonging to other franchise holders within the town. Approval of the assignment of such rights to the franchisee by such other franchise holders is hereby expressly given by the town, it being the intention of the town that the franchisee will utilize public utility facilities where feasible.

B. All transmission and distribution structures, lines and equipment erected by the franchisee within the town shall be located so as not to interfere with the proper use of streets, alleys and other public ways and places, and to cause minimum interference with the rights or reasonable convenience of property owners who adjoin any of the streets, alleys or other public ways and places, and not to interfere with existing public utility installation.

C. If the franchisee disturbs any pavements, side-walks, driveways or other surfacing, it shall, at its own expense, and in the manner provided by the town, replace and restore all such pavings, sidewalks, driveways or other surfaces of any streets or alleys thus disturbed.

D. If at any time during the period of this franchise, the town shall lawfully elect to alter, or change the grade or alley, or other public ways, the franchisee

shall upon reasonable notice by the town, remove and relocate its poles, wires, cables, underground conduits, man-holes and other fixtures at its own expense, and in each instance comply with the requirements of the town. (Ord. 409 §14, 2003)

13.20.150 Indemnification and insurance.

A. The franchisee shall maintain, throughout the term of the franchise, insurance in the amounts as follows:

Workers' Compensation	Statutory Limits
Commercial General Liability	\$1,000,000 per occurrence, Combined Single Liability (C.S.L.) \$2,000,000 General Aggregate
Auto Liability including coverage on all owned, non-owned and hired autos	\$1,000,000 per occurrence C.S.L.
Umbrella Liability	\$1,000,000 per occurrence C.S.L.

B. The town shall be added as an additional insured to the above commercial general liability and auto liability insurance coverage.

C. The franchisee shall furnish the town with current certificates of insurance evidencing such coverage. (Ord. 409 §15, 2003)

13.20.160 Transfer.

The franchisee shall promptly notify the town in the event of any sale or transfer of twenty-five percent or more of the voting stock or control of the franchise, however, such notification shall not apply to any sale, assignment or transfer to any entity controlling, controlled by or under common control with the franchisee. (Ord. 409 §16, 2003)

13.20.170 Notice.

Any notices to be sent to the parties hereto shall be sent to the following addresses unless either party notifies the other in writing of another address:

To the Town:

Town of Julesburg  
Attn: Town Clerk

Town Hall  
120 West 2nd Street  
Julesburg, Colorado 80737  
To the Franchisee:  
Charter Communications  
Attn: General Manager  
15.10 4th Street, Suite 4  
North Platte, Nebraska 69101

With a copy to:  
Charter Communications  
Attn: Corporate Government Relations  
12405 Powerscourt Drive, 4th Floor  
St. Louis, Missouri 63131

(Ord. 409 §17, 2003)

13.20.180    Duration and renewal of franchise.

A.    This franchise and the rights, privileges and authority hereby granted shall be for a term of five years, effective on January 1, 2009. Upon the expiration of said term (December 31, 2013) this franchise shall expire unless renewed by mutual agreement of the town and the franchisee.

B.    This franchise may be extended for an additional five years if: 1) the franchisee notifies the town in writing of its wishes to extend the franchise; and, 2) the franchisee has substantially complied with the material terms of the franchise and with applicable law. The board shall have ninety days from the date of the franchisee's notification to determine if the franchisee has substantially complied with the material terms. Failure by the board to make such determination, within the required timeframe, shall constitute that the town has granted the extension. The board shall not unreasonably withhold the extension of this franchise.

C.    Should the franchisee upgrade its cable system to enhance video programming capacity prior to the end of the initial five-year term, the franchise shall automatically be extended for an additional ten years.

D.    This franchise shall be renewed in accordance with the provisions established under Section 626 of the Cable Act (47 U.S.C. Section 546)    (Ord. 409 §18, 2003)  
(Ord. No. 2010-430, 12-6-2010)

13.20.190 Emergency use of facilities.

In the case of any emergency or disaster, the franchisee shall upon request of the town, make available its facilities for emergency use during the emergency or disaster. (Ord. 409 §19, 2003)

13.20.200 Public records.

The town shall have access to records and other like materials of the franchisee upon reasonable prior notice as mutually agreed upon by the town and franchisee. (Ord. 409 §20, 2003)

13.20.210 Forfeiture of franchise.

A. In addition to all other rights and powers pertaining to the town by virtue of this franchise or otherwise, the town reserves the right to terminate and cancel this franchise and all rights and privileges of the franchisee hereunder in the event that the franchisee:

1. Violates any provision of this franchise or any rule, order or determination of the board made pursuant of this franchise , except where such violation, other than subsection (A)(2) of this section, is without fault or through excusable neglect;

2. Becomes insolvent, unable or unwilling to pay its debts, is adjudged bankrupt;

3. Attempts to evade any of the provisions of this franchise or practices any fraud or deceit upon the town.

B. Such termination and cancellation shall be by ordinance duly adopted after thirty days' written notice to the franchisee and shall in no way affect any of the town's rights under this franchise or any provisions of law. In the event that such termination and cancellation depends upon a finding of fact, such finding of fact shall be made by the board or its representative. Before this franchise may be terminated and cancelled under this section, the franchisee shall be provided with an opportunity to be heard before the board and an opportunity to cure any condition leading to termination or cancellation. If the franchisee has corrected the condition leading to termination or cancellation within the thirty days' written notice of termination or cancellation , or , if such correction requires more than thirty days, has begun to correct any such condition, this franchise shall remain in effect.

C. Prevention or delay of any performance under the franchise due to circumstances beyond the control of franchisee or town including, but not limited to, natural disaster, employee strikes or war shall not be deemed noncompliance with or a violation of this franchise. (Ord. 409 §21, 2003)

13.20.220 Equal employment opportunity compliance.

Franchisee shall comply at all times with applicable federal, state and local laws and all executive and administrative orders relating to nondiscrimination, equal employment and affirmative action. (Ord. 409 §22, 2003)

13.20.230 Severability.

If any section, subsection, sentence, clause, phrase or portion of this chapter is for any reason held invalid, unconstitutional or unenforceable, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof. (Ord. 409 §23, 2003)

13.20.240 Integration.

This chapter sets forth the entire agreement between the parties respecting the subject matter hereof. All agreements, covenants, representations and warranties, express and implied, oral and written, of the parties with regard to the subject matter hereof are contained in this chapter. No other agreements, covenants, representations and warranties, express or implied, oral or written, have been made by any party to another with respect to the matter of this chapter. All prior and contemporaneous conversations, negotiations, possible and alleged agreements, representations, covenants and warranties with respect to the subject matter hereof are waived, merged herein and therein and superseded hereby and thereby. This is an integrated chapter. (Ord. 409 §24, 2003)

13.20.250 Rate regulation.

To the extent that federal or state law or regulation may now, or as the same may hereafter be amended to, authorize the town to regulate the rates for any particular service tiers, service packages, equipment or any other services provided by the franchisee, the town shall have the right to exercise rate regulation to the full extent autho-

rized by law, or to refrain from exercising such regulation for any period of time, at the sole discretion of the town. If and when exercising rate regulation, the town shall abide by the terms and conditions set forth by the Federal Communications Commission. (Ord. 409 §25, 2003)

## Chapter 13.24

### SANITATION

#### Sections:

- 13.24.010            Rates.
- 13.24.020            Private refuse companies.
- 13.24.030            Proper collection site.
- 13.24.040            Proper trash containers.
- 13.24.050            Severability.

#### 13.24.010            Rates.

The rates charged by the Town for the hauling of garbage shall be set from time to time by the Town Board of Trustees and shall be reflected by written motion in the Town's official minutes. (Ord. 346 §1, 1989)

#### 13.24.020            Private refuse companies.

The Town, by and through its duly authorized agents, shall collect and dispose of refuse in accordance with this Ordinance. However, nothing in this Section shall prohibit private refuse disposal companies from contracting with residents for the hauling of trash and refuse so long as the same is properly disposed of in accordance with all Town regulations. Further, nothing herein shall prevent an individual from hauling his own trash and refuse so long as the same is properly disposed of. (Ord. 346 §2, 1989)

#### 13.24.030            Proper collection site.

In order to receive refuse service from the Town, residents will be obligated to furnish proper refuse and garbage containers for the storage of waste material and shall deposit said containers in a convenient location for the collection thereof. (Ord. 346 §3, 1989)

#### 13.24.040            Proper trash containers.

Effective January 1, 1995, in order to receive refuse services from

the Town, residents living within a residential district shall be required to furnish Town approved 90 gallon refuse containers capable of machine lifting. These containers may be purchased from the Town or, if obtained elsewhere, must be approved by the Town Manager as being fit for use. The Town shall have the authority to refuse trash services for failure to comply with the terms of this Ordinance. This provision shall apply only to residential districts. Businesses which may be located within a residential district shall be exempt from this requirement and may continue to use up to three yard containers capable of machine lifting. The Town Board shall have the right to determine what constitutes a business within a residential district for the purpose of this Ordinance. (Ord. 362 §4, 1994)

13.24.050            Severability.

If any section, subsection, sentence, clause, phrase or portion of this chapter is for any reason held invalid, unconstitutional or unenforceable, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof. (Ord. 409 §23, 2003)

Title 14

(Reserved)